

LAGRANGE UDO FINAL DRAFT (5.27.21)

TITLE 25. LAGRANGE UNIFIED DEVELOPMENT ORDINANCE

TITLE 25A. UNIFIED DEVELOPMENT ORDINANCE ADMINISTRATION

CHAPTER 25A-1. GENERAL PROVISIONS

Section 25A-1-1. Title.

- (1) Contents of Titles. The regulations of Title 25 shall be known and may be cited as the "LaGrange Unified Development Ordinance" or "UDO". It consists of four (4) Titles: Title 25A, Unified Development Ordinance Administration; Title 25B, Land Use and Zoning; Title 25C, Development and Permitting; and Title 25D, Rules of Interpretation and Definitions.

Title 25A contains regulations generally applicable to the City of LaGrange and specifically addresses administration applicable to all four (4) Titles. Title 25B serves as the City of LaGrange Zoning Ordinance and, together with the additional sections noted in subsection (2) below as well as the Official Zoning Map, is intended to constitute a Zoning Ordinance within the meaning of O.C.G.A. § 36-66-1 et seq. Title 25C regulates development and permitting activities in the City of LaGrange. Title 25D contains all rules of interpretations and definitions applicable to Titles 25A, 25B, and 25C.

- (2) Zoning Procedures Act Compliance. Titles 25A, excluding section 25A-1-9, and 25B constitute Zoning Ordinances within the meaning of O.C.G.A. § 36-66-1 § (Zoning Procedures Act), as does section 25D-1-1 of Title 25D as well as all defined words and terms in section 25D-1-2 that are contained in, or referred to in, Titles 25A or 25B. Collectively, these sections shall be known and may be cited as "The Zoning Ordinance of the City of LaGrange" or "Zoning Ordinance". All other sections of the UDO do not constitute Zoning Ordinances within the meaning of the Zoning Procedures Act, including Title 25C, section 25A-1-9 in Title 25A, as well as those provisions of section 25D-1-2 that are not contained in or referred to in Titles 25A or 25B. Changes to the text of the sections that constitute the Zoning Ordinance, as well as the Official Zoning Map and amendments and other zoning decisions and actions made pursuant to the Zoning Ordinance, shall comply with the public notice and hearing procedures provided therein as well as the Zoning Procedures Act.

Section 25A-1-2. Purpose.

The purpose of the UDO is to:

- (1) Promote the health, safety, order, prosperity, aesthetics, and the general welfare of the present and future residents of the City;
- (2) Protect the environmental integrity of the City;
- (3) Encourage an aesthetically attractive environment, both built and natural, and to provide for regulations that protect and enhance these aesthetic considerations;
- (4) Encourage appropriate economic development activities that provide desirable employment and enlarge the tax base;
- (5) Improve the City's appearance;
- (6) Improve mobility including pedestrian activities and establish a multi-modal transportation network;
- (7) Protect property against blight and depreciation;
- (8) Encourage the most appropriate use of land, buildings, and other structures throughout the City;
- (9) Facilitate and regulate the adequate provision of public infrastructure necessary to accommodate appropriate growth and development; and
- (10) Implement relevant elements of the City's adopted Comprehensive Plan and other adopted plans and policies.

Section 25A-1-3. Authority.

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

Section 25A-1-4. Applicability.

- (1) The provisions of the UDO shall apply throughout the City of LaGrange. The City may enter into agreements with the County or other regulatory agencies to carry out the purpose of the UDO. These agreements may include, but are not limited to, enforcement of provisions, resolution of disputes, and cooperative monitoring and management of storm sewer systems and management programs, except as hereinafter provided, as of the date of adoption of the UDO.
- (2) In interpreting and applying the provisions of the UDO, they shall be considered the minimum requirements for the promotion of the public safety, health, morals and general welfare.

- (3) All buildings and structures erected, all uses of land, water, buildings, or structures established, all structural alterations or relocations of existing buildings, all enlargements of, additions to, changes in and relocations of existing uses, and all land development is subject to all regulations of this ordinance:
- (a) Development activity. Any person proposing to rezone property, secure permits, undertake land disturbance activities, construct, demolish, expand, or modify a structure or a building for occupancy, develop or subdivide land within incorporated areas of LaGrange, Georgia, obtain a variance, special use permit or special administrative permit, or undertake any other development permission or activity, shall comply with all regulations set forth in the UDO, and, where required, shall make application to the City of LaGrange Department of Community Development and pay a fee pursuant to the established fee schedule.
 - (b) Use. No building, structure, premises or land shall be used or occupied, and no building or structure or part thereof shall be erected, remodeled, extended, enlarged, constructed, or altered in any manner except in conformity with the regulations herein specified for the district in which it is located.
 - (c) Height and density. No building or structure shall be erected or altered so as to exceed the height limits or density regulations herein specified for the zoning district in which it is located.
 - (d) Lot size. No lot shall be reduced in size so that the lot width or depth, front, side or rear yards, lot area per family or other requirements herein specified are not maintained.
 - (e) Yard use. The yard or other open space required for a building for the purpose of complying with the provisions herein specified shall not be used as a part of a yard or other open space required for another building, unless otherwise specifically authorized.
 - (f) Number of principal buildings on a residential lot. Only one (1) principal building and its customary accessory building(s) may be erected on any lot used for a dwelling within the City, except for multi-family dwellings. The number and size of buildings so allowed shall be determined by the regulations within the code applicable to the respective zoning districts.
 - (g) Repairs. Nothing in the UDO shall prevent the strengthening or restoration to a safe or lawful condition of any part of any building or structure declared unsafe or unlawful by the Building Official, the fire chief or any other duly authorized City official.
 - (h) Land in close proximity to corporate limits. When considering the setback, buffer strip and fencing requirements contained in the UDO for new construction or additions to existing buildings or structures located on land which is adjacent to or contiguous with the corporate limits of LaGrange, the City may consider and take into account the zoning and zoning requirements applicable to adjacent and contiguous land in the unincorporated area of Troup County.

Section 25A-1-5. Transitional provisions.

- (1) The UDO shall take effect and shall be in force upon its adoption by the mayor and council of LaGrange, Georgia.
- (2) Any development or building activity for which a valid and complete application for a Land disturbance permit or Building permit has been received prior to the adoption of the UDO may, at the developer's option, proceed to completion, and Land disturbance permits and Building permits may be issued under those regulations that applied at the time of tender of such applications, provided that the requested Land disturbance permit or Building permit is issued within 180 calendar days of the date of adoption of the UDO.
- (3) Any development or building activity for which a valid Land disturbance permit or Building permit has been issued prior to the adoption of the UDO may, at the developer's option, proceed to completion and valid Land disturbance permits and Building permits may be issued under those regulations that applied at the time of issuance of such permits, subject to the remaining provisions of this section.
- (4) The adoption of the UDO shall not be construed to affect the validity of any Land disturbance permit or Building permit lawfully issued prior to the adoption of the UDO, provided:
 - (a) Such permit has not by its own terms expired prior to such effective date;
 - (b) Actual building construction is commenced prior to the expiration of such permit; and
 - (c) Actual building construction is carried on pursuant to said permit and limited to and in strict accordance with said permit.

Section 25A-1-6. Severability.

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

Section 25A-1-7. Amendments.

- (1) This UDO may be amended by the LaGrange mayor and council. Such amendments shall be effective as of their date of adoption, unless otherwise stated. If such amendments are to those portions of the UDO that constitute a Zoning Ordinance identified in Title 25A, all procedures applicable to the Zoning Ordinance shall apply.

- (2) No amendment to the UDO shall be construed to affect the validity of any unexpired building or development permit lawfully issued prior to the adoption of said amendment, consistent with section 25A-1-5.

Section 25A-1-8. Duties to administer, interpret and enforce the UDO.

- (1) Unless otherwise specified in any section of the UDO, it shall be the duty of the Community Development Director of the City of LaGrange, GA to administer, interpret, and enforce the UDO.
- (2) It shall be the duty of the City fire marshal to enforce all State, County, and City fire codes. The City fire marshal shall also enforce all adopted codes relating to ADA Compliance, as adopted by the State.

Section 25A-1-9. Fees.

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

UDO Fee Schedule



Planning and Development Services Fee Schedule

Effective Date: June 23, 2021

ITEM	SUBITEM	FEE	
Calculating Building Valuation	Unless otherwise stated, the valuation for all new construction will be based on the actual contract cost of the work or calculated by using the latest construction cost data as published in the Building Safety Journal by the International Code Council (ICC). For Interior Completion only, the construction cost is valued at 50% of the calculated ICC building valuation.		
Fee Payment	Fees are non-refundable and due at time of application.		
Administrative Fee	Applies to All Permits	\$25.00	
Commercial Plan Review Fee	Applies to anything other than single-family residential, duplexes, and townhomes.	50% of building permit fee (Minimum of \$200.00)	
Subdivision Plan Review Fee	For plats which create five (5) lots or less	\$250.00	
	For plats which create more than five (5) lots	\$250.00 Plus \$25.00 per lot	
Permit Fees	Total Valuation	Up to \$2,000.00	\$75.00 (Minimum Permit Fee)
		\$2,001.00 to \$25,000.00	\$75.00 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
		\$25,001.00 to \$50,000.00	\$397.00 for the first \$25,000.00 plus \$8.00 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
		\$50,001.00 to \$100,000.00	\$591.25 for the first \$50,000.00 plus \$5.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
		\$100,001.00 to \$500,000.00	\$841.25 for the first \$100,000.00 plus \$4.00 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
		\$500,001.00 to \$1,000,000.00	\$2,441.25 for the first \$500,000.00 plus \$3.25 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
		\$1,000,001.00 and Up	\$4,066.25 for the first \$1,000,000.00 plus \$2.50 for each additional \$1,000.00, or fraction thereof
Trade Permit (MEPs)	Electrical, Plumbing, HVAC, etc.	\$80 + \$5.00 for each \$1,000 or fraction thereof, of valuation of work being done	
Land Disturbance	Up to 1 Acre	\$25.00	
	Over 1 Acre	\$350.00 Plus \$50.00 per acre	
Demolition Permit	Residential & Commercial	\$100.00	
Driveway Permit	Per Driveway	\$50.00	
Re-Inspection Fee	Residential & Commercial	\$75.00	
Inspections Outside of Normal Business Hours	Normal business hours: Monday – Friday, 8:00am to 5:00pm	\$125 per hour (3 hour minimum)	
Certificate of Occupancy (Building)	Residential	\$10.00	
	Commercial	\$100.00	



Planning and Development Services Fee Schedule

Effective Date: June 23, 2021

ITEM	SUBITEM	FEE
Swimming Pool Permit	Residential & Commercial	Based on permit fee valuation
Portable Storage Buildings	Residential & Commercial	\$75.00
Sign Permit	Applies to all zoning districts	\$1.00 per sq. ft. of sign face
Temporary Banner Permit	Sign Permit	\$35.00
Unpermitted Work	Required permit of any kind not obtained before work commencing. (One courtesy warning shall be issued per contractor before enforcement action is taken)	Double permit fee (Original permit fee + 100% penalty)
Temporary Pole	Per Pole	\$75.00
Historic Preservation Application Fee	Certificate of Appropriateness	\$50.00
Zoning Applications and Permits	Administrative Variance Application	\$50.00
	Variance Application	\$300.00
	Zoning Map Amendment Application (Rezoning)	\$300.00
	Special Permits	\$300.00
	Annexation Application Fee	\$300.00



Fire Prevention & Life Safety Fee Schedule

Effective Date: October 27, 2020

Fire Marshall Plan Review	<ol style="list-style-type: none"> 1. All Site Plans 2. Fire & Life Safety 3. Any Fire Suppression Systems 4. Fire Alarms 5. Evacuation Plans 	
Certificate of Occupancy	<ol style="list-style-type: none"> 1. New Construction (After all phases of work are completed and have passed all required inspections a Certificate of Occupancy will be issued for the facility). 2. Existing (Certificate of Occupancy for an existing facility will remain valid until change of use, major alterations or fire damage). 	
Fire & Life Safety Inspections	<ol style="list-style-type: none"> 1. New Construction (80% and 100% inspections are required. Penetration inspections and Georgia Accessibility inspections). 2. Annual Inspections. (All facilities shall have an annual inspection conducted each calendar year). 3. Specialty Inspections (Sprinkler above and below ground, fire alarms, commercial hoods, etc...) 	
ITEM	SUBITEM	FEE
Plan Review	(Buildings of 5,000 sq. ft. or less)	\$100.00
Plan Review	(Buildings which are 5,000 sq. ft. or more)	Sq. Ft. x \$0.20
Plan Review	Sprinkler System	\$100.00
Plan Review	Fire Alarm	\$100.00
Certificate of Occupancy	Inspection of New Construction	\$150.00
Certificate of Occupancy	Inspection of Existing Buildings with Change of Property Use	\$75.00
Certificate of Occupancy	Inspection of Existing Buildings with No Change of Property Use	\$0
Sprinkler Acceptance Test		\$100.00
Fire Alarm Acceptance Test		\$100.00
Commercial Hood Acceptance Test		\$75.00
Annual Inspection	Buildings with more than 75,000 sq. ft.	\$100.00
Annual Inspection	Buildings with less than 75,000 sq. ft.	\$0
First Re-Inspection		\$0
Second Re-Inspection		\$150.00
Third & Subsequent Re-Inspections		\$200.00



Fire Prevention & Life Safety Fee Schedule

Effective Date: October 27, 2020

ITEM	SUBITEM	FEE
Construction Permit & Plan Review	Buildings of 10,000 sq. ft. of less	\$150.00
Construction Permit & Plan Review	Buildings greater than 10,000 sq. ft.	Sq. Ft. x \$0.15
Plan Review	Sprinkler Drawings	\$150.00
Plan Review	Fire Alarm Drawings	\$150.00
Certificate of Occupancy		\$100.00

BUILDINGS THAT FALL UNDER STATE'S JURISDICTION WHICH THESE FEES WILL APPLY

1. Building or structures 4 or more stories in height.
2. Buildings 3 more stories in height and used by 3 or more families as a residence, with individual cooking and bathroom facilities. Nothing in the code shall apply to any individually owned residential unit.
3. Buildings with more than 15 sleeping accommodations for hire (hotels, motels, dorms, or boarding houses).
4. Personal care homes subject to being licensed by DHR and having 7 beds for non-family adults.
5. Schools of grade 1-12 having more than 15 students in attendance at any given time. all state funded kindergarten programs.
6. Colleges, universities, and vocational-technical schools (academic, administrative, and public assembly buildings), health care centers, orphanages, convalescent homes, and old age homes.
7. Racetracks, stadiums, and grandstands.
8. Places of assembly having an occupant load of 300 or more without alcohol and 100 or more where alcoholic beverages are served. Churches having an occupant load of 500 or more persons in a common area or having an occupant load greater than 1000 persons based on total occupant load of the building or structure.
9. Group day-care and day-care facilities which are licensed by DHR as follows:
 - a) Group day-care having 7 to 12 children,
 - b) Day-care having more than 12 children.
10. Department stores and retail mercantile establishments having a gross floor area of 25,000 sq. ft. on any one floor or having three or more floors open to the public. Shopping centers and malls assessed upon the basis of the entire area covered by the same roof or common walls; provided nothing in this code section shall apply to single story shopping centers subdivided into common areas of less than 25,000 sq. ft. by a wall or walls with a 2-hour fire rating and where there are unobstructed exit doors in the front and rear of every such individual occupancy which opens directly to the outside.



WATER AND SEWER CONNECTION FEE SCHEDULE

Effective Date: March 9, 2021

METER SIZE	WATER FEES				SEWER FEES			CAPACITY DISCOUNT
	Meter Install	Tap (if needed)	Capacity	Multi-family Capacity	Tap (if needed)	Capacity	Multi-family Capacity	Redevelopment (on property with prior service)
¾"	\$250	\$450	\$800	\$800 per unit	Labor and Materials	\$3,000	\$1,500 per unit	Multiply by 25%
1"	\$500	\$1,200	\$800	\$800 per unit	Labor and Materials	\$3,000	\$1,500 per unit	Multiply by 25%
1 ½"	\$1400	\$1,800	\$800	\$800 per unit	Labor and Materials	\$6,000	\$1,500 per unit	Multiply by 25%
2"	\$1600	\$2,400	\$800	\$800 per unit	Labor and Materials	\$15,000	\$1,500 per unit	Multiply by 25%
3"	Labor and Materials		\$800	\$800 per unit	Labor and Materials	\$30,000	\$1,500 per unit	Multiply by 25%
4" and larger	Labor and Materials		\$800	\$800 per unit	Labor and Materials	\$50,000	\$1,500 per unit	Multiply by 25%

- Three quarter inch (¾") meters installed by the City include a backflow prevention device. For meters larger than ¾" and any meters serving irrigation systems, the customer will be responsible for the installation of a testable backflow device meeting the requirements of the City's Backflow Prevention and Cross Connection Control Plan.
- For installations requiring the extension of a main or deemed by the City to be more costly than a normal installation, customers will be required to pay a Contribution in Aid of Construction Fee as determined by the City in order to ensure proper amortization of the additional construction costs.
- The city owns and maintains sewer services from the sewer main to the customer property line where a cleanout is typically located. Sewer services from the property line to the building on private property are owned and maintained by the property owner.
- Water and sewer installations shall comply with the Plumbing Code and City specifications and must be inspected prior to being placed into service.

Section 25A-1-10. Relationship to other ordinances, statutes and resolutions.

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

CHAPTER 25A-5. ENFORCEMENT AND PENALTIES

Sec. 25A-5-1. Violations of this Unified Development Ordinance.

- (1) All uses of land, buildings or structures shall be completed in accordance with approved zoning, development plans and permits, including any conditions attached thereto. The building inspector shall make periodic field inspections as required. When a violation is found to exist while an existing development plan or permit is in effect, the building inspector shall proceed with notice as prescribed in section 25A-5-4. No certificate of occupancy or completion shall be issued unless all on-site improvements, landscaping, and exterior building facades are completed in accordance with the approved development plans and permits, unless a performance bond in accordance with the provision of the UDO is submitted and approved. Once development has been completed, action taken to secure compliance with the UDO may proceed under the provisions of this Chapter or other enforcement provisions specified elsewhere in the Code of Ordinances.
- (2) The Director shall order discontinuance of illegal use of land, buildings or structures, illegal additions, alterations or structural changes; or shall take any other action authorized by the UDO to ensure compliance with or to prevent violation of its provisions. If it is found that any of the provisions of the UDO are being violated, the Director shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it.
- (3) Any person, entity, firm, or corporation violating any provision of the UDO shall be guilty of an offense and, upon conviction, shall be fined as prescribed in city code section 1-1-6. Each day such violation continues shall constitute a separate offense.
- (4) The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- (5) Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation of the UDO.

Sec. 25A-5-2. Inspection and right of entry.

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

- (2) Upon presentation of City identification to the developer, contractor, owner, owner's agent, operator or occupants, City employees authorized by the Director may seek to enter, during all reasonable hours, or outside reasonable hours in the event of any emergency threatening life or property, any public or private property for the purpose of making inspections to determine compliance with the provisions of the UDO following issuance of a Certificate of Occupancy. Where consent is not given to enter, such City employees may seek a warrant pursuant to section 25A-5-3 to secure entry to the premises.
- (3) If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to the Director.
- (4) The owner or operator shall allow the Director ready access to all parts of the premises for the purposes of inspection, investigation, observation, monitoring, measurement, recording, enforcement, sampling and testing, photography, digital recording, and videotaping for ensuring compliance with the provisions of the UDO. The owner or operator shall allow the Director to examine and copy any records that are required under the conditions of any permit granted under the UDO.
- (5) The Director shall have the right to set up on any premises, property or facility such devices as are necessary to conduct any monitoring and/or sampling procedures.
- (6) The Director may require the owner or operator to install monitoring equipment and perform monitoring as necessary and make the monitoring data available to the Department. The owner shall maintain this sampling and monitoring equipment at all times in a safe and proper operating condition at his/her own expense.
- (7) Any temporary or permanent obstruction to safe and easy access to the premises, property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
- (8) Unreasonable delays in allowing the Director access to a facility, property or premises shall constitute a violation of the UDO.
- (9) If the Director has been refused access to any part of a premises, property, or facility and the Director is able to demonstrate probable cause to believe that there may be a violation of the UDO, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with the UDO or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the Department may seek issuance of an inspection warrant from the municipal court.
- (10) The Director may determine inspection schedules necessary to enforce the provisions of the UDO.

Sec. 25A-5-3. Inspection warrants.

- (1) The Director, in addition to other procedures provided, may obtain an inspection warrant for the purpose of inspection or investigation of conditions relating to the enforcement of the UDO or observation, measurement, sampling or testing with respect to the provisions of the UDO.
- (2) Inspection warrants may be issued by the municipal court when the issuing judge is satisfied that the Director has established by oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection that includes the property or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of the property.
- (3) An inspection warrant will be issued only if it meets the following requirements:
 - (a) The warrant is attached to the affidavit required to be made in order to obtain the warrant;
 - (b) The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or occupant of the property or discharger can reasonably determine from it the property for which the warrant authorizes an inspection;
 - (c) The warrant indicates the conditions, objects, activities or circumstances which the inspection is intended to check or reveal; and
 - (d) The warrant refers, in general terms, to the code provisions sought to be enforced.

Sec. 25A-5-4. Notice of violation.

- (1) If the Director determines that any violation of the UDO is taking place, or that a condition of rezoning, variance, or other permit or administrative approvals are not complied with, the Director shall present to the owner, owner's agent, occupier, or party responsible for such use or activity, a notice of violation and order the use or activity to cease immediately.
- (2) The notice shall at least contain the following information:
 - (a) The name and address of the owner or responsible person;
 - (b) The address or other description of the site upon which the violation is occurring;
 - (c) A description of the nature of the violation;
 - (d) A description of the remedial actions or measures necessary to bring an action or inaction into compliance with a permit, approved plan or the UDO;
 - (e) The deadline or completion date of any such remedial actions or measures, to consist of not less than 10 days, except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient; and

- (f) A statement of the penalty or penalties that may be assessed against the owner or responsible person to whom the Notice of Violation is directed.
- (3) If the violation has not been corrected within a reasonable length of time, as noticed in the violation, the owner of the property on which such violation has occurred or the owner's agent, occupier, or other party responsible for the violation shall be subject to the penalties set forth in this UDO, provided that the Director may, at their discretion, extend the time for compliance with any such notice.
- (4) The Director shall have authority to issue a warning notice prior to issuance of a notice of violation. A warning notice shall be discretionary when circumstances warrant such action in the opinion of the Director and shall under no circumstances be required prior to issuance of a notice of violation or other enforcement action. If issued, a warning notice shall include all of the requirements set forth in subsection 25A-5-4(2). If a warning notice has not resulted in corrective action within the time specified in the notice, or within any time limit as extended by the Director, the Director may proceed with a notice of violation or other authorized enforcement action.

Sec. 25A-5-5. Stop work orders and revocations.

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

Sec. 25A-5-6. Other enforcement.

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation (see section 25A-5-4), any one (1) or more of the following actions may be taken against the person to whom the notice of violation was directed. Before taking any of the following actions, the Director shall first notify the applicant or other responsible person in writing of its intended action as provided in section 25A-5-4. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Director may take any one (1) or more of the following actions, in addition to issuing a citation pursuant to section 25A-5-11(3):

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

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

TITLE 25. LAGRANGE UNIFIED DEVELOPMENT ORDINANCE

TITLE 25B. LAND USE AND ZONING

CHAPTER 25B-1. GENERAL PROVISIONS

Sec. 25B-1-1. Purpose.

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

Sec. 25B-1-2. Authority.

Title 25B of the UDO is enacted pursuant to the authority conferred by Article 9, Section II, Paragraph IV of the Constitution of the State of Georgia, the Charter of the City, the Zoning Procedures Act, and other federal, state and local laws.

The regulations of Title 25B shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

Sec. 25B-1-3. Incorporation of Official Zoning Map.

(1) Official Zoning Map.

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

LaGrange Community Development Department during regular business hours of the City.

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

(2) Replacement of Official Zoning Map.

- (a) In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the mayor and council may, by ordinance adopted pursuant to the procedural requirements of State law and this Zoning Ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bear the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on _____, 2021 as part of the LaGrange Zoning Ordinance." The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending any property's zoning classification or status unless the action adopting said map is an amending action following all requirements of State law and this Zoning Ordinance.

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

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

Sec. 25B-1-4. Division of City into districts.

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

ES-R, estate single-family residential district.

SU-R, suburban single-family residential district.

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

TN-MR, traditional neighborhood medium-density residential district.

TN-MX, traditional neighborhood mixed use district.

CR-MR, corridor medium-density residential district.

CR-MX, corridor mixed use district.

AC-MR, activity center medium-density residential district.

AC-MX, activity center mixed use district.

DT-MX, downtown mixed use district.

CP-GB, campus general business district.

CP-GI, campus general industrial district.

CP-HI, campus heavy industrial district.

SD-MH, special district manufactured housing.

Airport special zoning district.

PUD, planned unit development special zoning district.

Downtown historic district special zoning district.

Sec. 25B-1-5. Interpretation of zoning district boundaries.

- (1) The Director is the final authority in determining the current zoning status of land, buildings and structures in the City.
- (2) Where uncertainty exists with respect to the location of any zoning district boundaries as shown on the Official Zoning Map the following rules apply:
 - (a) Where possible, the rezoning file shall be used for delineating zoning boundaries. Such records shall have precedence over information otherwise contained on a map.
 - (b) Where a zoning district boundary line is shown as approximately following a corporate limits line, a land lot line, a lot line or the centerline of a street, a county road, a state highway, an interstate highway, or a railroad right-of-way or such lines extended, then such lines shall be construed to be the zoning district boundary lines.

- (c) Where a zoning district boundary line divides a lot, each portion shall be governed by the zoning district that each portion is classified.
 - (d) Where areas appear to be unclassified on the Zoning Map, and classification cannot be established by the above rules and there is no other evidence of its existing or past classification, such areas shall be classified ES-R until action is taken by the mayor and council to amend the Zoning Map.
- (3) Where uncertainties continue to exist or further interpretation is required beyond that presented in the above subsections, the question shall be presented to the mayor and council to enact a clarifying ordinance and mayor and council's action shall be recorded on the Zoning Map.

Sec. 25B-1-6. Relationship to Comprehensive Plan and character area map.

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

Sec. 25B-1-7. Relationship to previous approvals.

Nothing herein shall repeal conditions of use, operation, or site development imposed by zoning approval(s), special use permits, variances or permits issued under previous ordinances or resolutions. When such conditions conflict with zoning actions, the more restrictive provision shall prevail. All variances, exceptions, modifications and waivers heretofore granted by the Director, City Manager, or mayor and council shall remain in full force and effect. All terms, conditions and obligations heretofore imposed by the mayor and council shall remain in effect except where otherwise provided under Chapter 25B-50 for nonconforming situations and for previously adopted site plans.

Sec. 25B-1-8. Zoning verification.

Upon request, the Director shall have authority to issue written zoning verifications stating the existing zoning of a particular parcel or property.

CHAPTER 25B-5. BASE ZONING DISTRICTS

Sec. 25B-5-1. Applicability.

This chapter sets forth the overall purpose and intent of each of the base zoning districts in the City of LaGrange's Unified Development Ordinance (UDO). See additional standards pertinent to each property in Titles 25B and 25C.

Sec. 25B-5-2. ES-R, estate single-family residential district.

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

Sec. 25B-5-3. SU-R, suburban single-family residential district.

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

Sec. 25B-5-4. TN-R, traditional neighborhood low-density residential district.

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

Sec. 25B-5-5. TN-MR, traditional neighborhood medium-density residential district.

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

Sec. 25B-5-6. TN-MX, traditional neighborhood mixed use district.

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

Sec. 25B-5-7. CR-MR, corridor medium-density residential district.

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

Sec. 25B-5-8. CR-MX, corridor mixed use district.

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

Sec. 25B-5-9. AC-MR, activity center medium-density residential district.

Purpose and intent. This zoning district is intended primarily for larger multi-family residential developments that constitute larger population centers.

Sec. 25B-5-10. AC-MX, activity center mixed use district.

Purpose and intent. This zoning district is intended primarily for larger mixed use developments that constitute significant retail and/or job destinations.

Sec. 25B-5-11. DT-MX, downtown mixed use district.

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

Sec. 25B-5-12. CP-GB, campus general business district.

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

Sec. 25B-5-13. CP-GI, campus general industrial and agribusiness district.

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

Sec. 25B-5-14. CP-HI, campus heavy industrial district.

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

Sec. 25B-5-15. SD-MH, special district manufactured housing.

Purpose and intent. This zoning district is intended primarily for manufactured housing uses.

Sec. 25B-5-16. Airport special zoning district.

Purpose and intent. This zoning district is an overlay district intended primarily for regulating uses within the area of the airport.

Sec. 25B-5-17. PUD, planned unit development special zoning district.

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

Sec. 25B-5-18. Downtown historic district special zoning district overlay.

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

CHAPTER 25B-10. SPECIAL ZONING DISTRICTS

Sec. 25B-10-1. Interpretation and applicability of special zoning districts.

- (1) This Chapter establishes standards that apply to the development, use, or alteration of land, buildings and structures within the boundaries of a special zoning district.
- (2) The zoning district regulations of this chapter contain additional standards and procedures that are supplemental to all other regulations and requirements of the UDO. Should the requirements of these special district standards and procedures conflict with standards of other requirements of the UDO, the requirements of the special district shall apply.
 - (a) The provisions of the special districts shall apply to all parcels of land and rights-of-way within the boundaries of the special zoning districts.
 - (b) The provisions of the special districts shall apply to all applications for land disturbance permits, plan review, plat approval, sign permits, and building permits for all property within the respective special zoning district boundaries, unless expressly exempted.
 - (c) All special zoning districts identified as "overlays" shall also require conformance with the approved underlying zoning district regulations.

Sec. 25B-10-2. Airport special zoning district.

- (1) This section shall be known and may be cited as LaGrange-Callaway Airport Zoning Ordinance. The description of airport zones is comprehensive for the LaGrange-Callaway Airport airspace requirements, but enforcement of this section applies only to the incorporated areas of the City. The existing Zoning Map and underlying zoning regulations governing all properties within the Airport special zoning district shall remain in full force and effect. The regulations contained within this section constitute an overlay district that shall be overlaid upon, and shall be imposed in addition to, said existing zoning regulations. Except where it is otherwise explicitly provided, whenever the following overlay regulations are at variance with said existing underlying zoning regulations, the regulations of this section shall apply.
- (2) Authority; findings; policy.
 - (a) This section is adopted pursuant to the authority conferred by Article 9, section 2, paragraph 4 of the constitution of the State. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the LaGrange-Callaway Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of LaGrange-Callaway Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of LaGrange-Callaway Airport and the public investment therein. Accordingly, it is declared:

- (i) That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by LaGrange-Callaway Airport;
 - (ii) That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
 - (iii) That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power.
- (b) It is further declared that the prevention of the creation or establishment of hazards to air navigation; the elimination, removal, alteration or mitigation of hazards to air navigation; and the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.
- (3) Conflicting laws and regulations. If a conflict shall exist between the provisions of this section and any law of the state or any federal law, or any rules or regulations of either, legally adopted and in force, then the more stringent limitation or requirement shall govern and prevail.
- (4) Enforcement. It shall be the duty of the Director to administer and enforce the regulations prescribed in this section. Applications for permits and variances shall be made to the Director upon a form published for that purpose. Applications required by this section to be submitted to the Director shall be promptly considered and granted or denied. Application for action by the board of zoning appeals shall be forthwith transmitted by the Director.
- (5) Airport zones. In order to carry out the provisions of this section, there are hereby created and established certain overlay zones which include all of the land lying beneath the approach surfaces, departure surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the LaGrange-Callaway Airport. Such zones are shown on the LaGrange-Callaway Airport Zoning Map consisting of one (1) sheet, prepared by the Troup County Planning Commission and dated January, 1979, and updated January 2019 consisting of three (3) sheets, which is, by this reference, made a part of this section. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:
 - (a) Runway larger than utility visual approach zone: The inner edge of this approach zone coincides with the width of the primary outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the runway.
 - (b) Runway larger than utility with a visibility minimum greater than three-fourths ($\frac{3}{4}$) mile non-precision instrument approach zone: The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000

feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

- (c) Runway larger than utility with a visible minimum as low as three-fourths (3/4) miles non-precision instrument approach zone: The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 - (d) Precision instrument runway approach zone: The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 - (e) Transitional zones: The transitional zones are the areas beneath the transitional surfaces.
 - (f) Horizontal zone: The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
 - (g) Heliport approach zone: The inner edge of this approach zone coincides with the width of the primary surface which corresponds in size and shape with the designated takeoff and landing area. The approach zone expands outward uniformly to a width of 500 feet at a horizontal distance of 4,000 feet from the primary surface.
 - (h) Heliport transitional zones: These zones extend outward from the sides of the primary surface and the heliport approach zones a horizontal distance of 250 feet from the primary surface centerline and the heliport approach zone centerline.
 - (i) Conical zone: The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.
 - (j) Departure Zone: A trapezoidal zone longitudinally centered on the extended runway centerline, 1,000 feet wide extending outward, and away from the Stop End of Runway for a distance of 10,200 feet to a width of 6,466 feet.
 - (k) Notification zone: The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of three (3) miles.
- (6) Airport zone height limitations. Except as otherwise provided in this section, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone

created by this section to a height in excess of the applicable height limitations which are hereby established for each of the zones in question as follows:

- (a) Runway larger than utility visual approach zone: Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- (b) Runway larger than utility with a visibility minimum greater than $\frac{3}{4}$ mile non-precision instrument approach zone: Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- (c) Runway larger than utility with a visible minimum as low as three-fourths ($\frac{3}{4}$) miles non-precision instrument approach zone: Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- (d) Precision instrument runway approach zone: Slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
- (e) Transitional zones: Slopes seven (7) feet outward for each foot upward beginning at the side of and at the same elevation as the primary surface and the approach surface and extending to a height of 150 feet above the airport elevation which is 693.40 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending as a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.
- (f) Horizontal zone: Established at 150 feet above the airport elevation or at a height of 843.40 feet above mean sea level.
- (g) Conical zone: Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and a 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
- (h) Heliport approach zone: Slopes eight (8) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a distance of 4,000 feet along the heliport approach zone centerline.

- (i) Departure Zone: Slopes 40 feet outward for each foot upward beginning at the stop end of runway or clearway, for a distance 10,200 feet, to a height of 255 feet above the runway end elevation.

(7) Use restrictions.

- (a) Generally. Notwithstanding any other provisions of this section, no use may be made of land or water within any zone established by this section in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
- (b) Prohibited uses. All structures and trees are prohibited in the Runway Protection Zone defined as the first 1,700 foot segment of the approach zone beginning at the end of the primary surface for Runway 13-31 and the first 1,000 foot segment of the approach zone beginning at the end of the primary surface for Runway 3-21.

(8) Nonconforming uses.

- (a) Regulations not retroactive. The regulations prescribed by this section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of February 5th, 2019, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to February 5th, 2019 and is diligently prosecuted. Additionally, nothing contained herein shall prohibit construction of additions or additional floors to existing buildings provided that any such buildings were in use on February 5th, 2019, the additions were contemplated and designated at the time of the original construction, and that additional costs were incurred at the time of the original construction to allow for those future additions or additional floors.
- (b) Marking and lighting. Notwithstanding the preceding provisions of this section, the owner of any existing or extended nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Troup County to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the airport authority.

(9) Permits.

- (a) Future uses. Except as specifically provided in paragraphs (i), (ii) and (iii) of this subsection, no material change shall be made in the use of land, no structure shall be

erected or otherwise established, and no tree shall be planted in any zone created in this section unless a permit therefor shall have been applied for and granted by the Director. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. All structures and trees within the Notification zone shall seek airspace approval by the Airport Manager or the FAA. Structures and trees outside of this zone shall seek airspace approval if required by Federal regulations. No permit for a use inconsistent with the provisions of this section shall be granted unless a variance has been approved in accordance with subsection (d) of this section, using the following criteria:

- (i) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree would extend above the height limits prescribed for such zones.
- (ii) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree less than 75 feet of vertical height above the ground, except when such tree would extend above the height limit prescribed for such approach zones.
- (iii) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree less than 75 feet of vertical height above the ground, except when such tree, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree, in excess of any of the height limits established by this section.

- (b) Existing uses. Except as provided in section 25B-10-2(8)(a), no permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on February 5th, 2019, or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- (c) Nonconforming uses abandoned or destroyed. Whenever the Director determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

- (d) Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this section, may apply to the board of planning and zoning appeals for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances may be allowed where it is found that a literal application or enforcement of the regulations will result in unnecessary hardship, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this section. Additionally, no application for variance to the requirements of this section may be considered by the board of zoning appeals unless a copy of the application has been furnished to the Troup County for advice as to the aeronautical effects of the variance. If the Troup County does not respond to the application within 60 days after receipt, the board of planning and zoning appeals may act on its own to grant or deny said application.
- (e) Obstruction marking and lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this section and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the board of planning and zoning appeals, this condition may be modified to require the owner to permit the Troup County, at its own expense to install, operate, and maintain the necessary markings and lights.

Sec. 25B-10-3. PUD, planned unit development special overlay zoning district.

- (1) Purpose and intent. The PUD, Planned Unit Development special district is intended to permit the planning and development of parcels of land that are suitable in location and character for the uses proposed as unified and integrated developments in accordance with detailed development plans. The existing Zoning Map and underlying zoning regulations governing all properties within the Planned Unit Development special zoning district shall remain in full force and effect. The regulations contained within this section constitute an overlay district that shall be overlaid upon, and shall be imposed in addition to, said existing zoning regulations. Except where it is otherwise explicitly provided, whenever the following overlay regulations are at variance with said existing underlying zoning regulations, the regulations of this section shall apply. The PUD district is intended to provide a means of accomplishing the following specific objectives:
 - (a) To provide flexibility, unity, and diversity in land planning and development, resulting in convenient and harmonious groupings of uses, structures and common facilities;
 - (b) To allow appropriate relationships of open spaces to intended uses and structures; and

- (c) To provide a procedure that can relate the type, design, and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics.
- (2) Minimum Standards. The following minimum standards shall apply to all PUD districts:
- (a) PUD districts shall have a minimum contiguous area of 15 acres.
 - (b) PUD Districts may vary the following dimensional standards of existing zoning districts: minimum rear yards, minimum side yards, minimum front yards, minimum parking ratios, and minimum lot size. All dimensional standard variations shall be delineated as part of an approved PUD district.
 - (c) A minimum of 25 percent of the lot area shall be dedicated open space, which shall meet the provisions for open space in section 25B-20-5.
 - (d) The boundaries of each PUD, upon approval, must be shown on the Zoning Map, and shall be in conformance with the adopted Comprehensive Plan, as well as any adopted master plan.
- (3) Application of regulations.
- (a) Site plan. Development of the PUD is governed by a site plan that designates the standards of zoning and development for the PUD. The site plan must be submitted as a part of the PUD rezoning application.
 - (b) At a minimum the site plan must include:
 - (i) Analysis of existing site conditions. An analysis of existing site conditions including a boundary survey and topographic map of the site including information on all existing manmade and natural features, utilities, all streams and easements, and features to be retained, moved or altered. The existing shape and dimensions of the existing lot to be built upon including the size, measurement and location of any existing buildings or structures on the lot shall be included;
 - (ii) Master plan. A master plan outlining all proposed regulations and calculations which shall include, but not be limited to, information on all proposed improvements including proposed building footprints, doors, densities, parking ratios, open space, height, sidewalks, yards, under and over-head utilities, internal circulation and parking, landscaping, grading, lighting, drainage, amenities, and similar details including their respective measurements;
 - (iii) Landscape plan. A landscape plan showing proposed regulations and calculations which shall include, but not be limited to, information on landscaping, tree species and the number of all plantings and open space including the landscaping that is being preserved, removed and that which is replacing the landscaping that is removed;

- (iv) Architectural design. Preliminary architectural plans and all elevations with sufficient detail to demonstrate proposed design criteria shall include, but not be limited to, scaled floor plans and elevation drawings of proposed buildings and structures and information on building materials, features, exterior finish legend, windows, doors, colors, and items affecting exterior appearance, such as signs, air conditioning, grills, compressors, and similar details including their respective measurements. As a part of the architectural design, a "four-sided" design philosophy must be used. Materials used shall be enduring in their composition;
 - (v) Phasing plan. Should a PUD be expected to require five (5) years or longer to complete, a phasing plan shall be provided by the applicant that indicates the timeframe for construction and development of different aspects of the PUD;
 - (vi) Type and location of all intended uses;
 - (vii) Expected gross land areas of all intended uses, including open space;
 - (viii) Gross floor area or density and residential unit size for all buildings or structures;
 - (ix) Multi-modal circulation plan;
 - (x) Street cross-sections;
 - (xi) Parking analysis;
 - (xii) Plan of how environmental features will be protected or impacted; and
 - (xiii) Any other information deemed necessary by the Director.
- (c) To the extent that the approved site plan and development standards for a PUD contradict the development regulations and the UDO, the approved site plan for the PUD district governs.
- (d) Due to the mixed use nature of PUD proposals, design must be determined based upon the context and guidance of the Comprehensive Plan and specific character area plans for the area in which the PUD is located, as applicable.
- (e) Any additional information deemed necessary by the Director to determine compliance with ordinance standards.

CHAPTER 25B-15. ZONING PROVISIONS FOR ALL DISTRICTS

Sec. 25B-15-1. Dimensional standards of zoning districts.

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

Space Dimensions Table

SPACE DIMENSIONS	ES-R	SU-R	TN-R	TN-MR	TN-MX ¹	CR-MR MX	AC-MR MX	DT-MX	CP-GB	CP-GI HI	SD-MH
Maximum number of primary dwellings (per lot)	1	1	2	12	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Building Coverage (Maximum, % of lot area)	40%	40%	70% ²	60% ²	80% ²	60%	60%	100%	60%	60%	50%
Total Impervious Surfaces (Maximum, % of lot area)	50%	50%	80% ²	80% ²	90% ²	80%	80%	N/A	80%	80%	60%
Lot Size (Minimum, square feet)	1 acre	12,000	3,000 ^{2,3}	3,000 ^{2,3}	None	None	None	None	None	None	None
Lot Frontage (Minimum)	40'	40'	40' ²	40'	None	None	None	None	None	None	50'
Building Height ⁴ (Maximum)	35'	35'	35'	35'	55'	65'	85'	65' ⁷	85'	N/A	40'
Side Yard ⁵ (Minimum)	10'	10' ²	5' ²	5' ²	None	10'	10'	None	30'	35'	⁶
Street Side Yard (Minimum)	20'	15' ²	5' ²	5' ²	None	10'	10'	None	15'	15'	⁶
Rear Yard (Minimum)	30' ⁹	30' ^{2,9}	25' ^{2,9}	25' ²	25' ²	None	None	None	None	None	⁶
Front Yard (Minimum) ¹⁰	60'	25' ²	25' ²	25' ²	None	15'	15'	None	25'	50'	⁶
Front Yard (Maximum) ¹⁰	None	None	None	40' ²	40' ²	None	None	40' ⁸	None	None	⁶

- (1) TN-MX density. Non-residential uses shall be further limited to a maximum square footage of 6,000 square feet per each individual use within buildings in this district.
- (2) Context-sensitive dimensions. Designated dimensional requirements shall not apply to a property where the average space dimension located within 200 feet of the subject property does not comply with the corresponding dimensional requirement of the Space Dimensions Table. In such case, the Director may adjust the dimensional requirement to a dimension that is no greater than the greatest and no less than the least dimension that is located within 200 feet of the subject property.

- (3) TN-R and TN-MR Cottage Court building typologies. Cottage Court building typologies in TN-R and TN-MR zoning districts shall have the following minimum lot requirements:
 - (a) Cottage Court developments shall provide a minimum lot area of 10,000 square feet.
 - (b) Individual Cottage Court lots within such developments shall provide a minimum lot area of 1,600 square feet.
- (4) Maximum building heights. See also transitional height plane provisions in section 25B-20-4.
- (5) Townhouses. Townhouses shall be permitted to have zero-lot-line setbacks for individual units. Listed side yard dimensions shall apply to the yards provided adjacent to the entire row of townhouses and shall not be applied to individual townhouse units within the row of townhouses.
- (6) SD-MH. All yards shall be in conformance with section 25B-30-8(1).
- (7) DT-MX building heights. Maximum building heights within the DT-MX district and the Downtown LaGrange Historic District may be further reduced through requirements for building setbacks or additional overall height reductions imposed through the obtaining of a certificate of appropriateness from the Historic Preservation Commission.
- (8) DT-MX front yard maximum. Parcels located within the Garden District subarea shall have no maximum front yard setback limitation.
- (9) R district accessory structure rear yard setbacks. Accessory structures in R districts shall be permitted to utilize the side yard setback dimensional requirement of the respective zoning district for purposes of establishing a rear yard setback for such uses.
- (10) For lots defined as Through Lots, the minimum and maximum setback requirements for Front Yards shall apply to both street frontages.

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

Sec. 25B-15-2. Access to public and private streets.

- (1) Every building erected or moved shall be on a lot adjacent to an approved public or private street or alley, and all structures shall have safe and convenient access for servicing, fire protection, and required off-street parking.
- (2) In the event a land-locked lot exists that has been legally subdivided through the applicable subdivision process as of the effective date of this Zoning Ordinance, the property owner shall be entitled to building permits, provided:
 - (a) All other zoning and development standards are met, or appropriate variances are approved to allow the lot to be developed or altered as proposed; and

- (b) The property owner has acquired an access easement to an approved public or private street or alley in compliance with the standards established in Title 25C Article III. Said easement shall be duly recorded and made part of the property deed.

Sec. 25B-15-3. Encroachments into required yards.

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

Sec. 25B-15-4. Building height exceptions.

The height limitations of this Zoning Ordinance shall not apply to unoccupied portions of buildings such as spires, belfries, cupolas, domes, chimneys, mechanical and electrical equipment and associated screening, smokestacks, derricks, conveyors, flagpoles, or aerials. The maximum height allowed for these elements shall be the maximum height allowed in the designated zoning district plus an additional 15 percent.

Sec. 25B-15-5. Fences and retaining walls.

- (1) This section regulates fences, walls, and fences and walls in combination.
- (2) General conditions.
 - (a) Fences and walls shall be maintained in good repair.
 - (b) Fences and walls may step down a slope, however supports shall be vertical and plumb.
 - (c) Posts shall be anchored in concrete.
 - (d) Supports shall face inward to the property.

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

(3) Fences, general.

(a) Fences in the front yard:

(i) Maximum height: Fences shall not exceed four (4) feet in height and shall not extend into the public right-of-way. See section 25B-15-6 for corner lot restrictions. Properties within CP-GI and CP-HI zoning districts are allowed fences up to six (6) feet in height. Fence posts and pillars shall be permitted to be located an additional one (1) foot higher than the maximum height allowed for the remaining fencing elements.

(ii) Materials. Fences shall not be made of wire, woven metal, or chain link, unless located on property within CP-GI and CP-HI zoning districts. All other fences shall be ornamental or decorative fences constructed of brick, stone, stucco, split rail, wood, aluminum, or wrought iron. The fence shall be a minimum of 50 percent transparent. Exposed block, tires, junk or other discarded material shall be prohibited fence materials. No barbed wire, razor wire, chain link fence or similar elements shall be visible from any public plaza, ground level or sidewalk level outdoor dining area, street or thoroughfare, or public right-of-way.

(b) Fences in interior side and rear yards.

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

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

(4) Retaining walls.

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

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

(5) Fences and retaining walls combined:

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

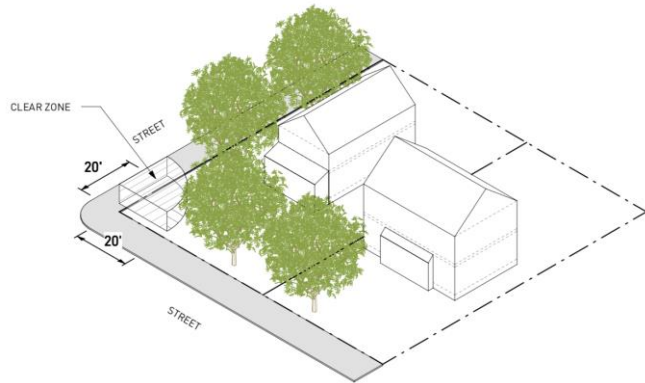
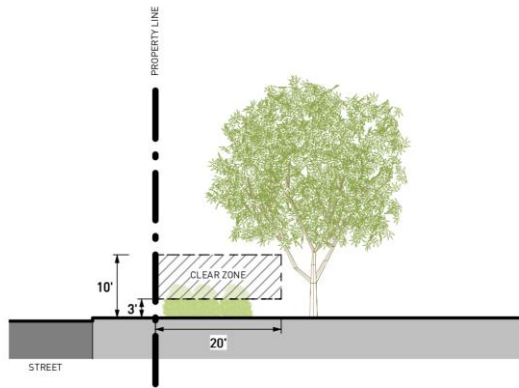
(b) Fences and retaining walls combined that are erected within 10 feet of a front yard property line:

- (i) Maximum height. Fences and retaining walls combined within 10 feet of a front yard property line shall not exceed two (2) feet for the wall and four (4) feet for the fence.
 - (ii) Materials. Fences shall not be made of wire, woven metal, or chain link, unless located on property of an agricultural or industrial, use. All other fences shall be ornamental or decorative fences constructed of brick, stone, stucco, split rail, wood, aluminum, or wrought iron. The fence shall be a minimum of 50 percent transparent. Exposed block, tires, junk or other discarded material shall be prohibited fence materials. Retaining walls shall be constructed of decorative concrete modular block or shall be faced with stone or brick or textured cement masonry.
- (c) Fences and retaining walls combined in all other locations on a lot:
- (i) Maximum height. Fences and retaining walls in combination in the rear yard cannot exceed eight (8) feet each, provided their combined height does not exceed 12 feet. Retaining walls and fences in the front yard shall not exceed four (4) feet each, provided their combined height does not exceed six (6) feet.
 - (ii) Materials. Chain link and other metal fencing shall be vinyl, powder coated, or galvanized. If fences and retaining walls in combination are located in the front yard, wire, woven metal, or chain link fences are prohibited, unless located on property of an agricultural or industrial use. Retaining walls shall be constructed of decorative concrete modular block or shall be faced with stone or brick or textured cement masonry. Any portion of a combined fence and wall that exceeds 10 feet shall be transparent for a minimum of 50 percent of the length of the fence so as to reduce the appearance of an opaque structure.
- (6) Method of measurement. Heights of fences and retaining walls shall be measured from the grade plane.
- (7) Exceptions. Temporary chain link security fences up to six (6) feet in height may be erected to surround the property up to 30 days prior and 30 days following completion of demolition, rehabilitation, or new construction.

Sec. 25B-15-6. Corner visibility.

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

Corner Visibility Illustrations



Sec. 25B-15-7. Accessory Structures.

- (1) General provisions for accessory structures. All accessory buildings and structures, including accessory dwellings, shall be subject to the following additional requirements:
 - (a) An accessory building or structure shall be clearly subordinate to the primary structure in all dimensional aspects.
 - (b) An accessory building or structure shall be located behind the front yard façade of the primary structure in the following locations:
 - i. In all ES-R, SU-R, TN-R, and TN-MR districts; and
 - ii. In areas of other zoning districts that have uses and densities predominantly similar to those permitted in the districts listed in subsection (i) above.
 - (c) Dimensional standards
 - i. Dimensional standards for accessory buildings and structures shall be the same as those for principal structures and for zoning districts in sections 25B-15-1 and 25B-20-2.
 - ii. For uses other than agricultural and industrial, a maximum of three (3) accessory structures shall be permitted per lot.
 - iii. For uses other than agricultural and industrial, accessory structures containing area meeting the definition of floor area shall be limited to a maximum of 1,500 square feet of such floor area.

- iv. Accessory structures not containing area meeting the definition of floor area shall be limited to the following maximum lot coverage: no limit for agricultural and industrial uses; and 25 percent for all other uses.
 - v. Whenever a lot abuts upon an approved alley, one-half (½) of the alley width may be considered as a portion of the required yard.
- (d) No accessory structure shall be constructed upon a lot until construction of the principal building has commenced, except when provided for industrial and agricultural uses.

Sec. 25B-15-8. Yards.

- (1) Yards, general. Required yards shall be provided as an area unoccupied and unobstructed by any structure or portion of a structure from 42 inches above the general ground level of the graded lot upward.
- (2) Front yards, general.
 - (a) For residential dwellings, excluding multi-family dwellings:
 - (i) The front yard shall be landscaped and sodded with the exception of driveways, terraces, and walkways, which may occupy a maximum of one-half (½) of the front yard.
 - (ii) Parking for automobiles, motorized vehicles, and non-motorized vehicles is only permitted in front yards when located on the permitted access driveway on asphalt or gravel surface. For parking regulations for recreational vehicles and boats, see Sec. 25B-30-3(12).
 - (iii) A minimum of two (2) trees shall be planted on lots used for all single-family attached, single-family detached, townhome, two-family, and industrialized building residential uses.
 - (b) For multi-family dwellings and all other non-residential uses:
 - (i) Buildings shall provide a primary pedestrian entrance adjacent to and oriented towards the front yards.
 - (ii) The primary pedestrian entrance required in subsection (i) above shall include a pedestrian walkway that provides a safe and unobstructed connection from parking areas and adjacent public sidewalks to the primary pedestrian entrance.
 - (iii) The following elements shall be permitted in front yards when such elements are located on private property: benches, trash receptacles, pet stations, bicycle parking racks, outdoor dining, display of public art, other street furniture, or other similar elements.
- (3) Landscape strips shall be provided along the frontage of all multi-family dwelling uses and nonresidential uses abutting a street right-of-way, except for properties in the TN-MX and DT-MX zoning districts, when the Director determines that building placement prevents the location of said strips.

- (a) Landscape plantings shall be provided in a landscape strip for a minimum depth of 10 feet.
- (b) One (1) tree shall be planted for every 40 linear feet of length of street frontage, or portion thereof.
- (c) 10 shrubs shall be planted for every 40 linear feet of length of street frontage, or portion thereof.
- (d) Clumping is permitted provided that adequate spacing is allowed for future growth and there is no gap greater than 50 feet.
- (e) The remaining ground area shall be sodded, seeded, or hydroseeded with grass, and/or planted with groundcover species and/or provided with other landscaping material, or any combination thereof.
- (f) The following alternatives exist to the 10-foot landscape strip requirements:
 - (i) An earth berm at least two and one-half (2½) feet higher than the finished elevation of the parking lot, with one (1) shade tree and five (5) shrubs for every 40 linear feet of frontage.
 - (ii) A six (6) foot landscaped strip with a minimum three (3) foot grade drop from the right-of-way to the parking lot. One (1) shade tree and five (5) shrubs for every 40 linear feet.

CHAPTER 25B-20. CIVIC DESIGN

Sec. 25B-20-1. Application.

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

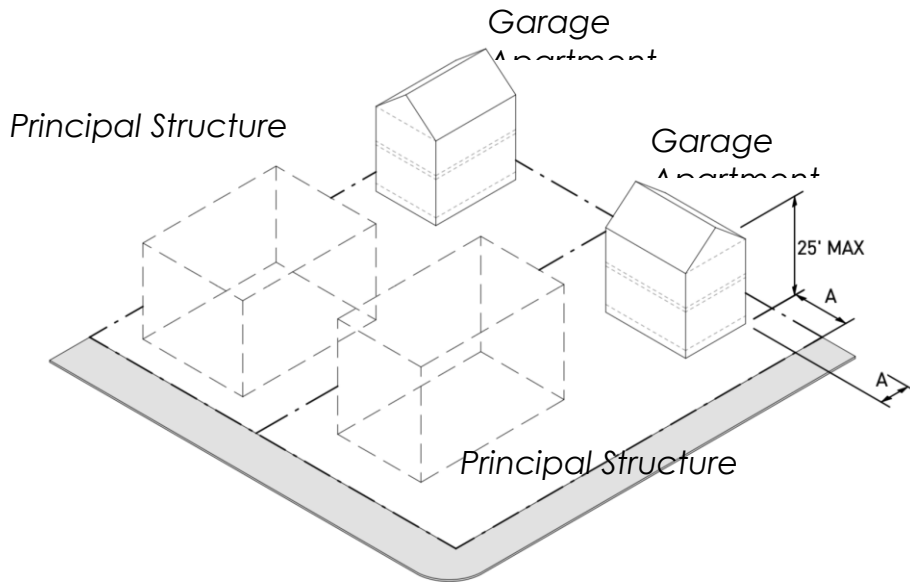
Sec. 25B-20-2. Building typology.

- (1) This section provides standards for a variety of building types. Building types provide many key dimensional standards for each zoning district. Not all accessory building types are listed in this section. Such other accessory building types may be approved if in compliance with the use and dimensional requirements provided elsewhere in the UDO.
- (2) Building types are applied to help reinforce the existing character and scale of the City. Note that these building types are for zoning purposes only and are not linked to the Building Code.
- (3) The following building types are permitted in the zoning districts delineated in the following chart. Allowable building types are indicated with a "P".
- (4) Building types are prohibited in zoning districts that are not indicated with a "P".
- (5) The illustrative drawings provided in this chapter do not represent required architectural elements, styles, or regulations and are intended to be informational only. Each building typology includes an illustration and additional building design regulations provided in charts for each building type. Notations provided on the corresponding illustrations in the form of letter designations such as "A" through "D" are further defined in each building typology chart.

BUILDING TYPE	ES-R	SU-R	TN-R	TN-MR	TN-MX	CR-MR	CR-MX	AC-MR	AC-MX	DT-MX	CP-GB	CP-GI	CP-HI	SD-MH
Garage Apartment	P	P	P	P	P	P	P	P	P					
Backyard Cottage	P	P	P	P	P	P	P	P	P					
Cottage House			P	P	P	P ¹	P ¹	P ¹	P ¹					
Detached House	P	P	P	P	P	P	P	P	P					
Cottage Court			P	P	P	P	P	P	P					
Two-Family Dwelling			P	P	P	P	P	P	P					
Attached House			P	P	P	P	P	P	P					
Townhouse				P	P	P	P	P	P	P				
Walk-up Flat				P	P	P	P	P	P	P				
Stacked Flat					P	P	P	P	P	P				
Single-Story Shopfront					P		P		P	P	P	P	P	
Mixed Use Building					P		P		P	P				
General Building					P		P		P	P	P	P	P	
Civic Building					P		P		P	P	P			
Manufactured Home														P

(1) Cottage Houses within the designated zoning districts shall only be permitted within a Cottage Court development.

Garage Apartment



Garage Apartment

A building type designed to accommodate a small self-contained accessory dwelling unit located above a garage on the same lot as a principal structure for a detached single-family dwelling use.

Uses allowed in this building type: Accessory Dwellings for a detached Single-Family Dwelling only.

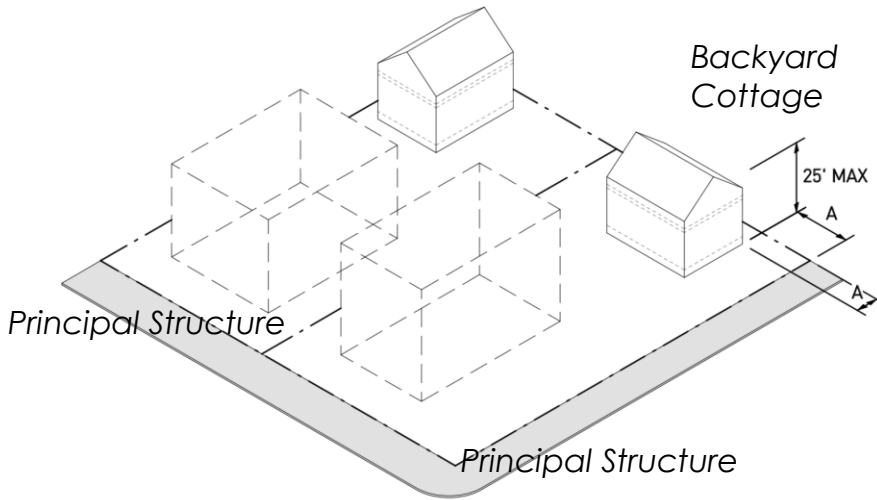
See section 25B-20-3 for additional architectural regulations.

See section 25B-30-3 for supplementary regulations for accessory dwellings.

A	See the Space Dimensions Table in section 25B-15-1 for maximum number of primary dwellings, building coverage, impervious surface area, lot size, front yard, side yard, street side yard, and rear yard requirements.
	Maximum height: No taller than the principal structure, but never taller than 25'.
	Maximum floor area: 1,000 square feet and 1,300 square feet including un-conditioned area.

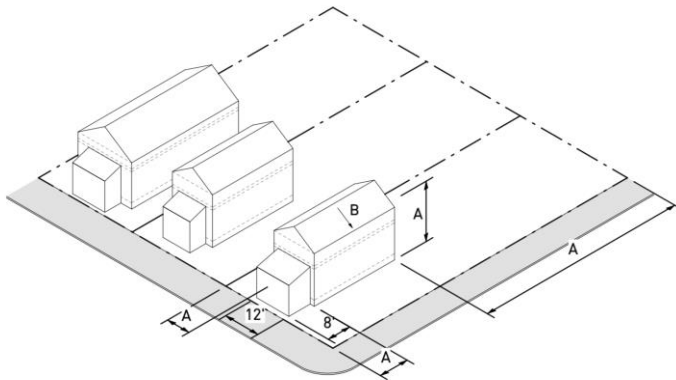
Backyard Cottage

Backyard Cottage



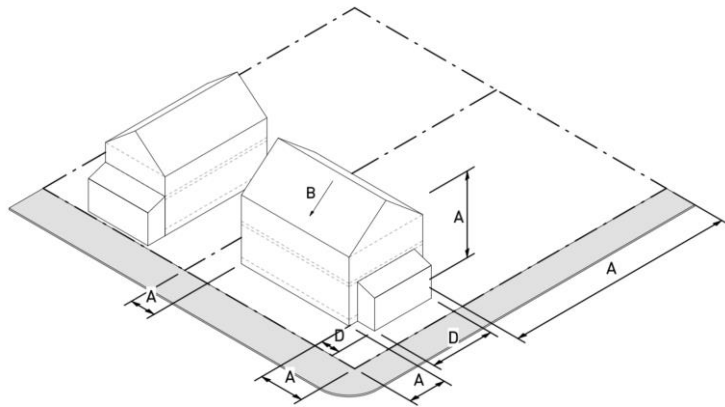
Backyard Cottage	
A building type designed to accommodate a small self-contained accessory dwelling unit located above a garage on the same lot as a principal structure for a detached single-family dwelling use.	
Uses allowed in this building type: Accessory Dwellings for a detached Single-Family Dwelling only.	
See section 25B-20-3 for additional architectural regulations.	
See section 25B-30-3 for supplementary regulations for accessory dwellings.	
A	See the Space Dimensions Table in section 25B-15-1 for maximum number of primary dwellings, building coverage, impervious surface area, lot size, front yard, side yard, street side yard, and rear yard requirements.
	Maximum height: No taller than the principal structure, but never taller than 25'.
	Maximum floor area: 1,000 square feet.

Cottage House



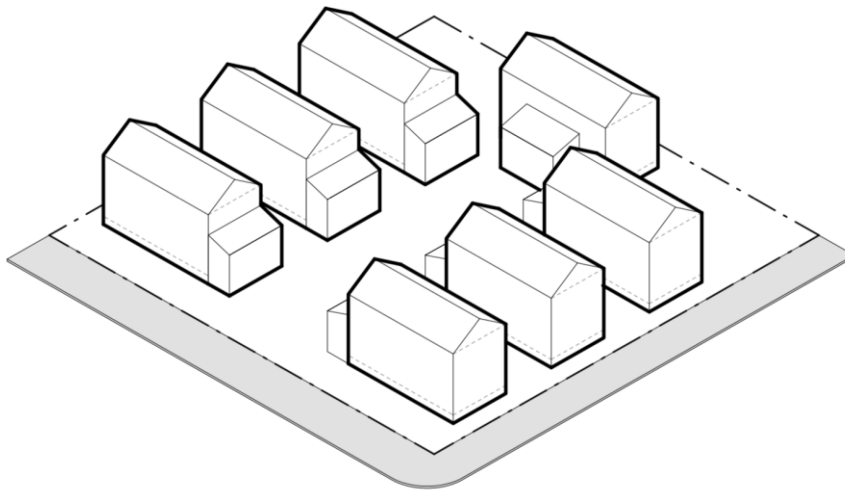
Cottage House	
A building type designed to accommodate 1 small dwelling unit on an individual lot or as part of a Cottage Court.	
Minimum floor area shall be 750 square feet per dwelling.	
Uses allowed in this building type: Accessory Dwellings, Single-Family Detached Dwellings.	
See section 25B-20-3 for additional architectural regulations.	
A	See the Space Dimensions Table in section 25B-15-1 for maximum number of primary dwellings, building coverage, impervious surface area, lot size, building height, side yard, street side yard, rear yard, and front yard requirements.
B	Roof pitch for the primary roof structure shall be a minimum of 6:12. Roof materials shall be asphalt, fiberglass shingle, cedar, slate or standing seam metal. Gables, dormers, cornices, chimneys, and other design features shall be provided.
See Garage Illustration	Garages doors must be oriented to the rear or side yard when feasible. When deemed necessary to access garages from the front of the structure, the garage must be equipped with a garage door. Front yard facing garage doors shall not exceed a width equal to $\frac{2}{3}$ of the width of the primary façade of the principle structure. For houses on lots with more than 1 street frontage and with rear or side yards facing a street, a landscape strip shall be provided between a house and the street. Such landscape strips shall be provided in accordance with the standards specified in Sec. 25B-15-8(3).
	<p>Front porches and/or stoops on the façade of the principal structure shall be required when such treatments are established by a majority of the dwellings on the block face. Front porches, when required, shall:</p> <ol style="list-style-type: none"> 1. Be a minimum of 12-foot wide or $\frac{1}{3}$ the width of the front façade, whichever is greater, and a minimum of 8 feet deep; 2. Contain roofs, a minimum of 6-inch wide porch roof supports, and steps; and 3. For parcels with more than 1 street frontage, the front porch requirements of this section shall only be required to be applied to the primary building façade.

Detached House



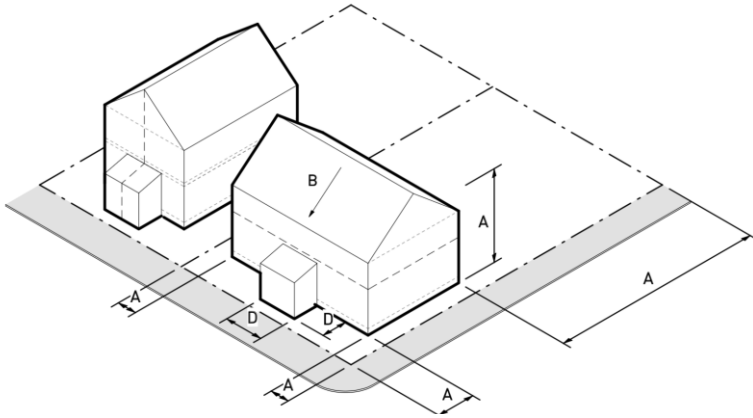
Detached House	
A building type designed to accommodate 1 dwelling unit on an individual lot with yards on all sides.	
Minimum floor area shall be 1,200 square feet per dwelling.	
Uses allowed in this building type: Accessory Dwellings, Single-Family Detached Dwellings.	
See section 25B-20-3 for additional architectural regulations.	
A	See the Space Dimensions Table in section 25B-15-1 for maximum number of primary dwellings, building coverage, impervious surface area, lot size, building height, side yard, street side yard, rear yard, and front yard requirements.
B	Roof pitch for the primary roof structure shall be a minimum of 6:12. Roof materials shall be asphalt, fiberglass shingle, cedar, slate or standing seam metal. Gables, dormers, cornices, chimneys, and other design features shall be provided.
See Garage Illustration	Garages doors must be oriented to the rear or side yard when feasible. When deemed necessary to access garages from the front of the structure, the garage must be equipped with a garage door. Front yard facing garage doors shall not exceed a width equal to $\frac{2}{3}$ of the width of the primary façade of the principle structure. For houses on lots with more than 1 street frontage and with rear or side yards facing a street, a landscape strip shall be provided between a house and the street. Such landscape strips shall be provided in accordance with the standards specified in Sec. 25B-15-8(3).
D	Front porches and/or stoops on the façade of the principal structure shall be required when such treatments are established by a majority of the dwellings on the block face. Front porches, when required, shall: <ol style="list-style-type: none"> 1. Be a minimum of 12-foot wide or $\frac{1}{3}$ the width of the front façade, whichever is greater, and a minimum of 8 feet deep; 2. Contain roofs, a minimum of 6-inch wide porch roof supports, and steps; and 3. For parcels with more than 1 street frontage, the front porch requirements of this section shall only be required to be applied to the primary building façade.

Cottage Court



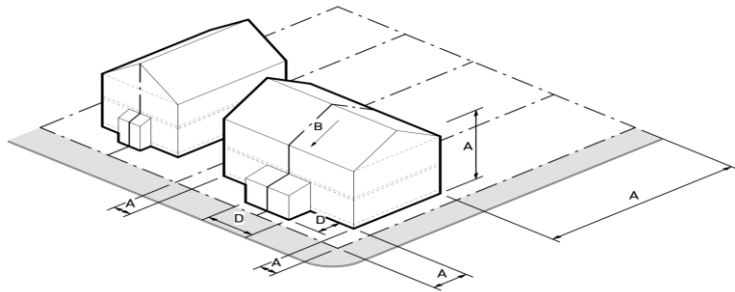
Cottage Court	
A building type designed to accommodate 5 to 12 dwelling units organized around a shared internal courtyard.	
Uses allowed in this building type: Accessory Dwellings, Single-Family Detached Dwellings.	
See section 25B-20-3 for additional architectural regulations.	
Individual dwellings shall meet the requirements for the Cottage House building type.	
	For the larger parcel related to the development, see the Space Dimensions Table in section 25B-15-1 for maximum number of primary dwellings, building coverage, impervious surface area, lot size, building height, side yard, street side yard, rear yard, and front yard requirements that apply to the entire Cottage Court development.
	The individual lots within the Cottage Court development, whether they be subdivided or not, are not required to meet the front yard, rear yard, and lot coverage requirements in Space Dimensions Table in section 25B-15-1 and may also be treated as fee-simple or condominium lots.
	Cottage court development shall be designed to orient the units around a shared internal courtyard. Each unit shall have a direct entrance from the courtyard.
	The minimum courtyard size shall be the sum of the number individual Cottages within the development multiplied by 400 square feet. A minimum of 70 percent of the courtyard shall consist of pervious material, of which a minimum of 50 percent of the courtyard shall be landscaped. Courtyards shall not be parked or driven upon except for emergency access and permitted temporary events.

Two-Family Dwelling



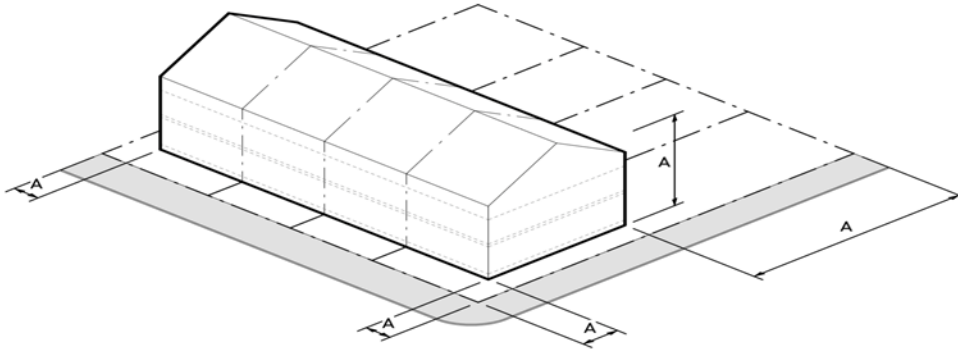
Two-Family Dwelling	
A building type designed to accommodate 2 dwelling units that share a common wall or floor/ceiling on a single individual lot.	
Uses allowed in this building type: Accessory Dwellings, Two-Family Dwellings.	
See section 25B-20-3 for additional architectural regulations.	
A	See the Space Dimensions Table in section 25B-15-1 for maximum number of primary dwellings, building coverage, impervious surface area, lot size, building height, side yard, street side yard, rear yard, and front yard requirements. Side yard requirements do not apply to common walls permitted as part of this building type.
B	Roof pitch for the primary roof structure shall be a minimum of 6:12. Roof materials shall be asphalt, fiberglass shingle, cedar, slate or standing seam metal. Gables, dormers, cornices, chimneys, and other design features shall be provided.
See Garage Illustration	Garages doors must be oriented to the rear or side yard when feasible. When deemed necessary to access garages from the front of the structure, the garage must be equipped with a garage door. Front yard facing garage doors shall not exceed a width equal to $\frac{2}{3}$ of the width of the primary façade of the principle structure. For structures on lots with more than 1 street frontage and with rear or side yards facing a street, a landscape strip shall be provided between the structure and the street. Such landscape strips shall be provided in accordance with the standards specified in Sec. 25B-15-8(3).
D	Front porches and/or stoops on the façade of the principal structure shall be required when such treatments are established by a majority of the dwellings on the block face. Front porches, when required, shall: <ol style="list-style-type: none"> 1. Be a minimum of 12 feet wide or $\frac{1}{3}$ the width of the front façade, whichever is greater, and a minimum of 8 feet deep; 2. Contain roofs, a minimum of 6-inch wide porch roof supports, and steps; and 3. For parcels with more than 1 street frontage, the front porch requirements of this section shall only be required to be applied to the primary building façade.

Attached House



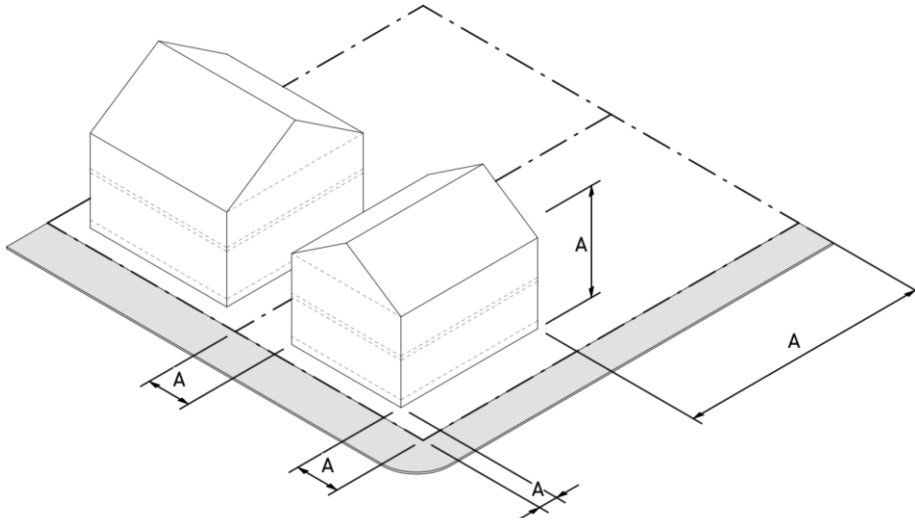
Attached House	
A building type that accommodates 2 dwelling units that share a common wall along the lot line between 2 lots.	
Uses allowed in this building type: Accessory Dwellings, Single-Family Attached Dwellings.	
See section 25B-20-3 for additional architectural regulations.	
A	See the Space Dimensions Table in section 25B-15-1 for maximum number of primary dwellings, building coverage, impervious surface area, lot size, building height, side yard, street side yard, rear yard, and front yard requirements. Side yard requirements do not apply to common walls permitted as part of this building type.
B	Roof pitch for the primary roof structure shall be a minimum of 6:12. Roof materials shall be asphalt, fiberglass shingle, cedar, slate or standing seam metal. Gables, dormers, cornices, chimneys, and other design features shall be provided.
See Garage Illustration	Garages doors must be oriented to the rear or side yard when feasible. When deemed necessary to access garages from the front of the structure, the garage must be equipped with a garage door and must be recessed a minimum of 15 feet from the primary façade of the primary structure. For houses on lots with more than 1 street frontage and with rear or side yards facing a street, a landscape strip shall be provided between a house and the street. Such landscape strips shall be provided in accordance with the standards specified in Sec. 25B-15-8(3).
D	Front porches and/or stoops on the façade of the principal structure shall be required when such treatments are established by a majority of the dwellings on the block face. Front porches, when required, shall: <ol style="list-style-type: none"> 1. Be a minimum of 12 feet wide or 1/3 the width of the front façade, whichever is greater, and a minimum of 8 feet deep; 2. Contain roofs, a minimum of 6-inch wide porch roof supports, and steps; and 3. For parcels with more than 1 street frontage, the front porch requirements of this section shall only be required to be applied to the primary building façade.

Townhouse



Townhouse	
A building type designed to accommodate 3 to 6 dwelling units where each unit is separated by a common side wall. Units cannot be vertically mixed.	
Uses allowed in this building type: Townhouse Dwellings.	
See section 25B-20-3 for additional architectural regulations.	
A	See the Space Dimensions Table in section 25B-15-1 for maximum number of primary dwellings, building coverage, impervious surface area, lot size, building height, side yard, street side yard, rear yard, and front yard requirements. Side yard requirements do not apply to common walls permitted as part of this building type.
	Gables, dormers, cornices, chimneys, and other design features shall be provided.
	Garages with a width less than 22 feet must enter from rear or side yard when feasible. When deemed necessary to access garages from the front of the structure, the garage must be equipped with a garage door. Front yard facing garage doors shall not exceed a width equal to $\frac{2}{3}$ of the width of the primary façade of the principle structure. For Townhouses on lots with more than 1 street frontage and with rear or side yards facing a street, a landscape strip shall be provided between a Townhouse and the street. Such landscape strips shall be provided in accordance with the standards specified in Sec. 25B-15-8(3).
	Each townhouse shall have a minimum of 200 square feet of private yard space in either the front or rear, not including driveways and alleys.
	All townhouse buildings shall include a continuous sidewalk 5 feet in width connecting front entrances of all dwellings to each other.

Walk-up Flat



Walk-up Flat

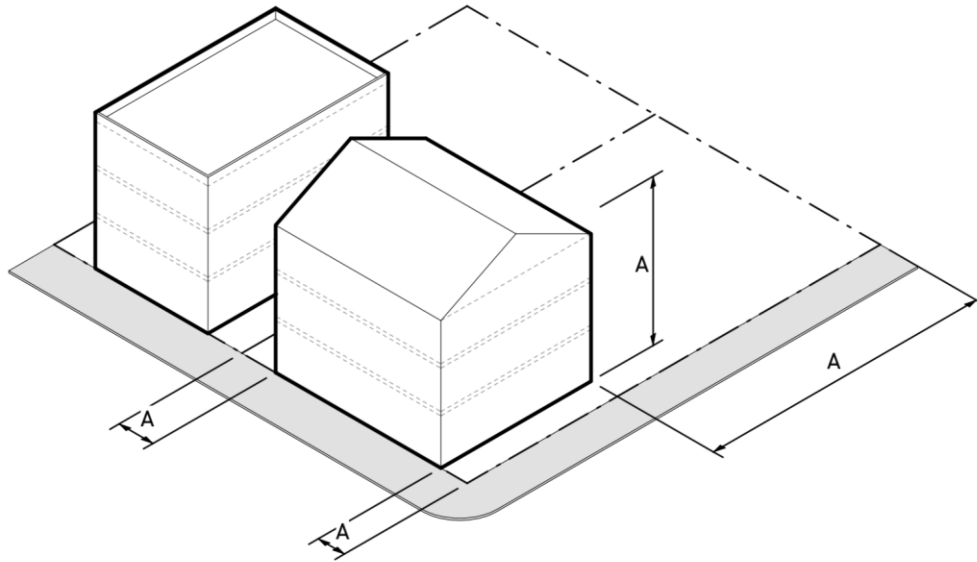
A building type designed to accommodate 3 to 12 dwelling units vertically and horizontally integrated.

Uses allowed in this building type: Multi-family Dwellings.

See section 25B-20-3 for additional architectural regulations.

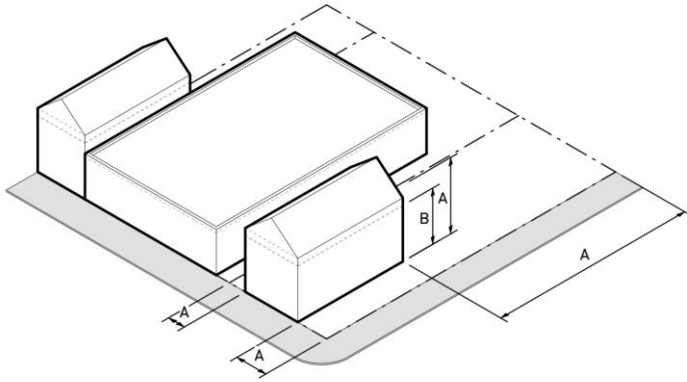
A	See the Space Dimensions Table in section 25B-15-1 for maximum number of primary dwellings, building coverage, impervious surface area, lot size, building height, side yard, street side yard, rear yard, and front yard requirements. Side yard requirements do not apply to common walls permitted as part of this building type.
	Gables, dormers, cornices, chimneys, and other design features shall be provided.
	Minimum floor area for multi-family dwelling units shall be as follows: studio: 450 square feet; 1 bedroom: 600 square feet; 2 bedrooms: 800 square feet; 3 bedroom: 1,000 square feet per unit. Existing buildings that are converted to contain multi-family dwelling uses shall not be required to meet these minimum floor area size standards for dwelling units.

Stacked Flat



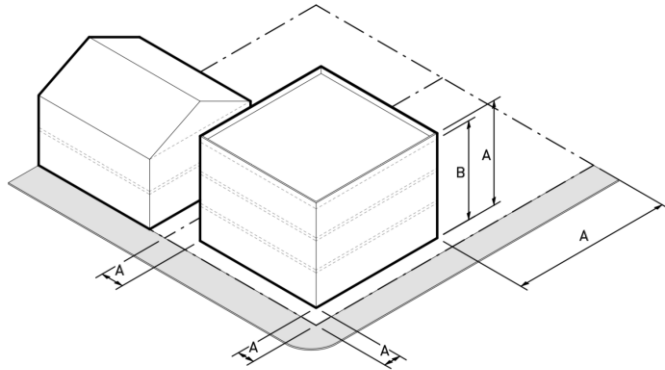
Stacked Flat	
A building type designed to accommodate 13 or more dwelling units vertically and horizontally integrated.	
Uses allowed in this building type: Multi-family Dwellings.	
See section 25B-20-3 for additional architectural regulations.	
A	See the Space Dimensions Table in section 25B-15-1 for maximum number of primary dwellings, building coverage, impervious surface area, lot size, building height, side yard, street side yard, rear yard, and front yard requirements. Side yard requirements do not apply to the common walls permitted as part of this building type.
	Minimum floor area for multi-family dwelling units shall be as follows: studio: 450 square feet; 1 bedroom: 600 square feet; 2 bedrooms: 800 square feet; 3 bedroom: 1,000 square feet per unit.
	Multi-family units shall provide a minimum of 60 percent of units with a balcony or porch that may be occupied. Existing buildings that are converted to contain multi-family dwelling uses shall not be required to meet these minimum floor area size standards for dwelling units.

Single-Story Shopfront



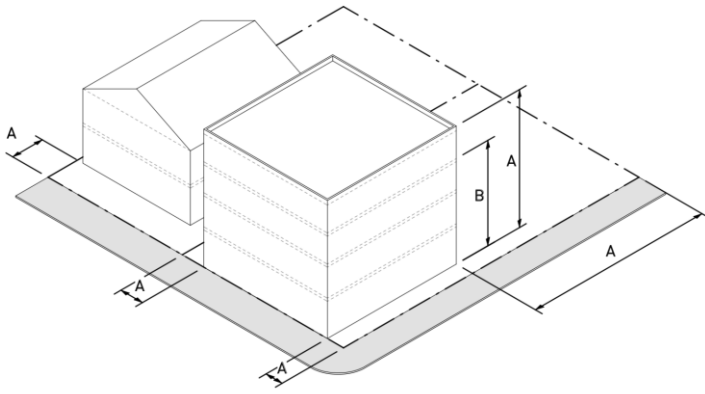
Single-Story Shopfront	
A single-story building type designed to accommodate retail or commercial activity.	
Uses allowed in this building type: Commercial uses; Industrial uses; and Public/Institutional uses.	
Cargo containers containing principal uses shall be permitted when meeting the requirement of this building type.	
See section 25B-20-3 for additional architectural regulations.	
A	See the Space Dimensions Table in section 25B-15-1 for building coverage, impervious surface area, lot size, building height, side yard, street side yard, rear yard, and front yard requirements.
B	Delineation of the building at the sidewalk level shall be executed through windows, belt courses, cornice lines or similar architectural detailing.
	All buildings shall have their primary facade and pedestrian entrance directly fronting and facing a public or private street.
	Every building shall reduce its perceived height and bulk by dividing the building mass into smaller scale components. Building walls exceeding 100 continuous horizontal linear feet shall utilize offsets, such as projections, recesses, and changes in floor level, to add architectural interest and variety, and to relieve the negative visual effect of a simple long wall.
	Variation in the roofline of buildings and offsets in pitched roofs and gables shall be required. Parapets in building masses exceeding 100 continuous linear feet shall be varied in height and projection and shall use decorative elements such as crown moldings, dental, brick soldier courses, or similar detail.
See Fenestration Illustration	The length of facade without intervening fenestration for principal structures, architectural detailing or entryway shall not exceed 20 feet.
	Fenestration treatment for principal structures shall be provided for a minimum of 65 percent of the length of all ground floor street frontages. Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows.

Mixed Use Building



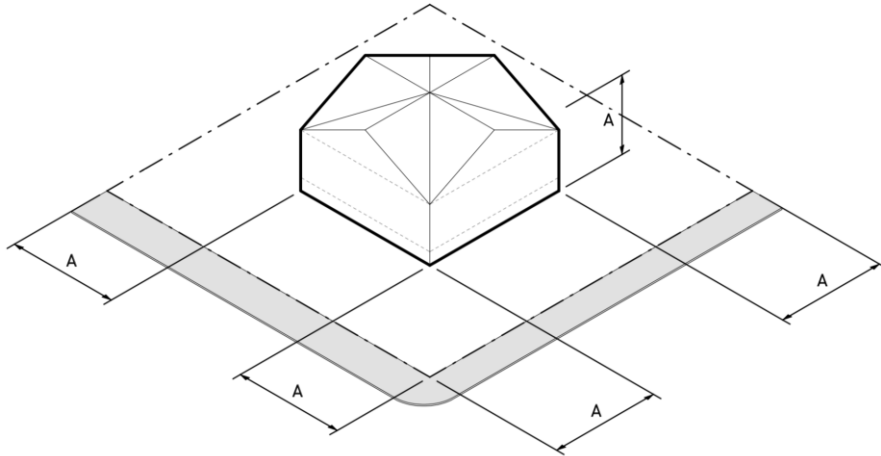
Mixed Use Building	
A multi-story building type designed to accommodate ground floor residential, retail, office or commercial uses with upper-story residential or office uses.	
Uses allowed in this building type: Commercial uses; Industrial uses; Public/Institutional uses; and Residential uses.	
See section 25B-20-3 for additional architectural regulations.	
Portions of buildings with multi-family uses shall meet the requirements for the Stacked Flat building type for such portions of building.	
A	See the Space Dimensions Table in section 25B-15-1 for maximum number of primary dwellings, building coverage, impervious surface area, lot size, building height, side yard, street side yard, rear yard, and front yard requirements.
B	Delineation of building floors at the third story above sidewalk level and lower shall be executed through windows, belt courses, cornice lines or similar architectural detailing.
	All buildings shall have their primary facade and pedestrian entrance directly fronting and facing a public or private street.
	Every building shall reduce its perceived height and bulk by dividing the building mass into smaller scale components. Building walls exceeding 100 continuous horizontal linear feet shall utilize offsets, such as projections, recesses, and changes in floor level, to add architectural interest and variety, and to relieve the negative visual effect of a simple long wall.
	Variation in the roofline of buildings and offsets in pitched roofs and gables shall be required. Parapets in building masses exceeding 100 continuous linear feet shall be varied in height and projection and shall use decorative elements such as crown moldings, dental, brick soldier courses, or similar detail.
See Fenestration Illustration	The length of facade without intervening fenestration for principal structures, architectural detailing or entryway shall not exceed 20 feet.
	Fenestration treatment for principal structures shall be provided for a minimum of 65 percent of the length of all ground floor street frontages. Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows.

General Building



General Building	
A building type designed to accommodate commercial, office or industrial activity. Not intended for retail sales or personal service uses.	
Uses allowed in this building type: Agricultural uses; Commercial uses; Industrial uses; and Public/Institutional uses.	
See section 25B-20-3 for additional architectural regulations.	
A	See the Space Dimensions Table in section 25B-15-1 for building coverage, impervious surface area, lot size, building height, side yard, street side yard, rear yard, and front yard requirements.
B	Delineation of building floors at the third story above sidewalk level and lower shall be executed through windows, belt courses, cornice lines or similar architectural detailing.
	All buildings shall have their primary facade and pedestrian entrance directly fronting and facing a public or private street.
	Every building shall reduce its perceived height and bulk by dividing the building mass into smaller scale components. Building walls exceeding 100 continuous horizontal linear feet shall utilize offsets, such as projections, recesses, and changes in floor level, to add architectural interest and variety, and to relieve the negative visual effect of a simple long wall.
	Variation in the roofline of buildings and offsets in pitched roofs and gables shall be required. Parapets in building masses exceeding 100 continuous linear feet shall be varied in height and projection and shall use decorative elements such as crown moldings, dental, brick soldier courses, or similar detail.

Civic Building



Civic Building

A building type designed to accommodate civic, institutional or public uses.

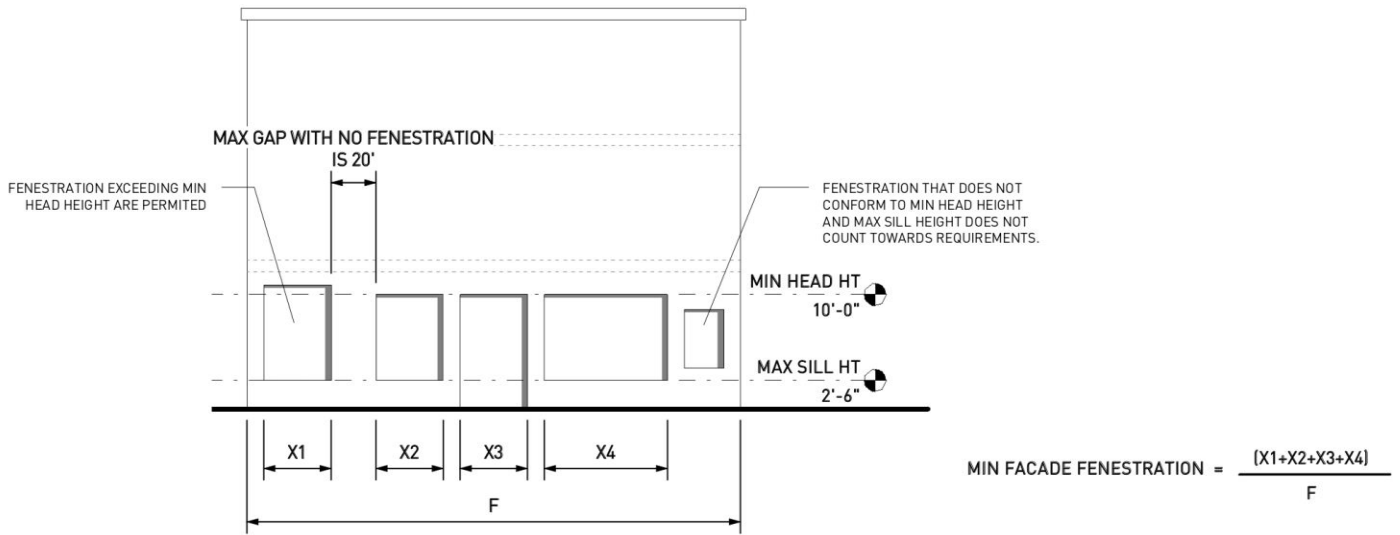
Uses allowed in this building type: Public/Institutional uses.

See section 25B-20-3 for additional architectural regulations.

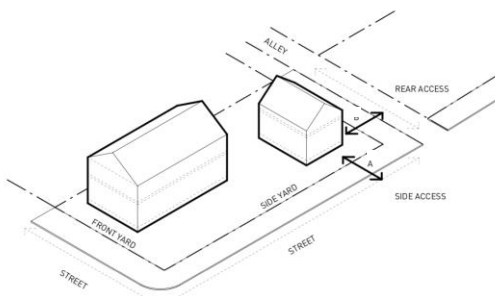
A

See the Space Dimensions Table in section 25B-15-1 for building coverage, impervious surface area, lot size, building height, side yard, street side yard, rear yard, and front yard requirements.

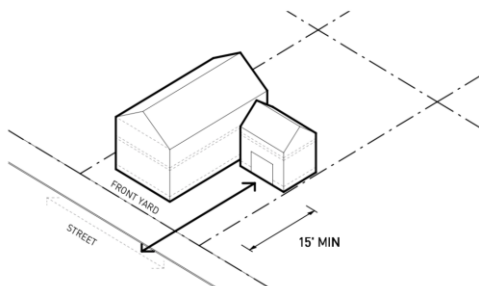
Single-Story Shopfront and Mixed Use Building Fenestration Illustration



Garage Placement on Corner Lots or on Alleys Illustration



Garage Placement on Interior Lots Illustration



Sec. 25B-20-3. Building architecture.

- (1) For all uses.
 - (a) Exterior building materials, excluding architectural accents or metal split seam roofing, shall be primarily brick, glass, wood, hardy plank, stucco, textured concrete masonry, cementitious fiberboard, or stone for all building facades, the sides of buildings perpendicular to the building façade, and for all portions of buildings viewable from a public right-of-way.
 - (b) Vinyl may be incorporated around the soffit, gables, eaves and window area for trim.
 - (c) Cementitious fiberboard lap siding shall only be permitted on buildings less than four (4) stories.
 - (d) HVAC units shall be either physically located or screened with vegetative or fence buffer so as not to be visible from the right-of-way.
- (2) Additional standards for ES-R, SU-R, and TN-R zoning districts.
 - (a) All utilities shall be underground.
 - (b) Street lights shall be required in type and number as determined by city.
 - (c) No duplicate exterior elevations (front facade designs) including similar massing shall be constructed on the same street within one hundred twenty-five (125) linear feet in either direction, measured from the center of the front property line. The developer/builder will be responsible for providing documentation certifying compliance with this requirement prior to issuance of any building permit.
- (3) Additional standards for drive-through service windows and drive-in facilities: Shall not be located between a building and the adjacent public street, except as provided for in the subsection below.
- (4) Additional standards for CR-MR, CR-MX, AC-MR, and AC-MX zoning districts.
 - (a) Structural steel or structural aluminum. The use of corrugated metal panels on front building facades or side building facades is prohibited as a primary building material. Corrugated metal panels are permitted when such material is an accessory decorative element and shall not exceed an area greater than five (5) percent of each front and side building façade. Aluminum composite material (ACM) panels shall be permitted.
 - (b) All elevations of the building should be designed in a consistent and coherent architectural manner. Where a change in material, color, or texture along the exterior side of a building is proposed, the demarcation of the change shall occur a minimum of 20 feet on both adjacent sides of the building or to the natural dividing point established by the physical plane of the building.
 - (c) Roofs: Exposed roof materials for pitched roofs shall consist of asphalt shingles, standing seam metal roof or lap seam metal roofing panel, tile or similar roof materials.

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

Sec. 25B-20-4. Transitional heights.

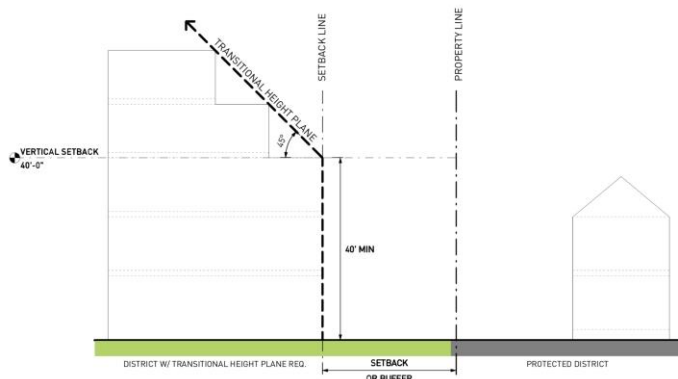
(1) Transitional Heights.

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

- (i) A vertical component measured at the required yard or buffer setback adjoining the common property line by a 40 foot vertical distance above the finished grade;
- (ii) An angular component extending inward over an adjoining CR-MR, CR-MX, AC-MR, AC-MX, DT-MX, CP-GB, CP-GI, and CP-HI district at an angle of 45 degree;
- (iii) Such vertical and angular component calculations shall be made on a point-by-point basis and not average grade; and
- (iv) No portion of any structure shall protrude through the transitional height planes specified in subsection (1)(b) below.

(b) Where CR-MR, CR-MX, AC-MR, AC-MX, DT-MX, CP-GB, CP-GI, and CP-HI zoning districts adjoin ES-R, SU-R, TN-R, TN-MR, TN-MX, and SD-MH districts without an intervening public street, height within this district shall be limited by the transitional height plane requirements.

Transitional Height Plane Illustration



Sec. 25B-20-5. Open space.

- (1) The following specified amounts of dedicated open space shall be required as part of future development:
 - (a) Multi-family uses within CR and AC zoning districts – open space shall be provided at a minimum of five (5) percent of the total lot area of such use.
 - (b) Any use or combination of uses that exceed 100,000 square feet of floor area in a CP-GB zoning district – open space shall be provided at a minimum of 10 percent of the total lot area of such use.
 - (c) A minimum of five (5) percent of the total land area of any major subdivision shall be provided as open space for all developments that include residential uses. The location of open space shall be submitted with the preliminary plan. See sections 25C-15-37 for greenspace requirements for major residential subdivisions.
- (2) The required open space in subsection (1) above shall meet all of the following requirements:
 - (a) Open space provided in excess of the minimum requirements of the UDO for yards, landscape zones and buffers shall be permitted to count towards the open space requirement of this section.
 - (b) Common amenities including parks, plazas, courtyards, community greens, and town centers shall be permitted to count towards the open space requirement of this section.
 - (c) Open space shall not include areas devoted to public or private vehicular access or parking, including required parking lot landscaping.
 - (d) Water features, including stormwater management that are designed and fully landscaped as an amenity may be counted toward open space requirements.
 - (e) All open space shall be fully implemented prior to occupancy and if not completed, a performance bond is required in accordance with chapter 25C-15. Maintenance bonds shall be issued in accordance with chapter 25C-15.
 - (f) Open spaces shall be prominently located adjacent to residences and businesses and are to be focal points for the area surrounding the development. Open spaces shall provide appropriate fixtures such as benches, fountains, pathways, planting beds, lawn and or playground equipment.
- (3) Relocation of minimum open space requirements: At the option of the property owner, up to 50 percent of a development's required open space may be relocated to an off-site location provided:
 - (a) The Director has reviewed and approved the transfer request;

- (b) The receiving parcel(s) is located within one-fourth (1/4) mile of the donating property;
- (c) The receiving parcel(s) is planned to be constructed and completed as a City park within one-fourth (1/4) mile of the donating party within the next 12 months;
- (d) The receiving parcel(s) contains the required amount of open space;
- (e) The open space shall be visible from public or private streets and sidewalks;
- (f) The open space shall provide for active or passive use by the public and include amenities such as fountains, pedestrian furniture, public art or other similar elements;
- (g) Open space on the receiving parcel shall not be counted for more than one (1) project; and
- (h) All other standards of open space are met.

Sec. 25B-20-6. Outdoor lighting.

- (1) Purpose. The regulations of this section are intended to:
 - (a) Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment and commerce;
 - (b) Curtail and reverse the degradation of the nighttime visual environment and the night sky;
 - (c) Preserve the dark night sky for astronomy;
 - (d) Minimize glare, obtrusive light and artificial sky glow by limiting outdoor lighting that is misdirected, excessive or unnecessary;
 - (e) Conserve energy and resources to the greatest extent possible; and
 - (f) Help protect the natural environment from the damaging effects of night lighting from human-made sources.
- (2) General regulations. Outdoor lighting fixtures shall be located, aimed or shielded to minimize glare and stray light trespassing across lot lines and into the public right-of-way.

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

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

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

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

(a) The following are expressly prohibited:

- (i) Aerial lasers;
- (ii) Searchlight-style lights;
- (iii) Light sources that exceed 200,000 lumens or intensity in any direction of 2,000,000 candelas or more;
- (iv) Mercury vapor lamps;
- (v) Low-sodium vapor lamps;
- (vi) LED light strips.

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

- (i) Underwater lighting used for the illumination of swimming pools and fountains;
- (ii) Temporary holiday lighting;
- (iii) Lighting required and regulated by the Federal Aviation Administration, or other authorized federal, state or local government agency;
- (iv) Emergency lighting used by police, fire, or medical personnel, or at their direction;
- (v) All outdoor light fixtures producing light directly from the combustion of fossil fuels, such as kerosene and gasoline; and
- (vi) Security lighting controlled and activated by a motion sensor device for a duration of 10 minutes or less.

CHAPTER 25B-25. PERMITTED AND PROHIBITED USES

Sec. 25B-25-1. Table of permitted and prohibited uses.

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

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

(b) Permitted uses.

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

P = Permitted as a Principal use;

A = Permitted as an Accessory Use;

SUP = Permitted subject to obtaining a Special Use Permit – See section 25B-55-7;

SAP = Permitted subject to obtaining a Special Administrative Permit – See section 25B-55-8; and

Supplemental Provisions – Uses that have additional regulations in Chapter 25B-30 Supplemental Use Standards are so indicated.

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

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

TABLE OF PERMITTED AND PROHIBITED USES	SUPPLEMENTAL	R	R	R	MR	MX	MR	MX	MR	MX	MX	GB	GI	HI	MH	
		ES	SU	TN	TN	TN	CR	CR	AC	AC	DT	CP	CP	CP	SD	
ACCESSORY USES																
Accessory Dwelling, Detached	Y	A	A	A	A	A	A	A	A	A						
Cafeteria								A		A	A	A	A	A		
Car Wash								A		A		A	A	A		
Cargo Containers	Y							A					A	A		
Club Houses, Recreation associated with Residential Subdivisions		A	A	A	A	A	A	A	A	A						
Day Care - Adult Day Care Center, After School Program, Day Care Center, Nursery School (As Accessory Uses for Places of Worship Only)	Y	A	A	A	A	A	A	A	A	A	A	A				
Donation Bin	Y							A				A	A	A		
Drive-Thru Facility								A		A		A				
Farmers' Market						A		A		A	A	A				
Garden, Hobby		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Greenhouse, Non-Commercial		A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Helicopter Landing Area								A		A	A	A	A	A		
Home Occupation	Y	A	A	A	A	A	A	A	A	A	A					A
Horse Stable, Non-Commercial	Y	A														
Ice Vending									A		A		A			
Kennel, Hobby	Y					A		A		A		A	A	A		
Livestock Raising	Y	A	A	A									A	A		
Outdoor Dining	Y					A		A		A	A	A				
Outdoor Display and Sales						A		A		A	A	A	A	A		
Outdoor Storage	Y							A				A	A	A		
Parking Lots, Parking Decks					A	A	A	A	A	A	A	A	A	A	A	A
Poultry Raising	Y	A	A	A												

TABLE OF PERMITTED AND PROHIBITED USES	SUPPLEMENTAL	R	R	R	MR	MX	MR	MX	MR	MX	MX	GB	GI	HI	MH
		ES	SU	TN	TN	TN	CR	CR	AC	AC	DT	CP	CP	CP	SD
ACCESSORY USES (continued)															
Recreational Vehicle and Boat Parking (for Single-Family Dwelling uses only)	Y	A	A	A				A		A					
Solar Panels, Wind Turbines, Rainwater Collection Systems		A	A	A	A	A	A	A	A	A	A	A	A	A	A
Swimming Pools and Tennis Courts		A	A	A	A	A	A	A	A	A	A				A
AGRICULTURAL USES															
Commercial Agriculture, Forestry, Fishing	Y											P	P	P	
Commercial Community Garden	Y	SUP	SUP	SUP		P		P		P	P				
Non-commercial Agriculture, Forestry, Fishing	Y	P													
COMMERCIAL USES															
Adult Entertainment														P	
Alcoholic Beverages, Packaged, Retail Sales								P		P	P				
Amusement and Recreation Industries								P		P	P				
Automobile Dealers								P							
Automotive Parts, Accessories, Tire Stores								P							
Automotive Repair, Maintenance								P					P		
Bed-and-Breakfast Inns	Y				P	P		P		P	P				
Brewpubs	Y					P		P		P	P				
Building Material, Garden Equipment, Supplies Dealers								P					P		
Car Washes (Commercial)								P		P					
Cemeteries													P	P	
Civic and Social Organizations						P		P		P	P	P			
Commercial and Industrial Machinery and Equipment, Including Sales and Rental													P	P	
Commercial Banking						P		P		P	P	P			

TABLE OF PERMITTED AND PROHIBITED USES	SUPPLEMENTAL	R	R	R	MR	MX	MR	MX	MR	MX	MX	GB	GI	HI	MH
		ES	SU	TN	TN	TN	CR	CR	AC	AC	DT	CP	CP	CP	SD
COMMERCIAL USES (continued)															
Commercial Parking Lots, Parking Decks	Y							P		P	P	P	P	P	
Consumer Fireworks Retail Sales Facility, Retail Sales Stands	Y												P	P	
Convenience Stores						P		P		P	P	P			
Convention and Visitors Bureaus								P		P	P	P			
Data Processing, Hosting, Related Services								P		P		P			
Distilleries								P		P			P	P	
Drive-In Motion Picture Theaters								P		P		P			
Dry Cleaning, Laundry Services						P		P		P	P	P			
Farm Wineries								P		P		P	P		
Funeral Homes, Funeral Services						P		P		P		P			
Furniture and Home Furnishings Stores						P		P		P	P	P	P		
Gasoline Stations	Y							P		P			P	P	
General Merchandise Stores, including Warehouse Clubs and Supercenters								P		P	P	P			
General Rental Centers								P		P		P			
Grocery Stores						P		P		P	P	P			
Hotels, Motels	Y							P		P	P	P			
Libraries, Archives								P		P	P	P			
Microbreweries						SUP		P		P			P		
Microdistilleries						SUP		P		P			P		
Mobile Food Vendors	Y							P		P	P	P	P		
Motion Picture Theaters (except Drive-Ins)								P		P	P	P			
Motor Vehicle Dealers (Sales and Rental), including Recreational Vehicles and Utility Trailers								P					P	P	
Museums, Similar Institutions								P		P	P	P			

TABLE OF PERMITTED AND PROHIBITED USES	SUPPLEMENTAL	R	R	R	MR	MX	MR	MX	MR	MX	MX	GB	GI	HI	MH
		ES	SU	TN	TN	TN	CR	CR	AC	AC	DT	CP	CP	CP	SD
		COMMERCIAL USES (continued)													
Nightclubs										P	P				
Open Yard Sales	Y							P							
Other Professional and Business Offices					P		P		P	P	P				
Pawn, Title Services	Y						P								
Performing Arts, Spectator Sports, Related Industries							P		P	P					
Personal Care Services					P		P		P	P	P				
Pet Care, Veterinary Services	Y				P		P		P		P				
Radio and Television Broadcasting								P		P	P	P			
Restaurants					P		P		P	P	P				
Retail Stores					P		P		P	P	P				
Sexually Oriented Businesses														P	
Special Event Centers, Commercial Entertainment								P		P	P				
Specialty Food Stores					P		P		P	P					
Telephone Call Centers								P		P		P			
Used Merchandise Stores					P		P		P	P					
INDUSTRIAL USES															
Airport Operations													P	P	
Distribution Centers													P	P	
Heavy Manufacturing														P	
Landfill, General	Y													P	
Landfill, Hazardous Waste	Y													SUP	
Light Manufacturing												P	P	P	
Limousine Service								P				P	P		

TABLE OF PERMITTED AND PROHIBITED USES	SUPPLEMENTAL	R	R	R	MR	MX	MR	MX	MR	MX	MX	GB	GI	HI	MH
		ES	SU	TN	TN	TN	CR	CR	AC	AC	DT	CP	CP	CP	SD
		INDUSTRIAL USES (continued)													
Marina										P			P		
Motor Vehicle Towing	Y												P	P	
Personal Storage	Y							P				P	P	P	
Recreational Vehicle and Boat Storage								SUP				SUP	P	P	
Recycling Centers													P	P	
Remediation, Other Waste Management Services													SUP	P	
Support Activities for Freight Transportation													P	P	
Support Activities for Rail Transportation													P	P	
Support Activities for Water Transportation													P	P	
Taxi Stands													P	P	
Truck Stop													P	P	
Truck Terminals													P	P	
Warehousing								SUP		SUP			P	P	
Waste Collection													SUP	P	
PUBLIC/INSTITUTIONAL USES															
Child and Youth Services						P		P		P	P	P			
Colleges, Universities, Professional Schools								P		P	P	P	P		
Day Care - Adult Day Care Center	Y				SUP	P		P		P					
Day Care - After School Program	Y				SUP	P	SUP	P	SUP	P	P				
Day Care - Day Care Center	Y				SUP	P	SUP	P	SUP	P	P				
Day Care - Family Day Care Home	Y	P	P	P	P										
Day Care - Nursery School	Y				SUP	P	SUP	P	SUP	P	P				
Elementary and Secondary Schools	Y	P	P	P	P	P	P	P	P	P	P	P			
Emergency and Food Relief Services								P				P			
Hospitals								P		P		P			
Individual and Family Services						P		P		P	P		P		

TABLE OF PERMITTED AND PROHIBITED USES	SUPPLEMENTAL	R	R	R	MR	MX	MR	MX	MR	MX	MX	GB	GI	HI	MH
		ES	SU	TN	TN	TN	CR	CR	AC	AC	DT	CP	CP	CP	SD
		PUBLIC/INSTITUTIONAL USES (continued)													
Medical and Diagnostic Laboratories								P		P	P	P			
Offices of Health Practitioners						P		P		P	P	P			
Places of Worship	Y	SUP	SUP	P	P	P	P	P	P	P	P	P			
Services for the Elderly and Persons with Disabilities								P		P	P				
RESIDENTIAL DWELLING USES															
Dwellings, Manufactured home	Y														P
Dwellings, Multi-family	Y				P	P	P	P	P	P	P				
Dwellings, Single-family attached	Y			P	P	P	P	P	P	P					
Dwellings, Single-family detached	Y	P	P	P	P	P	P	P	P	P					
Dwellings, Townhome	Y				P	P	P	P	P	P	P				
Dwellings, Two-family	Y			P	P	P	P	P	P	P					
Residential Industrialized building	Y	P	P	P	P	P	P	P	P	P					
RESIDENTIAL GROUP LIVING USES															
Social Service Facility, including Halfway House, Drug Rehabilitation Centers, Drug Dependency Treatment Facilities	Y							SUP				SUP			
Assisted Living Facility, Nursing Home	Y					SUP	SUP	P		P		P			
Continuing Care Retirement Communities, Assisted Living Facilities for the Elderly								P		P		P			
Dormitories, Fraternities, Sororities										SUP		SUP			
Monastery, Convent						P	P	P	P	P					
Personal Care Home (2-4 residents)	Y	P	P	P	P	P	P	P	P	P					
Personal Care Home (5-15 residents)	Y				SUP	SUP	SUP	SUP	SUP	SUP					
Personal Care Home (16-24 residents)	Y					SUP	SUP	SUP	SUP	SUP					
Roominghouse, Boardinghouse	Y						SUP	SUP	SUP						

TABLE OF PERMITTED AND PROHIBITED USES	SUPPLEMENTAL	R	R	R	MR	MX	MR	MX	MR	MX	MX	GB	GI	HI	MH
		ES	SU	TN	TN	TN	CR	CR	AC	AC	DT	CP	CP	CP	SD
TEMPORARY USES															
Construction Field Office	Y	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Open Air Seasonal Sales	Y					P		P		P	P	P	P		
Real Estate Sales Offices, Model Homes	Y	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Special Events (Private)	Y	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary Portable Storage Container	Y	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Warming Center	Y							P		P		P	P		
Yard/Garage Sales	Y	P	P	P	P	P	P	P	P	P	P	P	P	P	P

- (2) General accessory use provisions. In addition to those accessory uses listed in the Table of Permitted and Prohibited Uses, accessory uses shall be permitted as a subordinate use to the primary use existing on the site. Certain accessory uses shall be subject to the additional standards described in this section. Accessory uses shall be operated in a way that presents no nuisance to the surrounding properties or larger community.
- (a) Accessory uses provided as part of Commercial uses shall include those normally appurtenant to such development, as provided for in other sections of the UDO.
 - (b) Any accessory use normally appurtenant to a permitted use shall be allowed provided that such use conforms to all performance standards set forth for that district.
 - (c) Such structures and uses shall be located on the same lot as the principal building to which they are accessory.
 - (d) In all zoning districts, no accessory use shall be permitted in public rights-of-way.
- (3) Specific accessory use provisions. Accessory uses are organized by major use category as presented in section 25B-25-1, Table of Permitted and Prohibited Uses.

CHAPTER 25B-30. SUPPLEMENTAL USE STANDARDS

Sec. 25B-30-1. Measurements.

In interpreting the distance requirements between incompatible uses, measurements shall be made along a straight line drawn from the closest point of the property line of the site

occupied by the subject use to the closest point of the property line of the site occupied by the limiting use.

Sec. 25B-30-2. Supplemental use provisions.

The following standards shall apply to the supplemental uses listed. Listed uses shall also meet all district requirements and other applicable UDO provisions. Should the standards of this chapter conflict with other standards provided in the UDO, the standards of this chapter shall apply. The following supplemental use standards are organized by major use category as presented in section 25B-25-1, Table of Permitted and Prohibited Uses. Accessory and temporary uses that permit uses containing supplemental provisions found in other sections of this chapter shall comply with the corresponding provisions of those sections.

Sec. 25B-30-3. Accessory uses.

- (1) Accessory uses are permitted in conjunction with an allowed principal use. Allowed accessory uses are those listed in section 25B-25-1, Table of Permitted and Prohibited Uses.
- (2) Accessory dwellings.
 - (a) Only one (1) accessory dwelling may be created per principal dwelling unit.
 - (b) An accessory dwelling may be developed adjacent to either an existing or new principal dwelling.
 - (c) The equipment of an accessory building or equipment of part of a principal building with one (1) or more of the following or similar items, systems or equipment shall be considered prima facie evidence that such accessory building or such part of the principal building is a separate and distinct dwelling unit and is subject to the regulations of the zoning district in which it is located: utility services; utility meters; mailboxes; kitchen equipment such as sink, stove, oven, and/or cabinets.
- (3) Cargo containers.
 - (a) No cargo container utilized for an accessory use shall be erected, placed or otherwise located within the City except in conformity with the regulations of this section and any other applicable zoning or other restriction within the Code.
 - (b) Cargo containers utilized for an accessory use shall be permitted without restriction in CP-GI and CP-HI districts.
 - (c) Cargo containers utilized for an accessory use shall be permitted in the CR-MX districts only upon satisfying the following criteria:
 - (i) Cargo containers shall be allowed on a permanent basis on lots of one (1) acre or more. Such cargo containers shall be permanently and fully screened from view from all adjacent properties, which shall require either fencing material one (1) foot

higher than the height of the cargo container, or planted landscape material that within six (6) months of installation is one (1) foot higher than the height of the cargo container.

- (ii) Placement of cargo containers shall comply with all applicable building and setback lines. No more than one (1) permanent cargo container shall be allowed per lot, regardless of lot size.
- (iii) Cargo containers shall be allowed on a temporary basis on lots of less than one (1) acre, but not for greater than 90 days. Neither a permit nor screening shall be required for the placement of a temporary cargo container.
- (d) Cargo containers utilized for a principal use shall be permitted and shall be classified as a Single Story Shopfront building type (Sec. 25B-20-2).

(4) Day care facilities.

- (a) Shall be permitted as an accessory use for a place of worship, in all zoning districts that permit places of worship.
- (b) Where permitted as an accessory use, such use shall meet the supplemental use provisions for day care facilities provided in section 25B-30-7.

(5) Donation bins.

- (a) Are limited to one (1) per parcel.
- (b) Shall only be permitted on a parcel that also contains a principal building that contains at least one (1) operating business.
- (c) LaGrange Police Department shall be furnished with a key to the locking mechanism.
- (d) Shall be located as follows:
 - (i) Shall not be located within 1,000 feet of any other such use.
 - (ii) Shall not be located within 100 feet of any residentially zoned parcel.
 - (iii) Shall not be located within 20 feet of any public right-of-way.
 - (iv) Shall not be permitted to obstruct pedestrian or vehicular circulation, nor be located in any public right-of-way, landscape zone, sidewalk, parking space, fire lane or loading zone.
 - (v) Shall not be located between a building and a street.
 - (vi) Shall only be permitted to display signage on one (1) side.
 - (vii) Shall be clearly visible from the principal building and be no more than 10 feet from a continually operating light source of at least one (1) foot-candle.
 - (viii) Shall be fabricated of durable and waterproof materials not including wood.
 - (ix) Shall be placed on a surface that is paved with durable cement.

- (x) Shall have a collection opening that has a tamper-resistant locking mechanism.
- (xi) Shall be no more than 84 inches high, 60 inches wide and 50 inches deep.
- (xii) Shall not be electrically or hydraulically powered or otherwise mechanized.
- (xiii) Shall have the following information conspicuously displayed on at least two (2) inch type visible from the front of the Collection Container: the name, address, 24-hour telephone number, and, if available, the Internet Web address, and email address of the owner and operator of the Collection Container and the parcel owner/owner agent; address and parcel number of the site; Instructions on the process to register a complaint regarding the Collection Container to the City Code Enforcement Division; the type of material that may be deposited; a notice stating that no material shall be left outside the Collection Container; the pickup schedule for the Collection Container; and if owned by a nonprofit organization, a statement describing the charitable cause that will benefit from the donations.

(6) Home occupation.

- (a) Other than the occupant of the dwelling, employees are prohibited from working within the dwelling or on the property.
- (b) No stock in trade can be kept or commodities sold on the premises.
- (c) No chemical, electrical, or mechanical equipment can be used, except equipment that is normally used for family, domestic, or household purposes.
- (d) Other than a nameplate not more than 24 square inches in area, no exterior indication that the building or property is being used for any purpose other than the dwelling can be attached to the dwelling unit. No other signs, free standing or attached, related to the home occupation are permitted on the property.
- (e) Each person carrying on a home occupation must obtain a business license.
- (f) No sales displays can be visible from outside the dwelling.
- (g) Contact with the public is limited to no more than two (2) visitors in the dwelling at one (1) time.
- (h) Operations and client visits to the premises are prohibited between 12:00 midnight and 6:00 a.m.
- (i) Commercial deliveries are limited to no more than 20 deliveries to the premises per week.
- (j) No more than 25 percent of the total floor area of the main dwelling can be used for a home occupation.
- (k) No outdoor open storage related to the home occupation is allowed on the premises.
- (l) No vehicle exceeding a one (1) ton capacity is allowed to park on the premises.

- (m) The term "home occupation" includes but is not limited to the following uses: art studio; design services; professional office of a learned profession, real estate agent, insurance agent, or other similar occupation; teaching; beauty parlor, barbershop; web based services; massage therapist; piano/music teacher; and educational tutor.
 - (n) The term "home occupation" does not include: restaurants; veterinarian offices; medical, dental, or chiropractic offices, or offices of similar health-related professions.
- (7) Horse stables. See subsection (g) for Livestock raising.
- (8) Kennel (hobby).
- (a) Where permitted as a principal use, shall locate all structures, and elements used for housing animals, at least 200 feet from any property zoned or used for residential purposes.
 - (b) Outdoor kennels or runs must be at least 300 feet from the nearest property zoned or used for residential purposes.
- (9) Livestock raising.
- (a) Any structure, pen, corral or other building appurtenant to the keeping and raising of livestock shall be located a minimum of 20 feet from any property line.
 - (b) Livestock including rabbits, guinea pigs, miniature pot bellied pigs, chickens, turkeys and the like, shall be permitted on lots of any size.
 - (c) Livestock including horses, pigs, cows, goats, sheep and other hoofed animals, shall be permitted on lots having a minimum of three (3) acres.
 - (d) Housing and enclosures. Livestock must be provided with adequate housing. The houses, hutches, pens or other enclosures wherein animals are kept shall have the following minimum area:
 - i. Rabbits or guinea pigs, four (4) square feet per animal.
 - ii. Miniature pot bellied pigs, 100 square feet per animal.
 - iii. Chickens and similar fowl, two (2) square feet per bird.
 - iv. Turkeys, four (4) square feet per bird.
 - v. Horses, cows, 200 square feet per animal.
 - vi. Sheep or goats, 150 square feet per animal.
- (10) Outdoor storage. In no case shall the contents of the open yard storage be visible from property lines of any thoroughfare, residence, or open space.
- (11) Poultry raising. See subsection (g) for Livestock raising.
- (12) Recreational vehicle and boat parking.

- (a) A maximum of one (1) recreational vehicle and one (1) boat may be parked or stored on a single-family property in the side or rear yard only. Parcels meeting the definition of Lakefront Lots shall be exempt from the limitation of this subsection.
- (b) Recreational vehicles and boats shall not be parked in side yards adjacent to a public street.
- (c) No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

Sec. 25B-30-4. Agricultural uses.

- (1) Commercial agriculture, forestry, and fishing shall provide a minimum 50-foot buffer from the property line of any adjacent residence.
- (2) Community garden.
 - (a) A community garden must be primarily used for growing and harvesting food and ornamental crops for consumption or donation or for sale off-site.
 - (b) Distribution, pick-up, and delivery of product and goods and services is permitted only between the hours of 7am and 7pm.
 - (c) Only mechanical equipment designed for household use may be used.
 - (d) Detached accessory structures such as storage or utility buildings, gazebos, trellises, or greenhouses are permitted, subject to compliance with the requirements of the zoning district.
 - (e) Where lighting is installed, only motion-detecting fixtures are permitted. All-night lighting is prohibited.
- (3) Forestry and logging.
 - (a) Such activities shall be conducted consistent with "Georgia's Best Management Practices for Forestry" as established by the state environmental protection division, and section 25C-10-34 of this UDO.
 - (b) Nothing in these standards shall be interpreted to prevent standard silviculture practices that promote healthy forest-keeping practices.

Sec. 25B-30-5. Commercial uses.

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

- (b) No restaurant and eatery use shall be permitted. Meals may only be served on the premises and only for guests and employees of the bed and breakfast inn.
 - (c) Rooms shall not be equipped with cooking facilities.
- (2) Cemeteries.
- (a) Cemeteries shall be located on a site containing not less than 10 acres.
 - (b) Any new cemetery shall be enclosed by a fence or wall not less than four (4) feet in height.
 - (c) All structures shall be set back no less than 25 feet from any property line or street right-of-way line.
 - (d) All graves or burial lots shall be set back not less than 25 feet from any property line or local street right-of-way lines and not less than 50 feet from the right-of-way line of any thoroughfare classified as a collector, arterial, or avenue by the City.
 - (e) Prior to approval of the request for the location of a new cemetery, a site plan and perpetual care plan must be submitted to the Director.
- (3) Commercial Parking Lots, Parking Decks. Commercial parking lots and parking decks shall be permitted to be utilized for the parking of vehicles by the public for any fee. Storage and/or recreational vehicle and boat parking uses shall not be permitted as part of this use and shall only be permitted in accordance with delineation of allowable uses in the Table of Permitted and Prohibited Uses.
- (4) Consumer fireworks retail sales facility, consumer fireworks retail sales stand.
- (a) Such uses shall be provided primarily for the retail display and sale of consumer fireworks to the public.
 - (b) For consumer fireworks retail sales stands, the permanent or temporary building or structure shall have a floor area of not greater than 880 ft ² (74m ²), other than tents, canopies, or membrane structures, that is used primarily for the retail display and sale of consumer fireworks to the public.
 - (c) Such uses shall comply with NFPA 1124 and shall require a Fire Marshall inspection prior to opening.
- (5) Extended-stay hotels and motels.
- (a) Extended-stay motels/hotels are limited to no more than 25 guest rooms per acre.
 - (b) Each guest unit must contain a minimum square footage per unit of 300 square feet.
 - (c) Extended-stay hotels/motels shall not be more than four (4) stories in height.
 - (d) Extended-stay hotels/motels must be constructed on a tract of land containing at least two (2) acres.

- (e) Extended-stay hotels/motels must contain an enclosed, heated and air conditioned laundry space containing a minimum of three (3) clothes washers and three (3) clothes dryers for the use of guests.
 - (f) Extended-stay hotels/motels must provide a minimum of 1,000 square feet for recreational use by guests. In computing the 1,000 square feet requirement, swimming pools, fitness or recreation centers and other recreational facilities may be used in determining the square footage required by this subsection.
 - (g) Management must be on the property 24 hours a day, seven (7) days a week.
 - (h) Daily maid service must be included in the standard room rate.
 - (i) No applicant shall operate, conduct, manage, engage in, or carry on an extended-stay motel/hotel under any name other than their name and the name of the business as specified on the occupation tax certificate.
 - (j) Any application for an extension or expansion of a building or other place of business where an extended-stay motel/hotel is located shall require inspection and shall comply with the provisions and regulations of this chapter.
- (6) Gasoline stations.
- (a) All repair and maintenance activities shall be carried on entirely within an enclosed building.
 - (b) Outdoor storage is prohibited.
 - (c) Outside above-ground tanks for the storage of gasoline, liquefied petroleum gas (other than single-service sizes), oil, and other flammable liquids or gases shall be prohibited at any gasoline service station.
 - (d) Overnight accommodations, showers, and overnight customer parking shall be prohibited.
- (7) Mobile food vendors.
- (a) Permit Required.
 - (i) It shall be unlawful for any person to sell, or offer for sale, food of any type from a commissary, mobile retail food establishment, pushcart or temporary food establishment without a permit first having been granted under this section, except for City-sponsored events, and without having been granted a license pursuant to Title 30 of the City Code.
 - (ii) An application for a permit hereunder shall be submitted to the Director setting forth all information required hereunder and in compliance with this section. The Director shall develop a form of application for the purpose of compliance with this section. Such permits shall be valid for one (1) year from the effective date of the permit.

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

(b) Prohibited Conduct and Requirements.

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

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

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

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

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

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

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

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

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

- (x) Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation.
 - (xi) No sale or offer for sale of ice cream, frozen milk, frozen dairy or ice confection products shall be made from a mobile food vendor unless each side of the vehicle is marked, in letters and numbers at least three (3) inches in height, with the name and address of the mobile food vendor licensee.
 - (xii) The mobile food vendor shall comply with all state, federal and local health and safety regulations and requirements and shall obtain and maintain any and all licenses required by any other health, organization or governmental organization having jurisdiction over this subject matter.
 - (xiii) The following safety regulations shall apply to any and all vehicles operating under this section or used for mobile retail food establishments: every vehicle shall be equipped with a reverse gear signal alarm with a sound distinguishable from the surrounding noise level; every vehicle shall be equipped with two (2) rear-vision mirrors, one (1) at each side, firmly attached to the outside of the motor vehicle, and so located as to reflect to the driver a view of the highway to the rear, along both sides of the vehicle; and the mobile food vendor may sell food and non-alcoholic beverage items only.
 - (xiv) When located on properties meeting the definition of a Mobile food park, Mobile food vendors shall be permitted to remain on the property with no limit to the number of days per calendar week. When located on properties that do not meet the definition of a Mobile food park, Mobile food vendors shall be limited to a total of three (3) days per calendar week on the same property. Mobile food parks shall be equipped with portable trash receptacles and shall be responsible for proper disposal of solid waste. All disturbed areas must be cleaned following each stop to a minimum of 25 feet from the sales location and liquid spills near the vendor shall be properly cleaned following each stop.
 - (xv) Notwithstanding any provision herein to the contrary, a mobile food vendor may return to and from a particular lot during the three (3) day period of limitation referenced herein. Merchants participating in events on public property sanctioned and approved by the Downtown LaGrange Development Authority or the Troup County Parks and Recreation Commission shall be exempt from the durational requirements of this section. Also, a mobile food vendor operating on the lot of an existing and operating restaurant (as defined in Section 30-20-96) or special events center shall be exempt from said durational requirements.
- (c) Indemnity. As part of the permitting process set forth herein, any person or entity receiving a permit set forth herein shall execute an indemnity agreement indemnifying

and releasing the City of LaGrange, its agents, employees and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever.

- (8) Open yard sales. All items and structures sold or held as inventory to be sold shall be located a minimum distance of 75 feet from any public right-of-way.
- (9) Reserved.
- (10) Pet care and veterinary services.
 - (a) All structures, and elements used for housing animals shall be located at least 200 feet from any property zoned or used for residential purposes.
 - (b) Outdoor kennels or runs must be at least 300 feet from the nearest property with any zoning designation that allows dwellings.

Sec. 25B-30-6. Industrial uses.

- (1) Landfills (inert waste).
 - (a) Minimum acreage of site: 25 acres.
 - (b) No facility shall be permitted within 500 feet of a dwelling, private well, or school.
 - (c) A minimum 100-foot-wide buffer, meeting the requirements of this chapter, shall be maintained on all property lines including property lines abutting a public street.
 - (d) All facilities shall be enclosed with a security fence at least six (6) feet in height with openings therein not more than those in two (2) inch mesh wire or some other similar fencing materials and placed inside the buffer. A minimum six (6) foot-high solid fence or wall is required inside buffers adjacent to property zoned or used for residential purposes. A sight line study shall be submitted to county staff for approval.
 - (e) Access to inert waste landfills shall be limited to authorized entrances that shall be closed when the site is not in operation. Access shall not be derived through any residential subdivision or development. Routes and entrances shall be approved by the Director of Public Services to ensure that access is derived from paved streets and that such streets will withstand maximum load limits established by the county.
 - (f) Materials placed in inert waste landfills shall be spread in layers and compacted to the least practical volume.
 - (g) A uniform compacted layer of clean earth no less than one (1) foot in depth shall be placed overall exposed inert waste material at least monthly.
 - (h) The inert waste landfill site shall be graded and drained to minimize runoff onto the landfill surface, to prevent erosion and to drain water from the surface of the landfill.
 - (i) The property owner shall obtain a land disturbing permit for any inert waste landfill.

- (j) Any operator of any inert landfill shall comply with the performance requirements of chapter 391-3-4, Solid Waste Management Rules of the Environmental Protection Division of the State Department of Natural Resources.
 - (k) No hazardous wastes, industrial wastes, demolition wastes, biomedical wastes, asbestos, or liquid waste shall be allowed in an inert waste landfill.
 - (l) This section shall not prohibit the burial of dry waste building materials on the same property of a structure currently under construction. However, hazardous materials may not be included in this disposal.
 - (m) Suitable means, such as stockpiled soil, shall be provided to prevent and control fires.
 - (n) A uniform compacted layer of final cover not less than two (2) feet in depth and a vegetative cover shall be placed over the final lift not less than one (1) month following final placement of inert waste within the lift.
 - (o) Notice of final closure must be provided to the inspections department within 30 days of receiving the final load of waste. Any site not receiving waste in excess of 180 days shall be deemed abandoned and in violation of this section unless properly closed. Notice of closure must include the date of final waste receipt and an accurate legal description of the boundaries of the landfill.
- (2) Landfills (all other types).
- (a) Minimum acreage of site: 100 acres.
 - (b) No facility shall be permitted within 500 feet of a dwelling, private well, or school.
 - (c) A minimum 200-foot-wide buffer, meeting the requirements of this chapter, shall be maintained against all property lines including property lines abutting a public street.
 - (d) All facilities shall be enclosed with a security fence at least six (6) feet high with openings therein not more than those in two (2) inch mesh wire or some other similar fencing materials and placed inside the buffer. A minimum six (6) foot-high solid fence or wall is required inside the buffers adjacent to property zoned or used for residential purposes. A sight line study shall be submitted to county staff for approval.
 - (e) Limited access. A gate or other barrier shall be maintained at potential vehicular access points to block unauthorized access to the site when an attendant is not on duty. Access shall not be derived through any residential subdivision or development. Routes and entrances shall be approved by the Director of Public Services to ensure that access is derived from paved streets and that such streets will withstand maximum load limits established by the county.
 - (f) The property owner shall obtain a land disturbing permit for any sanitary landfill.
 - (g) Groundwater protection. The site must be designed with adequate soil buffers or artificial lines and leachate collection and treatment systems to preclude, to the maximum extent possible, the contamination of drinking water supplies.

- (h) Erosion and sedimentation control. All surface runoff from disturbed areas must be controlled by the use of appropriate erosion and sedimentation control measures or devices. Sediment basins must be designed to handle both the hydraulic loading for the 25-year, 24-hour storm and the sediment loading from the drainage basin for the life of the site.
- (i) Revegetation. The plan must call for the revegetation of any disturbed area that will remain exposed for more than three (3) months. Revegetation of final cover must take place within two (2) weeks after final cover placement.
- (j) Sequence of filling. The plan must define a sequence of filling the entire site that minimizes any problems with drainage or provides for all-weather access roads to the working area.
- (k) Daily cover. The composition of daily cover shall meet the following standards:
 - (i) Must be capable of preventing disease vectors, odors, blowing litter, and other nuisances.
 - (ii) Must be capable of covering solid waste after it is placed without change in its properties and without regard to weather.
 - (iii) Must be capable of allowing loaded vehicles to successfully maneuver over it after placement.
 - (iv) Must be noncombustible.
 - (v) 40 percent by weight of the fragments in the daily cover shall pass through a two (2) millimeter, No. 10 sieve.
 - (vi) Must not include rock fragments that are greater than six (6) inches in diameter.
- (l) Intermediate or monthly cover. The composition of intermediate or monthly cover shall meet the same criteria for daily cover and be capable of supporting the germination and propagation of vegetative cover.
- (m) Final cover. The composition of final cover shall meet the same criteria as for monthly cover and must compact well and preclude the excessive infiltration of surface water.
- (n) Final grading. The grade of final slopes shall be designed, installed and maintained to:
 - (i) Ensure permanent slope stability.
 - (ii) Control erosion due to rapid water velocity and other factors.
 - (iii) Allow compaction, seeding and revegetation of cover material placed on slopes.
 - (iv) Ensure minimal percolation of precipitation into and surface runoff onto the disposal area.
 - (v) The grade of the final surface of the facility may not be less than three (3) percent nor greater than 33 percent.

- (o) Fire protection, groundwater monitoring, methane gas control, liners and leachate collection, closure, post-closure care and financial responsibility shall be in conformance with chapter 391-3-4, Solid Waste Management Rules of the Environmental Protection Division of the State Department of Natural Resources.
 - (p) Any operator of any sanitary landfill shall comply with the performance requirements of chapter 391-3-4, Solid Waste Management Rules of the Environmental Protection Division of the State Department of Natural Resources.
 - (q) No regulated quantities of hazardous waste may be accepted. The operation must have a plan for excluding regulated quantities of hazardous waste.
 - (r) No person in responsible charge of a sanitary landfill which has a leachate collection system shall perform the duties of a sanitary landfill operator without being duly certified by the state.
 - (s) No sanitary landfill which has a leachate collection system shall be operated in the state unless the person in responsible charge is duly certified by the state.
- (3) Motor vehicle towing.
- (a) Areas where any towed vehicles are stored must be located a minimum of 300 feet from the nearest property with any zoning designation that allows residential dwelling uses.
 - (b) Outdoor work/storage area where any towed vehicles are stored shall be in the rear yard only surrounded by an eight (8) foot solid visual barrier fence or wall. The visual barrier shall be painted or constructed of one (1) color and material providing a consistent appearance. The fence or wall shall provide screening of the outdoor work/storage area from view of a public thoroughfare and all surrounding properties. The fence or wall shall be maintained perpetually and immediately repaired as needed. There shall be sufficient distance between stored vehicles and fence or wall to allow for proper maintenance.
 - (c) Vehicles shall not be stacked. Only one (1) vehicle height shall be permitted within the vehicle storage areas.
 - (d) Motor vehicle towing services shall not allow objectionable smoke, noise, odors or other adverse impacts on adjoining properties or the City. No burning of any waste materials is permitted unless it is part of an approved contained heat system specifically for reuse of waste materials.
 - (e) Any draining of fluids or removal of batteries from wrecked or towed vehicles must be completed in an enclosed structure on a concrete pad or floor or other impervious surface approved by the Director. Any drained fluids shall be disposed of in a manner consistent with Georgia Rules of Hazardous Waste Management and applicable Federal Regulations.
 - (f) The site plan submitted with an application for building permit or land disturbance showing the location of structures, storage area, fencing and/or wall materials and

parking plan for employees, customers and compliance with American with Disabilities Act, shall be reviewed by the Director and the Troup County Health Department, for compliance with these standards.

- (g) The construction or operation of the motor vehicle towing service shall not add to the contamination of the soil, create additional drainage runoff or alter topography in such a way that creates hazards to the site, adjoining properties or the City.
- (h) The ground surface in the outdoor work/storage area shall be covered with gravel, asphalt or concrete or other material as approved by the Director.
- (i) Vehicles may not be stored at an outdoor work/storage area for longer than 12 months. The Director or a code enforcement officer may inspect records at any time the business is open for compliance with this requirement.
- (j) No wrecked or towed vehicles may be towed to the tow truck operator's residence for any reason.
- (k) Towing and wrecker service businesses are a separate type of business from salvage yards and junk yards. Towing and wrecker service businesses that store and resell used vehicle parts or dismantle, demolish, and abandon inoperable vehicles shall comply with all City of LaGrange ordinances that are applicable to salvage and junk yards.

(4) Personal storage.

- (a) When located within CR-MX and CP-GB zoning districts, the primary building façade of all buildings associated with such use shall be required to be designed as a single story shopfront (see section 25B-20-2).
- (b) Self storage units shall be located a minimum of 1,500 feet from the property boundary of any other such use.
- (c) No sale of merchandise or flea markets shall be conducted on the property.
- (d) No outdoor storage is permitted.
- (e) No outdoor speakers or amplification shall be permitted.

(5) Recreational vehicle and boat storage.

- (a) When located within CR-MX and CP-GB zoning districts, the primary building façade of all buildings associated with such use shall be required to be designed as a single story shopfront (see section 25B-20-2).
- (b) No sale of merchandise shall be conducted on the property.
- (c) No outdoor storage is permitted within CR-MX and CP-GB zoning districts.
- (d) No outdoor speakers or amplification shall be permitted within CR-MX and CP-GB zoning districts.
- (e) Recreational vehicle parks are permitted as part of this use.

(6) Warehousing.

- (a) When located within CR-MX and AC-MX zoning districts, the primary building façade of all buildings associated with such use shall be required to be designed as a single story shopfront (see section 25B-20-2).
- (b) Such use shall be located a minimum of 1,500 feet from the property boundary of any other such use.
- (c) No sale of merchandise or flea markets shall be conducted on the property.
- (d) No outdoor storage is permitted within CR-MX and AC-MX zoning districts.
- (e) No outdoor speakers or amplification shall be permitted within CR-MX and AC-MX zoning districts.

Sec. 25B-30-7. Public/Institutional uses.

(1) Day care facility.

- (a) Where a day care facility, except an adult day care center, is provided as a principal use or requires a special permit, an outdoor play area must be provided and must meet the size, location, and fence requirements for playgrounds set forth in the Rules for Child Care Learning Centers as adopted and amended by the Georgia Department of Early Care and Learning pursuant to O.C.G.A. § 20-1A-1 et seq.
- (b) Where a day care facility is allowed as of right or requires a special permit, it may be established and operated in the City only in accordance with the following policies and procedures:
 - (i) Day care facilities shall be operated only in zoning districts in which they are allowed as a permitted use or as a special permit use.
 - (ii) Persons seeking to operate a day care facility in the City must file an application with the City. Each day care facility application shall include a description of the program. The application shall also certify that the proposed day care facility will meet and be operated in conformance with all state, federal and local laws and regulations. The Director may require clarification or additional information from the applicant that is deemed necessary to determine whether operation of the proposed day care facility will meet applicable laws, regulations and development standards.
 - (iii) If the Director determines an application to operate a day care facility is in compliance with the applicable requirements, the Director shall approve the application for permit, but the Certificate of Occupancy or approval for operation of any day care facility shall not be issued until the applicant has submitted proof of registration or authorization from the applicable Georgia Department to operate the day care facility.

- (iv) Day care facilities must have a business license with the City.
 - (v) No permit for the operation of a day care facility shall be transferable.
 - (vi) No such facility shall be located within 1,000 feet of any other such facility.
- (c) Where a day care facility requires a special permit, the following items, which are in addition to the special permit standards, shall be considered in determining whether the day care facility shall be approved:
- (i) The suitability of the proposed facility in view of the use and development of adjacent and nearby properties.
 - (ii) The impact that the proposed facility will have on the public safety, traffic on the public streets, transportation facilities, utilities, and other public services.
 - (iii) The impact that the proposed facility will have on established property values and on the health, safety, comfort and general welfare of the residents of the City.
- (2) Places of worship.
- (a) When located in ES-R, SU-R, and TN-R districts the following standards shall apply:
- (i) Provide a continuous landscaped buffer at least 15 feet wide along all side or rear property lines adjacent to ES-R, SU-R, and TN-R zoned property, except for perpendicular crossings of driveways or utility lines.
 - (ii) Accessory uses shall be limited to the following: parking; classrooms; library; assembly hall and kitchen for social and educational gatherings and meals; gymnasium; playground; storage building; day care facilities, after school care, or pre-kindergarten (Pre-K); cemeteries; outdoor recreation, provided that the property contains at least five (5) acres, fields do not provide outdoor lights, and recreational activity is limited to 9:00 a.m. to 9:00 p.m.
 - (iii) Sound systems, where provided, shall be prohibited from being audible beyond all property lines adjacent to ES-R, SU-R, and TN-R zoned property.
- (3) Elementary and Secondary Schools.
- (a) When located in ES-R, SU-R, and TN-R districts the following standards shall apply:
- (i) Provide a continuous landscaped buffer at least 30 feet wide along all side or rear property lines adjacent to ES-R, SU-R, and TN-R zoned property, except for perpendicular crossings of driveways or utility lines.
 - (ii) Sound systems, where provided, shall be prohibited from being audible beyond all property lines adjacent to ES-R, SU-R, and TN-R zoned property.

Sec. 25B-30-8. Residential dwelling uses.

(1) Manufactured homes.

- (a) Manufactured homes are permitted only within the SD-MH district.
- (b) Manufactured homes located within this district shall be used for residential purposes only. A lot upon which a manufactured home is placed within a manufactured home park may be owned, and leased or rented to another for placement of the manufactured home thereon or the owner may place a manufactured home thereon for his use or to be rented.
- (c) Plans. A plat plan shall accompany the application for a permit to construct or operate a manufactured home park and shall be prepared by a registered engineer or surveyor showing the following information:
 - (i) All property lines with dimensions;
 - (ii) The adjoining street with right-of-way and paving widths;
 - (iii) The location of buildings or other structures referenced to the centerline of adjoining streets and to the property lines of the tract;
 - (iv) Paved entrances and exits and off-street parking areas;
 - (v) Proposed street right-of-way lines showing property to be dedicated for widening of existing thoroughfares;
 - (vi) A north arrow for orientation, the land district and land lot, date and other such information;
 - (vii) Driveways, walkways and manufactured home sites;
 - (viii) The method and plan of sewage disposal;
 - (ix) The location of garbage receptacles;
 - (x) The plan of water supply; and
 - (xi) The plan of electric lighting.
- (d) Application to existing parks. Except as pertains to the requirements for the installation and anchoring of manufactured homes as required by O.C.G.A. 8-2-160 et seq., and required hereby, the provisions of this section shall not apply to manufactured homes existing and located within the corporate limits of the City of LaGrange prior to August 8, 1995, providing the same are existing, located, and maintained as provided by the ordinances of the City prior to that date.
- (e) Placement of manufactured homes outside licensed park.
 - (i) Except as authorized by or permitted in the regulations for zoning district SD-MH, it shall be unlawful for any person to place a manufactured home which is designed for use for human habitation or which is used or intended to be used for living,

- sleeping, business or commercial purposes, whether the same is or is intended to be for permanent dependent or independent use, in the City unless the same is placed in a licensed manufactured home park located in a SD-MH district as defined by this section and then only when the same is located, affixed and maintained pursuant to the provisions of this section.
- (ii) The parking of the manufactured home in any district other than a manufactured home park zoning district shall be temporarily permitted under the following conditions and circumstances only:
 - a. The storage of manufactured homes on commercial sales lots when the same are not used for any purpose other than inspection and display;
 - b. Placement of manufactured homes upon construction sites by construction contractors during the period of construction, provided the same shall not be used for living quarters but shall be used only in conjunction with construction in progress upon the site where located;
 - c. Placement of a manufactured home, semi-trailer or any combination thereof is hereby authorized when used by a charitable or nonprofit organization solely for the purpose of collecting and receiving donated items of clothing, household furniture and furnishings and other items related thereto and shall not be permitted to be used as a dwelling. Any such placement shall at all times comply with all applicable construction codes now or hereafter in force in the City, be tied down and underpinned as required by the applicable provisions of this Code and the laws of the State of Georgia and have a secured collection box and/or device designed to prevent pilferage or the scattering of the items donated. Any such location used for the purposes specified in this subparagraph (d) shall require a special use permit.
 - (f) Area; density. No manufactured home park shall be constructed nor shall any be permitted within the City unless located within a manufactured home park district and developed as follows:
 - (i) Each manufactured home park or trailer park shall have a minimum land area of four (4) acres and shall front upon or abut a public street of the City sufficient to provide adequate ingress and egress as determined by the department of public services and the department of utilities;
 - (ii) The plot plan for a manufactured home park must reflect and show density of not more than six (6) manufactured home units per acre with the layout thereof to be approved in writing by the department of public services and the department of utilities prior to licensing or development;
 - (iii) Each lot within a manufactured home park used or to be used for location of an individual manufactured home unit must front not less than 50 feet on an interior road in such manufactured home park, must meet the setback requirements

contained in subsection (q) of this section and shall have a minimum area of 5,000 square feet for a single-wide manufactured home and a minimum of 6,000 square feet for a double-wide manufactured home; provided, however, such minimum lot requirements shall be subject to the maximum density provisions contained in the preceding subsection (ii).

- (iv) Each manufactured home lot shall be grassed, and at least two (2) trees having a minimum height of four (4) feet at the time of planting shall be planted and maintained for each manufactured home space within the manufactured home park.
- (g) Manufactured home installation and anchoring requirements. All manufactured homes located in a manufactured home park shall be installed and anchored in compliance with the requirements of O.C.G.A. 8-2-160 et seq. prior to occupancy and within 60 days of the date that the manufactured home is placed on the lot. No City utility connections or services shall be afforded to any manufactured home, unless the same is installed and anchored as required hereby. In the event the manufactured home is not installed and anchored as required hereby within 60 days of the date of placement on the lot, the department of utilities may, at the request of the Building Official, terminate and/or disconnect any or all City utilities or services, unless or until the installation and anchoring has been completed as required hereby.
- (h) Buffer strips. A manufactured home park must be entirely surrounded and enclosed, exclusive of approved driveways for ingress and egress, by either of the following types of buffer areas:
 - (i) A strip having a minimum width of 10 feet along all property lines adjoining a street right-of-way and 20 feet along all side and rear property lines not adjoining a street right-of-way planted per the requirements of chapter 25C-10; or
 - (ii) A strip having a minimum width of five (5) feet along all property lines adjoining a street right-of-way and 10 feet along all side and rear property lines not adjoining a street right-of-way and a fence or wall which must be rot-resistant and fire-resistant and constructed of wood, brick, stone, wrought iron, iron or powder coated aluminum. The fence or wall should not exceed four (4) feet in height along the street right-of-way or eight (8) feet in height adjacent to all side or rear property lines. The side of the fence or wall facing adjacent property shall be finished and trees and shrubs shall be planted between the fence or wall and the property line to provide an opaque screen. The buffer area as provided in this subsection (i) or (ii) shall not be placed within 15 feet of normal vehicular entrances or exits and shall have no signs or advertisements attached thereto or hung therefrom.
- (i) Access and interior roads. All access roads for ingress to or egress from manufactured home parks to public streets and all interior roads located within a manufactured home park shall be paved with asphalt and shall have either curb and gutter sections or

extruded curbs and shall have a minimum width of 24 feet from back of curb to back of curb, the plans and specifications therefor to be approved in writing as part of the approval of the plot plan for the manufactured home park. Such access road and all interior roads shall be owned and maintained by the owner of the manufactured home park and the same shall not at any time be owned by or become the property of the City. The City shall have no duty of or responsibility for the maintenance of such access and/or interior roads. Additionally, in the event the plan for a manufactured home park shall indicate the location therein of dead end streets, the City shall require the addition of turnarounds or connecting streets at such dead end street locations.

- (j) Parking. Each lot in a manufactured home park will be required to provide two (2) off-street automobile parking spaces which will be either graveled "all weather surface" or paved, but gutters and curbing shall not be required for such off-street parking.
- (k) Signs. Signs shall be allowed only pursuant to the applicable provisions of chapter 25B-45.
- (l) Drainage. The park shall be located on a well-drained site and shall be properly and adequately landscaped and graded to ensure rapid and adequate drainage to ensure that the site will be free from stagnant pools or water. A drainage plan for the manufactured home park shall be approved prior to or as a part of the final approval of the manufactured home park. In this connection, the mayor and council may approve the zoning change necessary for development of a manufactured home park, but any such approval shall be subject to the final approval and licensing of the park as required by this section prior to commencement of construction.
- (m) Area for temporary manufactured homes or recreational vehicles. The manufactured home park may contain an area for the location of temporary manufactured homes or recreational vehicles under such terms and conditions as may be authorized by the mayor and council. Any such separate area for recreational vehicles or temporary manufactured homes must be so designated on the plans for development of such manufactured home park and signs erected thereon for each site. Any such recreational vehicle or temporary manufactured home must contain adequate bathing and sanitary facilities, and such recreational vehicles or temporary manufactured homes shall not be located for more than 60 days unless such recreational vehicles or temporary manufactured homes are to be located upon a standard lot in the manufactured home park and must comply with any and all tie-down and underpinning requirements. Additionally, any such recreational vehicle or temporary manufactured home spaces must be equipped with adequate water, sewer and electric hookups for each such recreational vehicle or temporary manufactured home.
- (n) Cutting grass; maintenance of shrubs; pickup of trash. The owner of each manufactured home park, regardless of whether he owns the manufactured home located therein for rental purposes or whether he rents lots therein upon which private owners place their manufactured homes, shall be responsible for and shall ensure that the grass therein is

cut and maintained and that adequate maintenance of shrubs and the pickup of trash and litter in the park are accomplished as required by this section. Garbage and trash collection will be performed by the City on the same basis as required for other residential areas in the City.

(o) Setbacks. No manufactured home shall be located within:

- (i) 10 feet of its individual lot line;
- (ii) 20 feet of another side-by-side or end-to-end manufactured home;
- (iii) 50 feet of the right-of-way line of any public street; or
- (iv) 20 feet of any exterior boundary of the manufactured home park abutting any thoroughfare.

(p) Underpinning. All manufactured homes located within the City of LaGrange shall be constructed as follows:

- (i) All manufactured homes shall be underpinned. Underpinning shall be defined as the enclosure of the vertical area between the ground and the lowest part of the manufactured home at the outside wall. It shall surround the entire perimeter of the manufactured home by the use of the following materials: a) solid concrete wall.
- (ii) All manufactured homes shall have hollow core masonry construction.
- (iii) All manufactured homes shall have brick and mortar.
- (iv) All manufactured homes shall have undamaged fiberglass panels.
- (v) All manufactured homes shall have corrugated sheet metal.
- (vi) No other material may be used for underpinning a manufactured home unless approved in writing prior to installation by the Building Official.

(2) All residential dwelling uses.

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

Sec. 25B-30-9. Residential group living uses.

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

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

- i. If required by state regulations, such uses shall be approved by the appropriate state licensing agency.
- ii. Such uses shall be located at least 3,000 feet from any other such use, measured in a straight line from property line to property line.
- iii. Each permit application shall include an affidavit that the applicant either has applied for or will immediately apply for the corresponding permit or authorization for the operation of the facility from the State of Georgia Department of Community Health in accordance with its rules and regulations and the affidavit shall also certify that the proposed facility will meet and be operated in conformance with all applicable state and federal laws and regulations and with all codes and regulations of the City.
- iv. All application forms and information submitted to the State of Georgia Department of Community Health shall be submitted with the City permit application.
- v. The Director may require clarification or additional information from the applicant that is deemed necessary to determine whether operation of the proposed home will meet applicable laws, regulations and development standards.
- vi. No permit for the operation of the facility shall be transferable.
- vii. No facility shall be operated without both a valid permit from the City and a valid license from the State of Georgia Department of Community Health.
- viii. All such facilities must provide at least 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of such facilities, whichever is greater.
- ix. No signs shall be permitted other than those permitted by the regulations of the zoning district within which such facility is located.
- x. All applications shall include a "good neighbor plan" which contains, at minimum, the following components: (1) hours of operation; (2) designated staff member, telephone number and administrative procedure for neighborhood complaints or concerns; and (3) a grounds maintenance plan.
- xi. Each social service facility governed by this ordinance shall be required to apply for and received accreditation by the Council on Accreditation (group living services) or Commission on Accreditation of Rehabilitation Facilities (group home care) within two (2) years of the receipt of the special use permit required hereunder, and shall maintain such accreditation while operating the social service facility. Those group treatment facilities operating as a nonconforming use shall be required to apply for and receive such accreditation by August 1, 2023, and shall maintain such accreditation while operating the social service facility.
- xii. Any special permit which has been issued or which may hereafter be issued by the city to any permittee under this code section may be suspended or revoked for due cause as

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

- (2) Personal Care Home, Assisted Living Facility, Nursing Homes.
 - (a) Persons seeking to operate such a facility must file a permit application with the City.
 - (b) Each permit application shall include an affidavit that the applicant either has applied or or will immediately apply for the corresponding permit or authorization for the operation of the facility from the State of Georgia Department of Community Health in accordance with its rules and regulations and the affidavit shall also certify that the proposed facility will meet and be operated in conformance with all applicable state and federal laws and regulations and with all codes and regulations of the City.
 - (c) All application forms and information submitted to the State of Georgia Department of Community Health shall be submitted with the City permit application.
 - (d) The Director may require clarification or additional information from the applicant that is deemed necessary to determine whether operation of the proposed home will meet applicable laws, regulations and development standards.
 - (e) If the Director determines that an application to operate the facility has met all applicable requirements including the applicable permit requirements delineated in the Table of Permitted and Prohibited Uses for the respective zoning district of the proposed use, the Director shall approve the application for a permit, but the permit for operation shall not be issued until the applicant has obtained the corresponding permit or authorization for operation of the facility from the State of Georgia Department of Community Health.
 - (f) No permit for the operation of the facility shall be transferable.
 - (g) No facility shall be operated without both a valid permit from the City and a valid license from the State of Georgia Department of Community Health.

- (h) All such facilities must provide at least 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of such facilities, whichever is greater.
 - (i) No signs shall be permitted other than those permitted by the regulations of the zoning district within which such facility is located.
 - (j) For personal care homes only, no such facility shall be located within 800 feet of any other such facility.
- (3) Social Service Facility, Personal Care Home, Assisted Living, Nursing Home Requiring a Special Use Permit. When a social service facility, personal care home, assisted living facility or nursing home requires a special permit, the following items shall be considered in determining whether the facility shall be approved:
- (a) The impact of the facility in view of the use and development of adjacent and nearby properties;
 - (b) The impact that the proposed facility will have on the public safety, traffic on the public streets, transportation facilities, utilities, and other public services; and
 - (c) The impact that the proposed facility will have on established property values and on the health, safety, comfort and general welfare of the residents of the City.
- (4) Roominghouse, Boardinghouse. Where a roominghouse or boardinghouse is allowed as of right or as a special permit, the minimum floor area of each bedroom must be 80 square feet of usable floor area per occupant.

Sec. 25B-30-10. Temporary uses.

- (1) Construction field office. Temporary buildings used only in conjunction with construction work are permitted in any district but must be removed immediately upon completion of the construction work.
- (2) Open air seasonal sales.
 - (a) It is unlawful for any person to place, use or employ open air sales on private property without first obtaining a transient merchant license (See Title 30, Article VI).
 - (b) A set of operating rules addressing hours of operation, maintenance and security must be prepared and submitted with a permit application.
 - (c) A site plan must be provided that depicts the proposed location of the sales area including any tents, fencing, temporary buildings, generators and lights.
 - (d) The on-site presence of a manager during hours of operation is required.
 - (e) Activities cannot obstruct pedestrian or vehicular circulation, including vehicular sight distances.

- (f) Any temporary structures used in association with the use must be removed within 48 hours after the final day of sales.
- (3) Real estate sales offices and model homes. Temporary buildings used only in conjunction with real estate sales offices and model homes are permitted in any district but must be removed immediately upon completion of the sales of homes in the respective development.
- (4) Special events (private). See Chapter 30-5, Article XVI of the Code of Ordinances for regulations pertaining to special events.
- (5) Temporary storage container.
 - (a) Temporary storage containers shall be temporarily authorized as an accessory structure only when in compliance with each of the following requirements:
 - (i) Only one (1) temporary storage container is authorized per lot for a period of time not to exceed 90 days in any 365-day period. This 90-day time limit may be extended only by issuance of a building permit for an accessory shed/garage structure; and
 - (ii) Temporary storage containers shall not be located within 10 feet of any property line. Temporary storage containers shall not be located within any public right-of-way, street or sidewalk unless a permit to do so has been issued, provided that no such permit may exceed the 90-day time limit set forth in subsection (i) above.
- (6) Warming centers.
 - (a) Warming centers shall be permitted when temperatures are projected to be 40 degrees or colder.
 - (b) Warming centers shall be prohibited from being operational for more than 180 days in a calendar year.
 - (c) Warming centers shall not be located within 1,000 feet of another warming center.
- (7) Yard/Garage sales. See Title 30 of the City Code.

CHAPTER 25B-35. OFF-STREET PARKING

Sec. 25B-35-1. General requirements.

- (1) It is the intent of the UDO that all buildings, structures, and uses of land shall provide off-street vehicular and bicycle parking and loading space in an amount sufficient to meet the needs caused by the building or use of land and that such parking and loading spaces be so oriented that they are readily useable for such purposes.
- (2) Each use of land and each building or structure hereafter constructed or established shall provide off-street parking and loading according to the standards set forth herein. When a change is proposed to a building that is nonconforming as to parking or loading requirements, a conforming amount of parking or loading shall be supplied based upon the size of the addition.
- (3) No addition, renovation, or change of use to an existing building shall be constructed which reduces the number of spaces, area, or usability of existing parking or loading space unless such building and its addition conform with the regulations for parking and loading contained herein.
- (4) The parking lot shall not be modified, enlarged, relocated or expanded in a manner that violates any portion of the UDO.
- (5) No parking area may be used for the sale, repair, dismantling, servicing or long-term storage of any vehicles or equipment, unless such use is permitted by the zoning district in which the area is located.
- (6) Inoperable vehicles may not be parked in required parking spaces or in any side or front yard and shall be completely screened from view from all surrounding public streets.

Sec. 25B-35-2. Minimum number of parking spaces required.

- (1) For any use not listed, the Director shall determine the proper requirements by classifying the proposed use among the uses specified herein as to assure equal treatment. In making any such determination, the Director shall follow the principles set forth in the statement of purpose for Title 25B.
- (2) Excess parking spaces. Any parking provided for a non-residential use that is greater than 200 percent of the minimum number of off-street parking spaces required by type of permitted use shall be "Grasscrete" or "Grasspave" or other pervious paving or grass paving systems as approved by the Director. Parking spaces provided within a parking structure shall be exempt from this requirement.
- (3) Parking in the DT-MX zoning districts. No minimum parking is required.

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

Minimum Parking Table

Use	Parking Ratio
Accessory dwellings	1 per unit
Single-family dwellings, detached	1 per unit
Single-family dwellings, attached	1 per unit
Townhome dwellings	1 per unit
Two-family dwellings	1 per unit
Manufactured home dwellings	2 per unit or lot
Multi-family dwellings in TN-MR and TN-MX districts	.5 per unit
Multi-family dwellings in all other zoning districts (1 bedroom)	1 per unit
Multi-family dwellings in all other zoning districts (2+ bedrooms)	1.5 per unit
Group living residential uses	1 per 5 bedrooms
Places of worship	1 per each 8 seats in the sanctuary or meeting room where seating is fixed or 1 per 50 square feet of floor area of sanctuary or meeting room where seating is not fixed
Schools, public or private, elementary and middle	2 per classroom, plus 1 space per each 8 seats in auditorium or assembly area where seating is fixed or 1 per 50 square feet of floor area of auditorium or assembly area where seating is not fixed
Hotels, motels	1 space per guestroom
Conference and meeting facilities, place of lodging	1 space per 40 square feet of floor area of largest assembly room where seating is not fixed
Fraternity and sorority houses	1 per bed
Industrial and agricultural uses	2 spaces per 1,000 square feet of floor area
Offices	3 spaces per 1,000 square feet of floor area
Hospitals	2.5 spaces per hospital bed
Restaurants	1 per 150 square feet of floor area
All other uses	1 per 400 square feet of floor area

Sec. 25B-35-3. Shared parking.

- (1) Reduction of parking requirements through a shared parking arrangement may be granted by the Director as a special administrative permit.
- (2) A to-scale map indicating location of proposed parking spaces shall be provided. Said map shall notate the number of spaces in each parking area.
- (3) A shared parking study conducted by a professional engineer or architect shall be provided that demonstrates that each use will have adequate parking provisions at all times. Said calculation must receive Community Development Department review and approval. The study shall document that the arrangement avoids conflicting parking demands and provides for safe pedestrian circulation and access.
- (4) For properties sharing parking spaces under this provision, parking leases shall be filed establishing access to the parking spaces for a minimum duration of 12 months and documentation of filing provided to the City.
- (5) Shared parking agreements shall be fully executed and submitted to the Community Development Department for review prior to receiving a Certificate of Occupancy or Completion.
- (6) A reduction in the number of parking spaces that would otherwise be required for each of the various uses on a multiple-use property must be clearly shown on the development plan. If shared parking is proposed for a combination of contiguous properties, a plan must be submitted covering all of the properties that will be sharing the parking spaces.
- (7) Any subsequent change in land uses within the participating developments shall require proof that adequate parking will be available. Prior to any change in use, the owner must apply to the Director for an evaluation and confirmation of the change. If the Director finds that the parking reduction is no longer justified, the Director shall notify the owner to construct the number of parking spaces necessary to meet the difference in the required parking between the proposed and previous uses.

Sec. 25B-35-4. Bicycle parking.

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

Sec. 25B-35-5. Electric vehicle charging stations.

- (1) Electric vehicle charging stations are permitted in all off-street surface parking lots and multi-level parking structures in the City.
- (2) Spaces for electric vehicle charging shall be identified by pavement markings and by appropriate signage.
- (3) Spaces reserved for electric vehicle charging stations may be counted as part of the minimum required parking spaces but shall not be counted toward the maximum.
- (4) The owner of the property shall be responsible for the maintenance and operation of electric vehicle charging stations.

Sec. 25B-35-6. Parking lot standards.

- (1) Off-street surface parking shall not be located between the principal building and a street except where otherwise permitted below.
 - (a) Automobile dealership uses.
 - (b) Lots within CR and AC districts shall be permitted to have a maximum of 60 percent of all provided automobile parking located between a building's primary frontage and the street. Private drives meeting the standards for thoroughfares contained in 25C shall be permitted to count as streets for purposes of complying with this requirement.
 - (c) Lots within CP-GB, CP-GI, CP-HI, and SD-MH shall be permitted to have automobile parking located between the building and the street.
 - (d) Parking spaces within SD-MH districts shall be located within the interior of the property and adjacent to interior drives.
- (2) Required dimensions for each parking space. Each automobile parking space shall be not less than eight and one-half (8½) feet wide and 18 feet deep. Parking spaces for compact cars shall not be less than eight (8) feet wide and 15 feet deep. Adequate interior driveways shall connect each parking space with a public right-of-way.
- (3) All off-street surface parking lots shall:
 - (a) Have access to a public street or private drive;
 - (b) Be graded and paved with asphalt or concrete, including access drive(s), and be curbed when needed for effective drainage control;
 - (c) Have all spaces marked with painted lines, curbstones or other similar devices;
 - (d) Be drained so as to prevent damage to abutting properties or public streets and where possible shall be drained towards infiltration swales located in the landscape strips required between vehicles;

- (e) Provide future inter parcel access to adjoining off-street surface parking areas;
 - (f) Have adequate lighting if the facilities are to be used at night, provided such lighting shall be arranged and installed so as not to reflect or cause glare on abutting properties. The lighting shall be designed to comply with section 25B-20-6 (outdoor lighting);
 - (g) Be designed so that wheel bumpers shall be placed at the head of all parking spaces that do not abut a curb and any spaces that abut a sidewalk. Wheel bumpers shall be made of concrete a minimum of six (6) feet long, five (5) inches high and six (6) inches wide and securely fastened to the pavement by steel re-bars or steel anchors. Individual wheel bumpers shall be placed a minimum of 24 inches from the end of each required parking space;
 - (h) Be designed to facilitate safe and convenient use by pedestrians; and
 - (i) Provide safe pathways from aisles of parking to the nearest building entrance and to the adjacent sidewalks for parking areas with more than 50 parking spaces. Such pathways shall be at least five (5) feet wide and consist of pathways constructed of pavers or other contrasting material.
- (4) Developments shall be permitted to provide compact parking spaces to meet parking requirements.

Sec. 25B-35-7. On-street parking.

- (1) The Director may approve credit for on-street parking spaces as a means to reduce the off-street parking requirements for a parcel.
- (2) On-street parking stalls shall be marked and shall measure as follows:
 - (a) For standard spaces: A minimum of seven (7) feet and six (6) inches in width and 22 feet in length
 - (b) For compact spaces: A minimum of seven (7) feet and six (6) inches in width and 20 feet in length.

Sec. 25B-35-8. Stacking spaces for drive-through service windows and drive-through facilities.

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

- (c) Designed stacking spaces shall not interfere with circulation of the lot or free movement or access to parking spaces.
- (d) Restaurants with drive-through service windows shall provide a minimum of 10 stacking spaces for inbound drive-through customers and one (1) additional outbound space after each service window.
- (e) Other facilities with drive-through service windows shall provide three (3) stacking spaces for each window or drive-through service facility.
- (f) Drive-through service window lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked or otherwise distinctly delineated.
- (g) Drive-through service windows and menu boards shall not be located between the building and a public street.
- (h) Stacking lanes shall be a minimum of eight and one-half (8½) feet adjacent to the service window.
- (i) All drive-through establishments shall provide a bypass lane with a minimum width of eight and one-half (8½) feet to enable adequate traffic circulation adjacent to drive-through service windows.
- (j) Pedestrian pathways crossing drive-through lanes shall be clearly signed and identified using alternative materials or raised crosswalks. Painted crosswalks alone are not permitted.

Sec. 25B-35-9. Landscaping in parking lots.

See section 25C-10-51 for parking lot landscaping requirements.

Sec. 25B-35-10. Parking for residential uses.

- (1) Commercial vehicles may be kept on properties that allow residential uses as follows:
 - (a) When such vehicle is parked or stored within a fully enclosed structure that meets all other criteria of the zoning district.
 - (b) When such vehicle is engaged in loading or unloading.

CHAPTER 25B-40. OFF-STREET LOADING STANDARDS

Sec. 25B-40-1. Provision of off-street loading.

- (1) This section shall apply to all activities related to loading and unloading.
 - (a) Loading activities within 150 feet of a zoning district that allows residential uses shall only be permitted Monday through Friday from 7:00 a.m.—10:00 p.m. and on Saturdays from 9:00 a.m.—9:00 p.m.
 - (b) In no case shall loading activities hinder or obstruct the free movement of vehicles, cyclists and pedestrians over a street, sidewalk, alley, or interrupt parking lot circulation.
 - (c) All off-street loading activities and access shall be provided with an asphalt or concrete surface.
 - (d) Loading structures and bays. Loading structures and bays associated with loading areas shall be either screened or placed upon a site in a manner that prohibits visibility of such areas from view from a public right-of-way.
 - (e) Loading spaces.
 - (i) When required, one (1) or more off-street loading space shall be provided on the same or adjoining premises with the facility it serves, either inside or outside a building or structure.
 - (ii) A loading space shall have minimum dimensions of 12 feet wide and 35 feet deep.
 - (iii) The loading space shall maintain overhead clearance of 14 feet.
 - (iv) All off-street loading spaces shall have access from an alley, or if there is no alley, from a street.
 - (f) Minimum loading space requirements for non-residential uses:

Loading Table

Gross Floor Area	Required Loading Spaces
Buildings built before 1970	None
0 – 25,000 square feet	None
25,000 – 49,000 square feet	1
49,000 – 100,000 square feet	2
100,000 – 160,000 square feet	3
160,000 – 240,000 square feet	4

240,000 – 320,000 square feet	5
320,000 – 400,000 square feet	6
Each 90,000 above 400,000 square feet	1

CHAPTER 25B-45. SIGN REGULATIONS

Sec. 25B-45-1. Short title.

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

Sec. 25B-45-2. Authorization and intent.

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

Sec. 25B-45-3. Application of regulations.

- (1) The requirements of this chapter shall govern all signs located within the corporate limits of the City that may be viewed from a public right-of-way, private streets or adjacent property, except as otherwise exempt under this chapter. The provisions of this chapter do not apply to any sign not visible from public or private thoroughfares or adjacent properties.
- (2) Any area which is annexed into or incorporated within the corporate limits of the City shall, on the effective date of annexation, be subject to all provisions of this chapter. Any such annexed area shall be subject to and be governed by the signage requirements of the use zone within the City which is specified in the ordinance adopted by the mayor and council.
- (3) The requirements of this chapter shall not apply to canopies, awnings, and marquees that are regulated under sections 25-5-2 and 25-5-3 of the Code of the City of LaGrange, provided such canopies, awnings, and marquees are not used for advertising purposes.

Sec. 25B-45-4. Sign permits.

- (1) Permit required. Except as exempted from obtaining a permit, all persons desiring to post, install, erect, display, expand, relocate or substantially change a sign regulated by this chapter within the City, shall first obtain a sign permit and all other permits required for the desired structure in accordance with City ordinances. A change in the copy of a sign shall not constitute a substantial change. However, a change in the mode of message conveyance (i.e. from screen-print panel to LED) shall be considered a substantial change requiring a sign permit.
- (2) Application requirements. Applications for sign permits shall be submitted by the sign owner or the owner's agent to the Building Official on the form furnished by the City. Only complete applications will be accepted. Applications shall include the following:
 - (a) The street address of the property upon which the sign is to be located. In the absence of a street address, the parcel identification number as assigned by the Troup County Tax Assessor shall be given.
 - (b) The name(s) and address(es) of all owners of the real property upon which the sign is to be located.
 - (c) The name, address, contact information and occupational tax certificate number and issuing jurisdiction of the sign contractor/installer.
 - (d) Written consent of the owner or owner's agent specifically granting permission for the placement of the sign as proposed.
 - (e) The type of sign, height, face area and total cost of sign construction or installation.
 - (f) For free-standing signs, a site plan, drawn to scale, showing the location of the proposed sign in relation to property and right-of-way lines (or edge of pavement, as appropriate), acreage of the parcel, location of driveways and parking spaces, public or private easements, and building locations.
 - (g) For building signs, a to-scale drawing or photo-simulation of the building face upon which the proposed sign is to be installed showing the placement of the sign upon the building, dimensions of the wall and sign and its height from ground level.
 - (h) Construction and/or fabrication details of the proposed sign, including certification as to conformance with all structural and wind-load resistive standards of the building code by a qualified structural engineer, or prepared using standard drawings prepared by a structural engineer or other qualified professional meeting, or exceeding all requirements of the building code, if applicable.
 - (i) Whether or not the sign is to be illuminated and the method of illumination.
- (3) Time for consideration and issuance of permit. The City shall process all sign permit applications within 30 business days of the City's actual receipt of a complete application and application fee for a sign permit. Revisions or amendments to an application shall

extend the review period to 20 business days from the date of submission of the revision or amendment. Revisions or amendments received after the issuance of a permit shall constitute a new application.

- (a) The Building Official shall reject any application as incomplete that does not include all items required for a sign permit application as set forth under subsection (2) of this section.
 - (b) The Building Official shall reject any application containing false material statements or omissions. Any rejected application later resubmitted shall be deemed to have been submitted on the date of resubmission instead of the original date of submission.
 - (c) Within 30 business days of receipt of a complete application, the Building Official shall:
 - (i) Issue the permit; or
 - (ii) Inform the applicant in writing of the reasons why the permit cannot be issued. Failure of the Building Official to act on a sign permit within 30 days shall result in a denial of the application.
 - (d) Upon determination that the application fully complies with the provisions of this chapter, the building code, and all other applicable laws, regulations and chapters of the City code, the sign permit shall be issued by the Building Official.
 - (e) If it is determined that the application does not fully comply with the provisions of this chapter, the building code and all other applicable laws, regulations and chapters of the City code, the Building Official shall reject the application and notify the applicant of the decision and reason(s) for the denial of the permit. The Building Official shall give such notice in writing by hand delivery, mail, e-mail or fax using the contact information provided on the application. The notice shall be post-marked or otherwise date-stamped on or before the 30th business day following the date of the completed application's receipt by the City. A denial pursuant to this section shall be appealable pursuant to the appeal procedures of subsection (6) below.
- (4) Permit fees. A sign permit shall not be issued unless the appropriate permit fees have been paid. No refunds of permit fees will be made for sign permits that expired due to failure to erect the subject sign. If a person desires to erect a sign in the same location as for any expired permit, a new application must first be processed, and another fee paid in accordance with the fee schedule applicable at such time.
- (5) Expiration of permit. A sign permit shall become null and void if the sign for which the permit was issued has not been completed and fully installed within six (6) months of the date of issuance, provided, however, that a go-day extension shall be granted if a written request for extension is received by the Building Official prior to the expiration date of the initial permit.
- (6) Appeals. Appeals from an administrative decision by the Director may be made by any person aggrieved, or by any officer, department, or board or bureau of the City affected by

any decision of the Director or other City official based on this chapter. Such appeal shall be taken to the board of planning and zoning appeals and exercised in accordance with the appeal provisions contained in section 25B-55-10.

Sec. 25B-45-5. Exemption from permit requirements.

Each of the following types of signs is allowed, subject to the standards found in this chapter, without the need for a permit.

- (1) Official signs. Signs placed by or at the direction of a governmental body, governmental agency, board of education, public utility or public authority pursuant to O.C.G.A. § 32-6-50 et seq. or any other law. As provided by O.C.G.A. § 32-6-51, such signs are authorized within all rights-of-way or other properties controlled by such governmental body, agency, board of education, public utility or public authority and at such other locations as a governmental body, governmental agency, public utility or public authority may direct.
- (2) Flags. Flags must meet the following requirements:
 - (a) All flags shall be displayed on flagpoles, which may be vertical or mast arm flagpoles. For non-residential properties, flagpoles shall not exceed the building height limit of the applicable zoning district, or 50 feet, whichever is less. Flagpoles on residential properties shall not exceed 25 feet in height.
 - (b) Flags shall be limited to no more than 60 square feet in area.
 - (c) Each single or two-family residential lot shall be allowed one (1) flagpole.
 - (d) Each multi-family, institutional, commercial, industrial or mixed-use lot shall be allowed a maximum of three (3) flagpoles.
 - (e) A maximum of two (2) flags shall be allowed per flagpole.
 - (f) Flags and flagpoles shall be maintained in good repair, and to the extent applicable shall be in compliance with the building code. Flagpoles with broken halyards shall not be used.
 - (g) On officially designated City, state, or federal holidays, there shall be no maximum flag size or number or other limitations on the display of flags.
 - (h) This section shall not be construed to restrict the right to display eligible flags as banners as provided elsewhere in this chapter.
- (3) Street addresses. Numerals displayed for the purpose of identifying property location not to exceed 10 inches in height.
- (4) Window signs. In nonresidential districts, window signs shall be allowed provided they do not exceed 20 percent of the available window area.

- (5) Noncommercial Message Signs. Signs designed for temporary display and not permanently affixed to the ground that do not exceed an aggregate sign area of 16 square feet per lot in nonresidential districts and eight (8) square feet per lot in residential districts. Such signs shall have a maximum height of five (5) feet from ground level and be set back at least two (2) feet from any right-of-way.
- (6) Directory signs for multi - tenant developments. As defined by this chapter, such signs are permitted provided they do not exceed four (4) square feet each nor six (6) feet in height.
- (7) Display boards located next to drive-thru lanes. Such signs are permitted provided they do not exceed eight (8) feet in height or 32 square feet in area.
- (8) Incidental signs. Small signs as defined in this chapter of no more than two (2) square feet, such as signs on gasoline pumps.
- (9) Sidewalk and sandwich board signs. In the TN-MX, CR-MX, AC-MX, DT-MX, and CP-GB districts on private property or within the public right-of-way, each tenant space is permitted one (1) sandwich board sign subject to the following requirements:
 - (a) Each sign shall not exceed 30 inches wide by 45 inches tall.
 - (b) Each sign must be located within 10 feet of the pedestrian entrance of the premises.
 - (c) Each sign shall not obstruct a continuous through pedestrian zone of at least five (5) feet in width.
 - (d) Such a sign may be utilized only during the hours of operation of the store or entity using it and shall be removed during the hours it is closed.

Sec. 25B-45-6. Prohibited signs.

The following signs shall be prohibited in the City:

- (1) Any sign not specifically authorized by this chapter as a permitted sign.
- (2) Animated and flashing signs. Signs (excluding changing signs) that flash, blink, rotate, revolve, or have moving parts or visible bulbs, and signs containing reflective elements that sparkle in the sunlight or otherwise simulate illumination during daylight hours.
- (3) Dilapidated signs. Signs that are dilapidated or in such condition as to create a hazard, nuisance or to be unsafe or fail to comply with any provision of the building code.
- (4) Fringe, streamers, pennants, air or gas filled figures, search lights, beacons and other similar temporary event signs, other than as specifically authorized in this chapter.
- (5) Obscene signs. Obscene signs, as defined by the state at O.C.G.A. § 16-12-80, as amended.
- (6) Obstructions. No sign shall obstruct any fire escape, window, door, or opening usable for fire prevention or suppression, or prevent free passage from part of a roof to any other part thereof. No sign shall extend above a parapet wall, be affixed to a fire escape, or interfere

with any opening required for ventilation. No sign shall interfere with road or highway visibility or obstruct or otherwise interfere with the orderly movement of traffic or pedestrians. No sign shall pose a hazard to traffic or pedestrians due to structural deficiencies of such sign.

- (7) Portable signs except as specifically authorized in section 25B-45-14(1).
- (8) Private signs placed on public property. Any sign posted or erected on public rights-of-way or any other public property except as authorized by the governmental body, agency or public authority having jurisdiction over such property.
- (9) Roof signs. This prohibition does not apply to the face of a parapet wall, provided that the sign must not extend above the top of the parapet wall.
- (10) Snipe signs.
- (11) Sound or smoke emitting signs. A sign that emits or utilizes in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing, or a sign that emits smoke, vapor or odors.
- (12) Signs advertising illegal activity. Signs that advertise an activity illegal under state or federal law.
- (13) Signs imitating public warning or traffic devices.
 - (a) Any sign that displays intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, and any sign that uses the words "stop", "go", "slow", "caution", "danger", "warning" or other message or content in a manner that might mislead or confuse a driver.
 - (b) Any sign that uses the words, slogans, dimensional shape or size, or colors of governmental traffic signs.
 - (c) No red, green, and yellow illuminated sign shall be permitted within 300 feet of any traffic light.
- (14) Window signs in the following locations:
 - (a) Dwellings and uses in all zoning districts.
 - (b) Individual or aggregate window signs exceeding 20 percent of the window area per building elevation for all other districts and uses.

Sec. 25B-45-7. General sign requirements.

The following standards shall apply unless otherwise specified in this chapter.

- (1) Building signs.
 - (a) A building sign may not project higher than the wall or surface to which it is attached.

- (b) A building sign may not project more than 18 inches from the wall surface unless approved as a projecting sign.
 - (c) Changeable copy signs and changing signs are prohibited as building signs.
- (2) Freestanding signs.
- (a) Freestanding pole signs.
 - (i) Freestanding signs shall be allowed as accessory uses only.
 - (ii) Freestanding signs shall be setback at least 15 feet from the curb or edge of pavement of the roadway or two (2) feet behind the right-of-way, whichever is greater.
 - (iii) No freestanding sign shall be located within 30 feet of the nearest intersecting point of two (2) street right-of-way lines.
 - (iv) Freestanding signs shall be located at least 50 feet from other freestanding signs on the same side of the road.
 - (b) Freestanding monument signs.
 - (i) Monument signs located within 100 feet of a public right-of-way shall display the street address of the property, except where the sign is located on property that has more than one (1) street frontage and the property address is assigned from a street other than the street frontage whereupon such sign is erected.
 - (ii) Street numbers shall be of contrasting colors against the background, visible from both directions of travel along the street, and no less than six (6) inches nor more than 10 inches in height.
 - (iii) Monument signs shall have a substantial base with stone, brick, or other compatible material to help give the sign a sense of being permanent, "anchored," and durable. The base of the monument sign shall be limited to a height equal to 50% or less of the total height of the monument sign.
 - (iv) The design details, construction materials, color, and architectural style shall be consistent with that of the principal buildings on the site. Signs shall integrate compatible architectural elements on the sides and top to frame the sign pane(s).
 - (v) Architectural lines which complement that of the building shall be incorporated, especially with respect to the top of the sign. Columns, pilaster, cornices, and similar details can provide design interest and keep the sign in scale with adjacent buildings.
- (3) Miscellaneous signs as accessory uses for multi-family and nonresidential uses.
- (a) Within the area between a street right-of-way line and the minimum building setback required from that street right-of-way line on the property, the following applies:

- (i) Permanently installed miscellaneous freestanding signs may be located only within three (3) feet of driveways or curb cuts that provide access into or from the property.
 - (ii) There shall be no more than two (2) such signs per driveway or curb cut and each such sign shall not exceed six (6) square feet in area nor more than three (3) feet in height.
 - (b) Miscellaneous freestanding signs located farther from the street than the minimum building setback from that street right-of-way line on the property shall be allowed provided that such signs are no more than six (6) square feet in area nor more than six (6) feet in height.
- (4) Projecting signs.
- (a) A projecting sign shall not project more than 36 inches beyond the wall to which it is attached.
 - (b) A projecting sign shall be finished on both sides.
 - (c) A projecting sign shall be mounted perpendicularly to the wall.
- (5) Ground clearance under signs.
- (a) Projecting signs shall provide a minimum of eight (8) feet of clearance from ground level to the bottom of the sign.
 - (b) Under-canopy signs of greater than four (4) square feet shall be rigidly mounted, and there shall be eight (8) feet of clearance below the base of any rigidly mounted under-canopy sign over a pedestrian walkway. There shall be a minimum clearance of seven (7) feet below the base of any non-rigidly mounted under-canopy sign over a pedestrian walkway. A minimum of 14 feet of clearance shall be maintained for an under-canopy sign above a vehicular driveway or service area.
 - (c) Awning, mansard and marquee signs shall be no less than eight (8) feet above the ground when erected over pedestrian walkways and 14 feet above ground over vehicular pathways at the lowest extremity of the sign.
- (6) Project entrance signs. Where permitted, project entrance signs shall meet the following standards:
- (a) Each project entrance may have no more than one (1) such sign per entrance if double-faced or two (2) signs if attached to symmetrical entrance structures.
 - (b) The sign must be constructed of brick, stone, masonry or equivalent architectural material and be monument-style or integral to walls/fencing separating the project from the street.
 - (c) The maximum face area shall not exceed 40 square feet.

- (d) The height of the structure shall not exceed eight (8) feet including embellishments which shall not extend more than two (2) feet above the main body of the structure.
 - (e) Signs shall not be internally illuminated.
 - (f) Signs shall be located a minimum of 15 feet from the edge of a street or two (2) feet behind the right-of-way, whichever is greater.
- (7) Nothing in this chapter shall prohibit non-commercial speech on any sign provided for in this chapter, subject to size, spacing, height and other structural limitations contained herein.
 - (8) Illumination. All signs that are illuminated shall be effectively shielded so as to prevent beams or rays of light from causing glare to or impairing the vision of an aircraft pilot, motor vehicle driver, or pedestrian, or otherwise interfering with the operation of an aircraft or motor vehicle. Signs in ES-R, SU-R, TN-R, TN-MR, AC-MR, and CR-MR zoning districts shall not be internally illuminated.
 - (9) Maintenance. All signs shall be regularly repaired as needed and maintained in a safe and attractive state. Broken, unsafe, or damaged signs shall be repaired by the owner as soon as practicable. The City reserves the right to compel removal of or to remove any sign that, due to damage, unsafe condition or neglect, represents an immediate danger to the general public, if the owner shall have refused to comply with a written repair order from the Building Official.
 - (10) No message may be displayed on any portion of the structural supports of any sign.

Sec. 25B-45-8. Sign standards for ES-R, SU-R, TN-R, TN-MR, CR-MR, AC-MR, and SD-MH zoning districts.

In the ES-R, SU-R, TN-R, TN-MR, CR-MR, AC-MR, and SD-MH zoning districts, the following signs are permitted:

- (1) Project entrance signs subject to section 25B-45-7(6).
- (2) Properties developed with a nonresidential use, excluding home occupations, such as a school, church, library or other similar nonresidential use are allowed the following:
 - (a) In lieu of a project entrance sign, one (1) monument sign per street frontage. Monument signs shall be limited to no more than 36 square feet in area and six (6) feet in height. Up to a maximum of 25 percent of the face area may be changeable copy.
 - (b) Building signs. One (1) building sign per street facing wall, totaling no more than 24 square feet, provided that if a projecting sign is used it shall be no more than 16 square feet and subject to the requirements of section 25B-45-7(4) and section 25B-45-7(5)(a).
- (3) Changeable copy (except as otherwise in section 25B-45-8(2)(b), changing and internally illuminated signs are not permitted.

(4) Miscellaneous signs subject to section 25B-45-7(3).

(5) Standard information signs as provided for in section 25B-45-9.

ES-R, SU-R, TN-R, TN-MR, CR-MR, AC-MR, and SD-MH District Signage Table

Sign Type	Maximum Number	Maximum Size	Maximum Height	Minimum Setback
Project entrance sign (monument signs)	1 per entrance if two-sided; 2 per entrance if placed on symmetrical structures	40 square feet	8 feet	15 feet from the edge of the street, pavement or 2 feet behind the right-of-way, whichever is greater
Monument signs for permitted non-residential uses in lieu of project entrance sign	1 per street frontage, up to maximum of 2	36 square feet per sign (up to 25% may be changeable copy)	6 feet	15 feet from the edge of the street pavement or 2 feet behind the right-of-way, whichever is greater
Building signs for permitted non-residential uses	1 per street frontage	24 square feet in total per street facing wall for wall, awning, canopy signs	N/A	N/A
		16 square feet for projecting signs		
Miscellaneous signs (Sec. 25B-45-7(3))	2 per driveway	6 square feet	3 feet if within the setback; 6 feet if beyond the setback	N/A

Sec. 25B-45-9. Standard informational sign.

In addition to any other sign authorized by this section, each lot zoned residential may contain no more than one (1) standard informational sign. Provided, however, to the extent said sign is a commercial sign, the copy of the commercial sign shall be limited to commercial activities lawfully occurring on the premises as zoned. Examples of this allowed commercial sign category include real estate signs and signs regarding on-going home renovation or repair. Nothing contained in this section shall be construed to prohibit non-commercial speech to be included on such standard informational signs, wholly or partially, at the discretion of the sign owner.

Sec. 25B-45-10. Sign standards for TN-MX districts.

In TN-MX districts, the following signs are permitted:

- (1) For residential uses, the regulations of section 25B-45-8 for ES-R, SU-R, TN-R, and TN-MR zoning districts shall apply.
- (2) Freestanding signs.
 - (a) One (1) monument sign per street frontage, but in no case more than two (2) per lot. Monument signs shall be limited to no more than 72 square feet in area and 12 feet in height. Up to a maximum of 25 percent of the face area may be changeable copy; or
 - (b) One (1) pole sign per street frontage, but in no case more than two (2) per lot. Pole signs shall be limited to no more than 50 square feet in area and 15 feet in height. Up to a maximum of 25 percent of the face area may be changeable copy.
- (3) Building signs. Building signs subject to the following restrictions:
 - (a) The maximum sign area allowed on each building elevation visible from a public or private street is as follows:
 - (i) For single-occupant buildings (or multiple tenants sharing common space through a common entrance), the maximum allowable area for building signage is 10 percent of the area of the wall (including windows and doors) up to a maximum of 200 square feet, whichever is more restrictive.
 - (ii) For multi-tenant buildings where each tenant possesses a separate exterior entrance, the maximum allowable area for building signage is 10 percent of the front façade of each individual business, including windows and doors, up to a maximum of 200 square feet whichever is more restrictive.
 - (b) In addition to the building signage permitted above, not more than one (1) projecting sign per storefront facing a public street. Projecting signs shall not exceed 16 square feet and shall comply with section 25B-45-7(4) and section 25B-45-7(5)(a).
- (4) Temporary signs as provided for in section 25B-45-14.
- (5) Miscellaneous signs as provided for in section 25B-45-7(3).

TN-MX District Signage Table

Sign Type	Maximum Number	Maximum Size	Maximum Height	Minimum Setback
Freestanding signs	1 per street frontage, up to a maximum of 2 per property	Monument = 72 square feet per sign (up to 25% may be changeable copy)	Monument = 12 feet	15 feet from the edge of the street pavement or 2 feet behind the right-of-way, whichever is greater
		Pole = 50 square feet per sign (up to 25% may be changeable copy)	Pole = 15 feet	
Building Sign (wall, canopy, awning)	N/A	Single tenant: 10% of the area of the wall, up to 200 square feet	N/A	N/A
		Multi-tenant: 10% of the front façade for each individual business		
Projecting Signs	1 per street facing storefront	16 s.f.	At least 8' clearance to bottom of sign	N/A
Miscellaneous Signs	2 per driveway	6 square feet	3 feet if within the setback; 6 feet if beyond the setback	N/A

Sec. 25B-45-11. Sign standards for CR-MX, AC-MX, CP-GB, CP-GI and CP-HI zoning districts.

In the CR-MX, AC-MX, CP-GB, CP-GI and CP-HI zoning districts, the following signs are permitted:

- (1) For residential uses, the regulations of section 25B-45-8 for ES-R, SU-R, TN-R, TN-MR, CR-MR, and AC-MR zoning districts shall apply.

- (2) Freestanding signs are permitted on individual parcels subject to the following:
- (a) One (1) freestanding sign per street frontage.
 - (b) Maximum height:
 - i. In the AC-MX zoning district the maximum height is 20 feet and the sign must be monument style.
 - ii. In CR-MX, CP-GB, CP-GI, and CP-HI zoning districts, the maximum height is 15 feet.
 - (c) Maximum freestanding sign face area:
 - i. In the AC-MX zoning district the freestanding sign face area is 150 feet and the sign must be monument style.
 - ii. In CR-MX, CP-GB, CP-GI, and CP-HI zoning districts, the freestanding sign face area is 100 square feet.
 - (d) Properties upon which more than one (1) independently owned and operated business use is located shall be allowed five (5) feet of additional sign height for a maximum of 20 feet and granted an additional 25 square feet of sign area for each additional independently owned and operated business up to a maximum of 200 square feet provided the freestanding sign meets the definition of a monument sign.
 - (e) Freestanding signs may be internally or externally illuminated.
 - (f) In the CR-MX and AC-MX zoning districts, a changing sign may be permitted subject to section 25B-45-15 as a portion of a freestanding sign. Up to a maximum of 50 percent of the face of a freestanding sign may be changeable copy or a changing sign.
- (3) Project entrance signs. Commercial and industrial subdivisions may construct a project entrance sign subject to the standards contained in section 25B-45-7(6).
- (4) Building signs. Building signs subject to the following restrictions:
- (a) The maximum sign area allowed on each building elevation visible from a public or private street is as follows:
 - (i) For single-occupant buildings (or multiple tenants sharing common space through a common entrance), the maximum allowable area for building signage is 10 percent of the area of the wall (including windows and doors) up to a maximum of 200 square feet, whichever is more restrictive.
 - (ii) For multi-tenant buildings where each tenant possesses a separate exterior entrance, the maximum allowable area for building signage is 10 percent of the front façade of each individual business, including windows and doors.
 - (b) Projecting signs shall not exceed 16 square feet and shall comply with the requirements of section 25B-45-7(4) and section 25B-45-7(5)(a).

- (5) Canopy signs on a freestanding or attached canopy that covers and protects pumps that dispense gasoline or diesel fuels for retail customers. One (1) sign is allowed on each of three (3) sides and each sign is limited to no more than 20 percent of the area of the canopy wall to which it is attached. All signage must be provided only upon the canopy surface and shall not be located beyond the canopy surface.
- (6) Temporary signs as provided for in section 25B-45-14.
- (7) Miscellaneous signs as provided for in section 25B-45-7(3).
- (8) Special freestanding interstate signs. Properties located within the CR-MX and AC-MX zoning districts which are both no more than 1,000 feet from the centerline of the Interstate 85 right-of-way and no more than 1,500 feet from the centerline of Lafayette Parkway, Hamilton Road, or Whitesville Road shall be permitted one (1) accessory use special freestanding interstate sign subject to the following requirements:
 - (a) The property shall be at least 0.75 of an acre in size.
 - (b) The maximum sign height shall be 75 feet from the elevation of the ground at the base of the sign.
 - (c) The surface area of the sign shall not exceed 400 square feet per sign face, and not more than 800 square feet of total sign area when all sign faces are combined.
 - (d) The location of each interstate sign shall be set back not more than 100 feet from I-85, but at least 10 feet from I-85 and 40 feet from all other property lines.
 - (e) No freestanding interstate sign shall be located within 50 feet of another freestanding sign.
 - (f) The face of each sign shall be perpendicular to the centerline of the interstate nearest to its location. No sign shall have more than two (2) faces.
 - (g) Interstate signs shall not be changing signs.

CR-MX, AC-MX, CP-GB, CP-GI, and CP-HI Districts Signage Table

Sign Type	Maximum #	Maximum Size	Maximum Height	Minimum Setback
Freestanding signs	1 per street frontage, up to a maximum of 2 per property	Monument = 150 square feet per sign (up to 50% may be changeable copy, or, in the CR-MX, a changing sign)	Monument = 15 feet	15 feet from the edge of the street pavement or 2 feet behind the right-of-way, whichever is greater; 50 feet from all other freestanding signs
		Pole = 100 square feet per sign (up to 50% may be changeable copy, or, in the CR-MX, a changing sign)	CP-GB, CP-GI, CP-HI Pole = 15 feet (No pole signage in AC-MX or CR-MX)	
Building sign (wall, canopy, awning)	N/A	Single tenant: 10% of the area of the wall, up to 200 square feet	N/A	N/A
		Multi-tenant: 10% of the front façade for each individual business		
Projecting Signs	1 per street facing storefront	16 square feet	At least 8' clearance to bottom of sign	N/A
Gas canopy signs	1 sign on each of 3 sides of the canopy	20% of the area of the canopy wall	N/A	N/A
Special interstate signs CR-MX and AC-MX only)	1 sign on a lot at least 0.75 of an acre and within 1,000 feet of the centerline of I-85 and within 1,500 feet of the centerline of Lafayette Parkway, Hamilton Road or Whitesville Road	400 square feet	75 feet	At least 10 feet but not more than 100 feet from I-85 R/W; At least 40 feet from all other property lines; At least 50 feet from all other freestanding signs

Miscellaneous signs	2 per driveway	6 square feet	3 feet if within the setback; 6 feet if beyond the setback	N/A
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Sec. 25B-45-12. Sign standards for the DT-MX district.

(1) Purpose. The purpose of the downtown district zones are as follows:

- (a) To encourage the effective use of signs as a means of communication in the downtown mixed use district;
- (b) To maintain and enhance the downtown environment and the City's ability to attract sources of economic development and growth;
- (c) To improve the appearance and function of the City's civic and cultural center;
- (d) To provide for harmony and compatibility of development throughout the downtown;
- (e) To improve pedestrian and traffic safety; and
- (f) To protect the public investment in downtown improvements.

(2) General signage requirements.

- (a) Graphics and public service items: Murals, art works, pictures, other graphics not including trademarked logos, images or words and public service items such as temperature/times diodes and clocks that are clearly separated from advertising messages are excluded from signage requirements, except that such items may not extend above the roof line of any building.
- (b) Portable signs are prohibited.
- (c) Roof signs (signs affixed flush to or extended above building roof) are prohibited.
- (d) Materials and maintenance: All permanent signs shall be made of durable materials and shall be well maintained. Signs that are not well maintained or structurally sound and are not fastened firmly to the ground, pole, or building shall be removed.
- (e) Roof line: No advertising device of any kind, including but not limited to signs, pennants, banners, balloons, flags or other displays used to attract attention, shall extend above the roof line of any building.
- (f) Internal and external lighting:
 - (i) Lighting is permitted when effectively shielded to prevent glare which may impair the vision of drivers, pedestrians in the public right-of-way and parking areas, and occupants of adjacent properties.
 - (ii) No sign shall be flashing or intermittently lit except time and temperature displays.

(g) Compliance. Notwithstanding any other provision of this section, the installation of a pole sign or projecting sign shall require that any business installing such a sign comply with the other provisions of this chapter within a period of three (3) months from the date of the permit for such sign.

(3) Specific regulations for the DT-MX zoning district:

(a) Each storefront and each ground floor entrance to upper story businesses in the town center shall be allowed a maximum of 75 square feet of signage for each street frontage. A storefront is the ground floor portion of a building which provides pedestrian access to, and usually display area for, the business or businesses located within.

(b) Each storefront and entrance shall be allowed a maximum of three (3) signs for each street frontage.

(c) The following types of signs shall be allowed:

(i) Sidewalk pole signs: Where sidewalk poles with standard bar attached are installed, businesses may be permitted to attach one (1) sign to the bar of the pole closest to their entrance as follows:

(A) Maximum size: 12 square feet per sign face;

(B) Maximum height: Eight (8) feet above sidewalk;

(C) Maximum width: Three (3) feet;

(D) The sign may not extend above the bottom of the glass globe on poles with pedestrian lights;

(E) The sign may be of rigid material or fabric material as long as the fabric is fastened securely and maintained in good condition. Attachment shall be with standard bar and on the building side of the bar.

(ii) Wall signs:

(A) Maximum size: 50 square feet;

(B) Maximum number: One (1) wall sign per storefront or entrance;

(C) Signs may not extend more than 18 inches from the façade. However, where a sign extends more than six (6) inches from the façade, it must be a minimum of eight (8) feet above the sidewalk.

(iii) Projecting signs:

(A) Projecting signs may not be used by any storefront or entrance which has a sidewalk or pole sign;

(B) Maximum size: 12 square feet per sign face;

(C) Maximum width: Three (3) feet;

- (D) Maximum number: One (1) projecting sign per storefront entrance;
 - (E) Height: Signs must be a minimum of eight (8) feet above the sidewalk and may not reach above the bottom of second story windows;
 - (F) Projecting signs may extend over the public right-of-way but shall reach no closer than four (4) feet to the face of the street curb or to areas where there is vehicular traffic.
- (iv) Awning and canopies:
- (A) Awnings and canopies may extend over the public right-of-way but shall reach no closer than four (4) feet to the face of the street curb or to areas where there is vehicular traffic;
 - (B) Awnings and canopies shall be at least eight (8) feet above the ground at all points;
 - (C) Awnings or canopies that have lighting, including neon, attached shall be allowed only after approval of the mayor and council.
- (v) Freestanding signs:
- (A) Maximum number: One (1) freestanding sign (monument style only) per principal building;
 - (B) Maximum size: 40 square feet per sign face;
 - (C) Maximum height: 10 feet.
- (4) Specific regulations for the Garden District Subarea of the DT-MIX zoning district:
- (a) Each storefront and ground floor entrance to upper story businesses in the garden district shall be allowed a maximum of 75 square feet of signage for each street frontage. A storefront is the ground floor portion of a building which provides pedestrian access, and usually display area for, the business or businesses located within.
 - (b) Each storefront entrance shall be allowed a maximum of three (3) signs for each street frontage.
 - (c) The following types of signs shall be allowed:
 - (i) Wall signs:
 - (A) Maximum size: 20 square feet;
 - (B) Maximum number: One (1) wall sign per storefront or entrance;
 - (C) Signs may not extend more than 18 inches from the façade. However, where a sign extends more than six (6) inches from the façade, it must be a minimum of eight (8) feet above the sidewalk.

(ii) Projecting signs:

- (A) Maximum size: 12 square feet per sign face;
- (B) Maximum number: One (1) projecting sign per storefront of entrance;
- (C) Maximum width: Three (3) feet;
- (D) Height: Signs must be a minimum of eight (8) feet above the sidewalk and may not reach above the bottom of second story windows;
- (E) Projecting signs may extend over the public right-of-way but shall reach no closer than four (4) feet to the face of the street curb or to areas where there is vehicular traffic.

(iii) Awnings and canopies:

- (A) Awnings and canopies may extend over the public right-of-way, but shall reach no closer than four (4) feet to the face of the street curb or to areas where there is vehicular traffic;
- (B) Awnings and canopies shall be at least eight (8) feet above the ground at all points.

(iv) Freestanding signs:

- (A) Maximum number: One (1) freestanding sign per principal building (monument style only);
- (B) Maximum size: 60 square feet per sign face;
- (C) Maximum height: 10 feet;
- (D) Minimum distance: 15 feet from adjoining lot line.

Sec. 25B-45-13. Signs in overlay zoning districts.

For signs in overlay zoning districts, such as the Airport special district, the Downtown historic district, and the PUD special zoning district, the regulations governing signage for the underlying zoning districts shall apply.

Sec. 25B-45-14. Temporary event signs.

In addition to other signs allowed on a non-residentially zoned property, signage is allowed for the duration of a temporary event. Such additional signs shall not be restricted as to the message displayed on the sign, but they must comply with the provisions of this section.

Temporary event signs must comply with all requirements of this chapter, except as modified by the provisions of this section, including prohibitions listed in section 25B-45-6. One (1)

temporary event sign is allowed on a non-residentially zoned lot subject to the following requirements:

- (1) Size requirements and type.
 - (a) Freestanding signs.
 - (i) Area of sign. 32 non-illuminated square feet.
 - (ii) Height of sign. Six (6) feet in height.
 - (b) Wall sign area. Six (6) non-illuminated square feet.
 - (c) Banners area. 24 square feet.
 - (d) Portable signs area. 32 square feet and permitted only within CR-MX zoning districts.
- (2) Duration. Temporary event signs may be placed on any property upon initiation of a temporary event and must be removed upon termination of the event. Banners and portable signs must follow the duration period as set forth in section 25B-45-14(3). Initiation and termination of particular events shall be interpreted as follows:
 - (a) Sale or lease of a building or premises. Initiation upon the availability of the building or premises for sale or lease, and termination upon the closing of the sale or execution of the rental agreement.
 - (b) Construction. Initiation upon commencement of construction for which a land disturbance permit has been issued, and termination upon the issuance of a certificate of occupancy, installation of a permanent sign, or expiration/termination of the land development permit, whichever is to occur first.
 - (c) Special business promotions. Initiation upon the announcement of the special sale or sales event and termination upon its completion or 30 days after initiation, whichever occurs first. Business promotion signs 16 square feet or greater in size may not be approved more often than four (4) times each calendar year on the same property.
 - (d) Public announcement. Initiation upon the placement of the sign and termination within 30 days after placement.
- (3) Number of signs. Only one (1) sign related to each temporary event may be located on a lot at any one (1) time and only one (1) temporary event at a time is allowed on a lot, in addition to the following:
 - (a) Sale or lease of a lot, building or premises. One (1) freestanding temporary event sign per lot that is available for sale or lease. For a planned center or a storefront development, one (1) additional temporary event wall sign may be placed on the wall façade of the space that is available for sale or lease.
 - (b) Banners. One (1) banner per street frontage, not to exceed 30 days per calendar quarter.

- (c) Portable signs. One (1) portable sign per lot, not to exceed 30 days per calendar quarter.
- (d) Multi-tenant developments with tenant spaces possessing separate entrances. Each business conducting a special business promotion event is allowed one (1) temporary event wall sign, subject to the duration requirements in section 25B-45-14(2).

(4) Location.

- (a) All temporary event signs must be set back at least 15 feet from the edge of the street pavement or two (2) feet behind the right-of-way, whichever is greater.
- (b) A temporary event sign must be located at least 10 feet from any other sign.
- (c) A temporary event sign shall be erected and maintained only with the permission of the owner of the property on which the sign is to be located.
- (d) Permits and sign approval. A temporary sign permit shall be required for the following signs. Upon expiration of the permit, the sign and any supporting structures shall be removed:
 - (i) Banners.
 - (ii) Portable signs.
 - (iii) Special business promotion signs that are 16 square feet and larger.

Sec. 25B-45-15. Changing signs.

Changing signs or signs employing changing sign technology shall be allowed only within the CR-MX and AC-MX zoning districts as a portion of a conforming, freestanding sign and are further subject to the following requirements:

- (1) For residential uses, the regulations of section 25B-45-8 for ES-R, SU-R, TN-R, and TN-MR zoning districts shall apply.
- (2) Each message displayed on any changing sign display shall remain static for at least 30 seconds following the completion of its transition from the previous message. As used in this subsection "static" shall mean a display that is fixed in one (1) position with no portion of the display being in motion or changing in color or light intensity.
- (3) When a message is changed mechanically, the transition between a complete static display of the previous message and a complete static display of the next message shall be accomplished in three (3) seconds or less. The transition period shall be measured as that period between any movement of any part of the display of the previous message and the time that the display of the next message is fully static.
- (4) When a message is changed electronically, the transition between a complete static display of the previous message and a complete static display of the next message shall be accomplished in two (2) seconds or less. The transition period shall be measured as that

period between the time that the previous message is static and fully illuminated and the next message is static and fully illuminated.

- (5) No changing sign may include animated, flashing, full-motion video or other intermittent elements. The transition period between two (2) fully illuminated static messages displayed in an electronically changed sign shall not be considered an intermittent element so long as the purpose of the changing light intensity is to fade or dissolve into the next message.
- (6) No changing sign may have any type of changing effect on the border of the sign that is not fully integrated with a static message display and which does not transition to the next static message display in the same manner as the rest of the display.
- (7) No display or other effect from any electronically changed sign shall cause a glare or other condition that impairs the vision of the driver of any motor vehicle or which otherwise interferes with the safe operation of a motor vehicle.
- (8) Message transitions achieved by means of the scrolling of the letters, numbers or symbols shall be completed within two (2) seconds and shall remain static for at least 60 seconds following the completion of the transition from the previous message.
- (9) All signs shall appropriately adjust display brightness as ambient light levels change so that the brightness of the display does not cause a glare or other condition that impairs the vision of the driver of any motor vehicle or which otherwise interferes with the safe operation of a motor vehicle. The maximum illumination, intensity, or brightness of electronic signs shall not exceed 5,000 nits (candelas per square meter) during daylight hours, or 500 nits (candelas per square meter) between dusk to dawn. The sign must have an automatic phased proportional dimmer control, photocell or other light sensing device, or a scheduled dimming timer, or another approved device, which produces a distinct illumination change that reduce nighttime brightness levels (compared to daytime brightness levels). The applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set or can be programmed not to exceed the levels specified in this subsection; end-user manipulation of pre-set levels or to exceed those specifications herein shall not be permitted. Unless another industry standard is accepted, the measurement for purposes of this paragraph shall be at any point 10 feet from the surface of the changing sign.
- (10) No malfunction of a changing sign shall cause a glare or other condition that impairs the vision of the driver of any motor vehicle or which otherwise interferes with the safe operation of a motor vehicle.
- (11) Any changing sign currently in existence shall comply with the regulations of this part. If a changing sign currently in existence cannot meet these requirements due to the limitation of the technology being employed, the owner of the sign shall be allowed to continue the existing use upon a showing, satisfactory to the Director, that the requirements of this part cannot be met.

Sec. 25B-45-16. Nonconforming signs.

Signs that were approved and legally erected under previous sign restrictions and have become non-conforming with respect to the requirements of this chapter, including amendments, may continue in existence subject to the following provisions of this section.

- (1) Signs shall not be repaired, rebuilt, replaced or altered except in conformity with this chapter after damage exceeding 50 percent of the signs' replacement cost at the time of damage.
- (2) Signs shall not be enlarged or altered in a way that would increase the degree of nonconformity of the sign.
- (3) A non-conforming sign shall not be replaced by another non-conforming sign, except that the substitution or interchange of poster panels, painted boards or de-mountable material on non-conforming signs shall be permitted. A change in the mode of message conveyance (i.e. from screen-print panel to LED) shall not be permitted on a non-conforming sign.
- (4) Minor repairs and maintenance of non-conforming signs such as electrical repairs or lettering repair shall be allowed. However, no structural repairs or changes in the size or shape of the signs shall be permitted except to make the sign comply with the requirements of this chapter.
- (5) Portable signs, banners, and other signs allowed under this chapter which are not fixtures or freestanding signs are considered personal property, unattached to the real property on which they are placed, and thus have no nonconforming or grandfather rights under this section.
- (6) In all zoning districts, signs shall be removed which:
 - (a) Were illegally erected or maintained with respect to prior ordinances.
 - (b) Are made of paper, cloth or non-durable materials, except as otherwise permitted by this chapter.
 - (c) Are located in the public right-of-way, except as otherwise permitted by this chapter.

CHAPTER 25B-50. NONCONFORMING SITUATIONS

Sec. 25B-50-1. General provisions.

- (1) Within the zoning districts established by this Zoning Ordinance, or in other provisions or amendments, there exist lots, uses of land, uses of land and buildings, uses of land and structures, open uses, and characteristics of buildings and structures that were lawful before this Zoning Ordinance and the official Zoning Map was adopted, but that would be prohibited under the terms of said Zoning Ordinance and official Zoning Map, or future amendments thereto ("nonconforming situations"). Such nonconforming situations are hereby declared to be incompatible with authorized and permitted uses and regulations within the districts involved. It is the intent of the City to require the cessation of certain of these nonconforming situations, and to allow others to continue, on a limited basis, until they are otherwise removed or cease. It is further the City's intent that nonconforming situations not be used as grounds for adding other buildings, structures, or uses of land prohibited by this chapter, and that no such nonconforming building, structure, or use of land be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of non-conformity.
1. Whenever nonconforming situations are otherwise specifically addressed in other provisions of this UDO, the nonconforming provisions in this chapter shall not apply to said provisions.

Sec. 25B-50-2. Reversions and changes.

- (1) Nonconforming situations that are changed to a conforming state shall not be permitted to revert to a nonconforming situation.
- (2) No nonconforming situation shall be changed to another nonconforming situation.
- (3) When any portion of a nonconforming use of land, buildings, structures, or combinations thereof is discontinued for a continuous period of one (1) year or more, any future use of such land, building, or structure shall be limited to those uses permitted in that district under the provisions of the Zoning Ordinance. Vacancy or non-use of the land, building, or structure, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision, unless such cessation is a direct result of governmental action impeding access to such land.

Sec. 25B-50-3. Nonconforming use of land.

Nonconforming uses consisting of land used for storage yards, used car lots, auto wrecking, junk yards, golf driving ranges, miniature golf, shed sales and other uses where the only buildings or structures on the lot are incidental and accessory to the use of the lot and where

such use of the land is not permitted to be established hereafter under this chapter in the district in which it is located, shall be governed by the following restrictions in addition to the other requirements in this chapter:

- (1) When any portion of such nonconforming use of land has been changed to a conforming use, said portion shall not thereafter be used for any nonconforming use.
- (2) No such nonconforming use of land shall be enlarged to cover more land than was occupied by such nonconforming use at the time it became legally nonconforming.

Sec. 25B-50-4. Nonconforming use of land and buildings in combination and nonconforming use of land and structures in combination.

The following regulations apply to the nonconforming use of land and buildings in combination and the nonconforming use of land and structures in combination:

- (1) Such uses of land and buildings or land and structures shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.
- (2) A nonconforming use of a building may be extended into those interior parts of a building which were constructed and manifestly designed for such use prior to the enactment of this Zoning Ordinance.

Sec. 25B-50-5. Nonconforming characteristics of buildings, structures and uses.

Nonconforming characteristics of buildings, structures, or uses, such as lighting, parking, loading, and similar elements, shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.

Sec. 25B-50-6. Area extensions prohibited.

A nonconforming use, or building or structure in combination with a use, or nonconforming characteristics of a building, structure, or use, shall not be extended or enlarged beyond the area of use or beyond the conforming size, height, or other dimensions or characteristics of the use, building or structure.

Sec. 25B-50-7. Nonconforming uses requiring a special permit.

- (1) No nonconforming use, building or structure requiring a special permit, including any use, building or structure that was authorized as of right prior to the adoption of the UDO, but would require a special permit upon the adoption of the UDO, shall be enlarged, expanded, moved, or otherwise altered in any manner except after application for and approval of the

now-required special permit. Normal repair and maintenance of such buildings and structures is authorized without the need for a special permit.

- (2) No such use, building, or structure that has been discontinued for a continuous period of one (1) year or more shall be reestablished unless such cessation is a direct result of governmental action impeding access to the property or unless a special permit authorizing such use is granted.

Sec. 25B-50-8. Reconstruction.

Any building or structure constituting a nonconforming use of land and buildings, nonconforming use of land and structures, or buildings or structures with nonconforming characteristics that have been unintentionally damaged by fire or natural causes such as flood or storms, may be reconstructed to its previous nonconforming state and used as it was prior to damage if said reconstruction has begun within one (1) year of the date of the damage.

Sec. 25B-50-9. Buildings and structures.

Nothing in this chapter shall prevent the strengthening or restoration to a safe condition of any part of any building, structure, or land declared unsafe by the Director.

Sec. 25B-50-10. Nonconforming signs.

For regulations pertaining to nonconforming signs, see section 25B-45-16.

Sec. 25B-50-11. Site plans in existence prior to the effective date of this UDO.

- a. Subject to property interests legally vested under state law prior to the adoption of this UDO, all site plans adopted as part of previous zoning map amendments that are in existence prior to the effective date of this UDO shall be replaced by the regulations of this UDO, except as follows:
 - (a) Any proposed development that is subject to previously approved site plans that was not constructed prior to the effective date of this UDO may be constructed in accordance with the uses(s), height, location, parking ratios, landscaping plans, hours of operation, and density applicable to that previously approved site plan. Such development shall be deemed conforming for purposes of this chapter as to such previously approved uses(s), height, location, parking ratios, landscaping plans, hours of operation, and density. Except as otherwise provided herein, all other regulations of this UDO shall apply to said parcel unless compliance with the UDO regulations renders construction of such development consistent with such prior uses(s), height, location,

parking ratios, landscaping plans, hours of operation, and density structurally unfeasible.

- (b) Any development subject to a site plan constructed prior to the effective date of this UDO that is partially or fully destroyed by unintentional means such as fire, storm or other hazards may be reconstructed on its previous footprint to its previous uses(s), height, location, parking ratios, landscaping plans and density. Such rebuilt principal buildings shall be deemed conforming for purposes of this chapter as to such previous use(s), height, location and density.

CHAPTER 25B-55. PROCEDURES

Sec. 25B-55-1. Administrative bodies.

The provisions of the Zoning Ordinance shall be administered by the Director in association with the mayor and council.

Sec. 25B-55-2. Mayor and council.

The specific duties of the mayor and council with respect to the Zoning Ordinance shall include, but not be limited to, the following:

- (1) Recommendations. Receiving from the Director and from the board of planning and zoning appeals recommendations concerning the Comprehensive Plan, amendments to the Comprehensive Plan character area map, amendments of provisions of the Zoning Ordinance, special use permits or any other matters relating to planning and zoning within the City.
- (2) Public meetings. Conducting public hearings and meetings for the purpose of receiving information and public comment and taking final action on amendments to the Comprehensive Plan and the Comprehensive Plan character area map, text of the Zoning Ordinance, official Zoning Map, special use permits, and other actions pursuant to the Zoning Ordinance.

Sec. 25B-55-3. Board of planning and zoning appeals.

- (1) The board of planning and zoning appeals shall have the authority in the area of zoning and planning conferred by this section, the zoning laws and ordinances of the City, other appropriate laws and ordinances of the City and the general laws and Constitution of the State of Georgia. Any action of the board of planning and zoning appeals relating to planning and to zoning, other than as relates to variances and zoning appeals authorized by this chapter, shall be in the nature of recommendations to the governing body of the City and shall not be binding upon such governing authority.
- (2) Purpose and duties. The purpose and duties of the board of planning and zoning appeals shall include, but not be limited to, conducting public hearings, requesting and receiving studies and reports from staff, and reviewing and making recommendations to the mayor and council concerning matters brought before them, including, but not limited to, the following duties:
 - (a) To review and make recommendations regarding proposed amendments to the Comprehensive Plan and character area map, the Zoning Ordinance, the official Zoning Map, and applications for special use permits.

- (b) To review and make final decisions on variance applications.
- (c) To review and make final decisions on authorized administrative appeals.
- (d) To work with the City government, boards and authorities, and mayor and council when appropriate to the purposes of the board of planning and zoning appeals in carrying out their various functions by making recommendations to achieve the desired benefits on behalf of present and future City residents, businesses and property owners.

(3) Appointments and terms.

- (a) Composition. The board of planning and zoning appeals shall be composed of nine (9) members appointed by the mayor and council. Each member appointed shall be a resident and citizen of the City and shall so remain during the tenure of their service on the board of planning and zoning appeals.
- (b) Terms. Members shall serve a term of four (4) years and may be removed from office at any time by the mayor and council with or without cause. Appointment of the members shall be such that the terms of no more than two (2) members expire concurrently. The establishment of terms required by the modification of the number of members on the board shall be provided for by resolution of the mayor and council.
- (c) Qualifications. When possible, at least three (3) members shall be professionally qualified in the fields of planning, architecture, landscape architecture, civil engineering, real estate, building construction or related fields.
- (d) Compensation. Members shall serve without pay but may be reimbursed for any expenses incurred in connection with their official duties.
- (e) Vacancies. All appointees shall continue to serve until a successor is appointed. Any vacancies in the membership shall be filled for the unexpired term, in the same manner of the initial appointment. If a member moves to reside outside of the City limits, such member shall be deemed to have resigned from the board.

(4) Board of planning and zoning appeals officers.

- (a) Chair. The board shall elect a chairperson from among its members. The chair's term shall be one (1) year or until reelected or until a successor is elected.
- (b) Duties of chair. The chair shall preside at all meetings and hearings of the board and decide all points of order and procedure. The chair may appoint committees necessary to assist and advise the board in its work. The chair may administer oaths and compel the attendance of witnesses by subpoena.
- (c) Vice-chair. The board shall elect a vice-chair from among its members. The vice-chair's term shall be one (1) year or until reelected or until a successor is elected.
- (d) Duties of vice-chair. The vice-chair shall serve as acting chair in the absence of the chair and, when acting in such capacity, shall have the same powers and duties as the chair.

- (e) Secretary. The board shall appoint a secretary, who may be an employee or a member of the staff of the Department of Community Development of the City. The secretary shall have responsibility for assisting the chair with scheduling and preparing an agenda for meetings; providing copies of staff reports to members of the board; preparing public notice of hearings and other meetings; and making, publishing and preserving public records of the attendance, proceedings, reports and actions of the board; attend to the correspondence of the board; and other duties assigned by the chair, subject to the budgetary limitations of the department.
 - (f) Committees. The chair may appoint, with the concurrence of the board, various standing and temporary committees to further the purposes of the board. Such committees may include ex-officio members of the staff of various City departments, residents and business owners of the City and other individuals whose background and knowledge may be of benefit to the board in its deliberations.
- (5) Meetings of the board of planning and zoning appeals.
- (a) Unless there is no business to be conducted, the board shall hold regularly scheduled meetings each month. The board shall establish and make available to the public the time, place, and dates of its regular meetings. Except as otherwise authorized by the Georgia Open Meetings Act, O.C.G.A. § 50-14-1 et seq., all meetings shall be open to the public. Public notice of all meetings shall be as required by said Georgia Open Meetings Act.
 - (b) Special called meetings. The chair, secretary, or a majority of the board may call a special meeting at any time provided notification is provided in accordance with the Georgia Open Meetings Act.
 - (c) Cancellation of meetings. The meeting may be cancelled by the board.
 - (d) Agenda and minutes.
 - (i) The chair and secretary shall determine the meeting agenda. All matters to be considered or acted upon by the board shall appear on the agenda, which may be amended.
 - (ii) Copies of the approved minutes for each meeting of the board shall be available to the public immediately following the next regularly scheduled meeting of the board.
 - (e) Procedures. The board shall make its own rules of procedure consistent with this chapter and determine its time of meeting. Such rules shall be subject to approval of the mayor and council.
 - (f) Agenda changes. The chair may change the order of the agenda on matters appearing on the agenda during the meeting if, in his or her judgment, time and purpose may be served.

(6) Quorum and voting.

(a) Quorum. A quorum shall consist of five (5) members of the board.

(b) Voting

(i) A board member, who is part of a quorum of the board during the consideration of any matter but not participating in the discussion or vote on a specific matter because of a conflict of interest, shall be considered present for quorum purposes but shall abstain from voting on that specific matter.

(ii) A majority vote of those members present of the board is required for approval of all motions. A motion that fails by a majority vote shall not be deemed as approval of the opposite position.

(iii) The board may recommend conditions to any proposed amendment to the Comprehensive Plan character area map, amendment to the official Zoning Map or any special permit as authorized in section 25B-55-14. The board may also impose conditions to the granting of a variance as authorized in section 25B-55-9(8)(c).

Sec. 25B-55-4. Amendments, Procedures, and Standards.

(1) Initiation of amendments.

(a) Amendments to the official Zoning Map or to the Comprehensive Plan character area map may be initiated by:

(i) The owner(s) of the subject property or the authorized agent(s) of the owner(s) of the property by application, provided that all requests for amendments to the Comprehensive Plan character area map are made in conjunction with a corresponding request for an amendment to the Zoning Map for the same areas and parcels;

(ii) A request by the mayor or one (1) or more members of the council; or

(iii) City staff.

(b) Amendments to the text of the Zoning Ordinance may only be initiated by:

(i) A request by the mayor or one (1) or more members of the council;

(ii) Official action of the board of planning and zoning appeals; or

(iii) City staff.

(c) No amendment to the text of the Zoning Ordinance, the official Zoning Map or the Comprehensive Plan character area map shall become effective unless it has followed all procedures for notice and public hearing pursuant to the requirements of State law and this chapter.

(d) Application schedule.

- (i) Review and consideration of amendments to the Zoning Ordinance text, the official Zoning Map and the Comprehensive Plan character area map will be scheduled before the board of planning and zoning appeals and the mayor and council in accordance with a schedule prepared annually by the Director.
 - (ii) Following a request to amend the Zoning Ordinance text, the official Zoning Map, or the Comprehensive Plan character area map, pursuant to Sec. 25B-55-4(1), the Director shall, upon determination that the request is complete, refer the application to the board of planning and zoning appeals for review and recommendation.
 - (iii) If any proposed amendment of the official Zoning Maps or the Comprehensive Plan character area maps is denied by the mayor and council, no request for amendment involving the same property shall be accepted for filing until the expiration of six (6) months following said denial.
- (2) Content of applications.
- (a) Amendments. Applications to amend the official Zoning Map or the Comprehensive Plan character area map shall be submitted on a form available from the Director and shall, at a minimum, include the following:
 - (i) The name, address, telephone number, and email address of the owner, and the same information from the applicant, if different.
 - (ii) The street address and tax parcel identification number of the property to be reclassified.
 - (iii) The applicant's interest in the property, if the applicant is not the owner.
 - (iv) A narrative description of the intent of the proposed amendment and the intended timing and phasing of development.
 - (v) The current and proposed zoning and Comprehensive Plan character area map classification, existing and proposed uses of the property proposed to be reclassified and all zoning and Comprehensive Plan character area map classifications of properties abutting the subject property.
 - (vi) If the application requests a change in the official Zoning Map, the applicant shall provide a written statement addressing the standards governing the exercise of zoning in subsection (7)(a) of this section. If the application requests a change in the Comprehensive Plan character area map, the applicant shall provide a written statement addressing the standards for review of Comprehensive Plan character area map amendments in subsection (7)(b) of this section.
 - (vii) Any other plans, information, or documentation the Director may reasonably deem necessary or appropriate to a full and proper consideration and disposition of the particular application consistent with required review standards.

(viii) If the proposed amendment to the official Zoning Map would meet the thresholds of a development of regional impact (DRI) as described in section 25B-55-5, the applicant shall prepare and submit to the Director the necessary documentation required by such section.

(3) Withdrawal of applications.

(a) An application for an amendment to the official Zoning Map or Comprehensive Plan character area map may be withdrawn upon a written request by the applicant.

(4) Procedures for review.

(a) Pre-application conference. Prior to submission of an application for an amendment to the Comprehensive Plan character area map or official Zoning Map, an application seeking a variance, or an application seeking a special permit, the applicant should schedule a pre-application conference with the Director. The purpose of this meeting is to acquaint the applicant with the requirements of the UDO and the views and concerns of the City. No decisions on the application or assurances that a particular proposal will be approved shall be made.

(b) Application acceptance. Within five (5) business days after the established deadline for applications for an amendment to the official Zoning Map or the Comprehensive Plan character area map, the Director shall determine whether the application is complete. If the Director determines the application is complete, it will be accepted as filed and processed. If the Director determines the application is not complete, the application will not be deemed to have been filed, and the Director shall send a written statement to the applicant (by email or first-class mail) specifying the application's deficiencies. The application shall be returned to the applicant with a refund of fees paid, and the Director shall take no further action until the completed application is re-submitted for a subsequent application cycle. No application that has been determined as complete shall be amended in a manner that would impact the required advertising, except as provided for in this section.

(c) Application review. When the Director determines an application for an amendment to the official Zoning Map or the Comprehensive Plan character area map is complete and has been properly filed, the Director shall submit the application to the board of planning and zoning appeals for their review pursuant to section 25B-55-4(7). The Director shall distribute copies of the application for review and comment to representatives from City agencies and departments having jurisdiction over the proposed action.

(d) Site review. Prior to issuing its findings regarding a proposed amendment, the Director shall conduct a site review of the property and surrounding area and consult with and/or review comments from the representatives of the appropriate City agencies and departments regarding the impact of the proposed amendment upon public facilities and services.

- (e) Staff analysis and standards of review.
 - (i) The Director shall prepare an analysis of each proposed amendment and shall present its findings in written form to the board of planning and zoning appeals. Copies of the written findings of the staff shall be made available to the public at the board of planning and zoning appeals meeting.
 - (ii) In preparing the analysis for an amendment to the official Zoning Map, the Director shall consider and apply the standards in subsection (7)(a) of this section.
 - (iii) In preparing the analysis for an amendment to the Comprehensive Plan character area map, the Director shall consider and apply the standards in subsection (7)(b) of this section.
 - (iv) In preparing the analysis for a text amendment, the Director shall consider and apply the standards in subsection (7)(c) of this section.
 - (f) Public hearing and first read. Following the receipt of recommendation from the board of planning and zoning appeals of an application for an amendment to the official Zoning Map or an amendment to the Comprehensive Plan character area map or a text amendment, and upon a determination to proceed with consideration of the proposed amendment, the mayor and council shall place it on the agenda of a regular meeting for a public hearing and a first read in accordance with the requirements of the Zoning Ordinance.
 - (g) Developments of regional impact (DRI). If the proposed amendment would meet the thresholds of a DRI, as described in section 25B-55-5 of this chapter, the City shall follow the procedures outlined in said section 25B-55-5.
- (5) Notice of public hearings.
- (a) Legal notice. Due notice of public hearings, pursuant to this section, shall be published in a newspaper of general circulation within the City. The legal advertisement shall be published at least 15 days but not more than 45 days prior to the date of each required public hearing.
 - (b) Signs posted. For an application to amend the official Zoning Map or Comprehensive Plan character area map, or a special use permit, or a variance from the requirements of this Zoning Ordinance, the Director shall post a sign or signs at least 15 days prior to each public hearing required by this section. A sign shall not be required for amendments to the text of the Zoning Ordinance, nor for amendments to the zoning map initiated by the mayor and council.
 - (c) When a proposed zoning amendment, variance or special use permit relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, a public hearing shall be held by the board of planning and zoning appeals on the proposed action. Such public hearing shall be held at least six months but not more than nine months prior to the date of final action on

such zoning decision by the city council. The hearing required by this subsection shall be in addition to a public hearing otherwise required under this section. Such public hearing shall be noticed as required in this subsection and shall include a prominent statement that the proposed zoning decision relates to or will allow the location or relocation of a rehabilitation center.

(6) Rules of procedure for public hearings.

- (a) Public hearing procedures for the board of planning and zoning appeals. For each matter concerning a variance or other matter on the agenda that requires a public hearing and a vote of the board of planning and zoning appeals, the following procedures shall be followed:
 - (i) These rules of procedure and presentation, as well as standards governing the exercise of the power of zoning, as applicable, shall be in writing and shall be available for distribution to the general public.
 - (ii) The chair shall announce each matter to be heard and state that a public hearing is to be held on such matter.
 - (iii) The chair shall request a report from the staff regarding its findings.
 - (iv) The chair shall provide an opportunity for the applicant and any who support the applicant's petition to speak. The chair shall provide equal opportunity for those who wish to speak in opposition to the applicant's petition. The chair may limit the presentation of those for and against a petition to a reasonable length of time, but not less than 10 minutes per side. If desired, the applicant may reserve a portion of their allotted time for rebuttal and summary comments to be made following presentation of those opposed to the petition.
 - (v) Prior to speaking, each speaker shall identify himself/herself. Each speaker shall limit remarks to data, evidence and opinions relevant to the proposed petition. Speakers shall address all remarks to the chair.
 - (vi) Following the allotted time for proponents and opponents, the chair shall close the public hearing with respect to the subject matter and seek a motion to act upon the petition as provided in subsection (8) of this section or, section 25B-55-9 in variance cases.
- (b) Public hearing procedures for the mayor and council. For each matter concerning the amendment of the Comprehensive Plan character area map, the official Zoning Map, text of the Zoning Ordinance or for any matter concerning the issuance of a special use permit or other matter on the agenda that requires a public hearing and a vote of the mayor and council, the following procedures shall be followed:
 - (i) These rules of procedure and presentation, as well as standards governing the exercise of the power of zoning, as applicable, shall be in writing and shall be available for distribution to the general public.

- (ii) The Mayor shall announce each matter to be heard and state that a public hearing is to be held on such matter.
 - (iii) The Mayor may request a report from the staff regarding its findings.
 - (iv) The Mayor shall provide an opportunity for the applicant and any who support the applicant's petition to speak. The Mayor shall provide equal opportunity for those who wish to speak in opposition to the applicant's petition. The Mayor may limit the presentation of those for and against a petition to a reasonable length of time, but not less than 10 minutes per side.
 - (v) Prior to speaking, each speaker shall identify himself/herself. Each speaker shall limit remarks to data, evidence and opinions relevant to the proposed petition. Speakers shall address all remarks to the Mayor and Council.
 - (vi) Following the allotted time for proponents and opponents, the Mayor shall close the public hearing with respect to the subject matter.
- (7) Application review standards.
- (a) Standards governing the exercise of zoning power. In reviewing the application of a proposed amendment to the official Zoning Map, the mayor and council, the board of planning and zoning appeals, and the Director shall consider the following standards:
 - (i) Whether a proposed rezoning will permit a use that is suitable, in view of the use and development of adjacent and nearby property.
 - (ii) Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.
 - (iii) Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned.
 - (iv) Whether the proposed rezoning will result in a use that will or could cause an excessive or burdensome use of existing streets, including the volume and nature of resulting traffic changes, transportation facilities, utilities or schools.
 - (v) Whether the proposed rezoning is in conformity with the policies and intent of the Comprehensive Plan.
 - (vi) Whether there are other existing or changing conditions affecting the use and development of the property that give supporting grounds for either approval or disapproval of the proposed rezoning.
 - (vii) Whether, and the extent to which, the proposed amendment would result in significant adverse impacts on the natural environment.
 - (viii) The feasibility of serving the property with public water and sewer service and the impacts of such on the City infrastructure.

- (b) Standards for review of Comprehensive Plan character area map amendments. When considering an amendment to the Comprehensive Plan character area map, the mayor and council, the board of planning and zoning appeals, and the Director shall consider:
 - (i) Whether a proposed Comprehensive Plan character area map amendment would result in a Comprehensive Plan character area map classification that is more consistent with the text and policies of the Comprehensive Plan than the current classification of the property on the Comprehensive Plan character area map.
 - (ii) Whether the proposed amendment would result in a character area that is more compatible with the current and future character area of adjacent and nearby property.
 - (iii) Whether the proposed amendment would result in more efficient use of publicly financed community facilities and infrastructure.
 - (iv) The extent to which the proposed amendment would increase adverse impacts on the natural environment; especially water quality, greenspace preservation and air quality.
 - (v) Whether the proposed amendment would reduce dependence on the automobile.
 - (vi) The extent to which the proposed amendment would increase adverse impacts on historic or cultural resources.
 - (vii) If an amendment would affect only a single parcel, whether it should be made part of an area-wide review of future character areas that includes review of character areas for the subject parcel and other surrounding property.
 - (viii) The degree to which the proposed amendment would have adverse impacts on land in adjacent municipalities and local governments.
 - (ix) Whether the proposed amendment would result in any negative impacts on the public water and sewer systems or would conflict with adopted long-term water and sewer plans.
- (8) Action by board of planning and zoning appeals. In making a recommendation on a proposed amendment to the Comprehensive Plan character area map or to the official Zoning Map, or a text amendment, the board of planning and zoning appeals shall review and consider the application and materials of record, the findings of the Director and the applicable standards in subsection (7) of this section.
 - (a) Recommendation. The board of planning and zoning appeals shall make a recommendation to the mayor and council to:
 - (i) Approve the proposed amendment as requested by the applicant;
 - (ii) Approve the proposed amendment with conditions; or
 - (iii) Deny the proposed amendment.

- (b) No recommendation. A motion that fails by majority vote shall not be deemed as approval of the opposite position, and a new motion must be made to approve the opposite position. If the board of planning and zoning appeals fails to make a decision on a recommendation regarding an amendment, it shall be deemed to have given a recommendation of "no recommendation" on the proposed amendment.
 - (c) Time limit. The board of planning and zoning appeals shall have 60 days from the date of receipt for a proposed amendment from the Director within which to forward its report and recommendation to the mayor and council, which shall be done at the next regular meeting of the mayor and council following action of the board. If the board of planning and zoning appeals shall fail to file such report and recommendation within the 60-day period, it shall be deemed to have given a recommendation of "no recommendation" on the proposed amendment.
- (g) Action by the mayor and council.
- (a) Considerations by the mayor and council. In making a decision on an amendment to the Comprehensive Plan character area map or the official Zoning Map, or a text amendment, the mayor and council shall review and consider the application and materials of record, the findings of the Director, the recommendation of the board of planning and zoning appeals, and the applicable standards in subsection (7) of this section.
 - (b) Actions by the mayor and council. Subsequent to the public hearing, the mayor and council shall take one (1) of the following actions regarding the proposed amendment:
 - (i) Approve the proposed amendment as requested;
 - (ii) Approve the proposed amendment with conditions;
 - (iii) Deny the proposed amendment; or
 - (iv) Refer the matter back to the board of planning and zoning appeals for reconsideration at its next regularly scheduled or called meeting; if such referral includes a public hearing, the matter shall be re-advertised in accordance with subsections (5)(a) and (5)(b) of this section; or
 - (v) Defer final action until the next regularly scheduled or special called meeting.
 - (c) Time limit. The mayor and council shall have 90 days from receipt of the recommendation of the board of planning and zoning appeals within which to take final action.
 - (d) Notification and final record of action. Within 10 business days following final action by the mayor and council, written notification shall be mailed to the applicant and property owner. Thereupon the Director shall record the map amendment on the official Zoning Map or Comprehensive Plan character area map, as appropriate.

Sec. 25B-55-5. Developments of regional impact (DRI).

- (1) Application. When an amendment for a rezoning, special use permit, variance, preliminary plat review or permit includes any proposed development of a use and intensity that meets the definition of a DRI in the most recently published standards of the Three Rivers Regional Commission (TRRC), it shall be deemed to be a DRI. The documents for such rezoning, special use permit, variance, preliminary plat review or permit shall include the information required for review of a DRI in accordance with the most recently published procedures of the TRRC.
- (2) Procedures. The applicant shall provide all documentation and attend all meetings necessary to meet the most recently published standards and procedures for review of DRI applications required by TRRC.
- (3) Recommendation from TRRC. No final action shall occur on such a rezoning, special use, variance, preliminary plat review or permit application until a recommendation is received from TRRC regarding the DRI.

Sec. 25B-55-6. Special permits, general.

- (1) Purpose. The purpose of this section is to provide for uses that are generally compatible with the use characteristics of a zoning district but that require individual review of their location, design, intensity, configuration and public facility impact to determine the appropriateness of the use within a particular site in the district and its compatibility with adjacent uses. A special permit may not be approved in a given zoning district unless it is listed as a special use permit or a special administrative permit for the subject district in section 25B-25-1, Table of Permitted and Prohibited Uses.
- (2) Application procedures.
 - (a) Special permit applications may be initiated upon application by the owner(s) of the subject property or the authorized agent of the owner(s).
 - (b) Applications for special permits shall be for one (1) of the following special permit types: special use permit or special administrative permit.
 - (c) Applications for special permits shall be made on forms published and provided by the Director and shall be filed with the Department of Community Development. Applications shall not be considered filed unless complete in all respects and all fees paid.
 - (d) Each applicant shall complete all questions and requested materials contained within the required application form, including responses to the criteria in subsection 5 below, and all applicable supplemental regulations in chapter 25B-30.
- (3) Staff analysis and findings of fact.

- (a) City staff shall conduct a site inspection and shall prepare an analysis of each application for special permit summarizing its findings in written form.
 - (b) Staff review of each application for special permit shall be based on the criteria contained in subsection (5) of this section and in addition, where applicable to the use proposed, to the applicable supplemental regulations contained in chapter 25B-30.
- (4) Time limits of special use permits.
- (a) Time limits for the duration of each special permit may be further specified as part of the special permit approval.
 - (b) Subject to any limit in duration, the special permit shall become an integral part of the zoning applied to the subject property and shall be extended to all subsequent owners and interpreted and continually enforced by the Director in the same manner as any other provision of the UDO, subject to the limitations provided in subsections (7) of this section.
- (5) Special permit criteria to be applied. The following criteria shall be applied by the Director in evaluating and deciding any application for a special administrative permit, and by the Director, the board of planning and zoning appeals, and the mayor and council in evaluating and deciding any application for a special use permit. No application for a special permit shall be granted unless satisfactory provisions and arrangements have been made concerning each of the following criteria, all of which are applicable to each application:
- (a) Whether or not the proposed plan is consistent with all of the requirements of the zoning district in which the use is proposed to be located, including required parking, loading, setbacks and transitional buffers.
 - (b) Compatibility of the proposed use with land uses on adjacent properties and other properties within the same zoning district, including comparisons of the size, scale and massing of proposed buildings in relation to the size, scale and massing of adjacent and nearby lots and buildings.
 - (c) Adequacy of the ingress and egress to the subject property, and to all proposed buildings, structures, and uses thereon, including the traffic impact of the proposed use on the capacity and safety of public streets providing access to the subject site, as well as impacts on pedestrian movements and safety.
 - (d) Consistency with the City's water and sewer systems, including the feasibility and impacts of serving the property with public infrastructure.
 - (e) Adequacy of other public facilities and services, including stormwater management, schools, parks, sidewalks, and utilities, to serve the proposed use.

- (f) Whether or not the proposed use will create adverse impacts upon any adjacent or nearby properties by reason of noise, smoke, odor, dust, or vibration, or by the character and volume of traffic generated by the proposed use.
 - (g) Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation or the hours of operation of the proposed use.
 - (h) Whether or not the proposed use will create adverse impacts upon any environmentally sensitive areas or natural resources.
- (6) Development of an approved special permit. The issuance of a special permit shall only constitute approval of the proposed use, and development of the use shall not be carried out until the applicant has secured all other permits and approvals required.
 - (7) Expiration of a special permit. Unless a building permit or other required approval is secured within 12 months, and construction subsequently undertaken pursuant to such building permit, the special permit shall expire automatically unless the permit is extended in accordance with subsection (8) of this section.
 - (8) Time extension of a special permit. The time limitations imposed on special permits by subsection (4) and expiration date established pursuant to subsection (7) of this section may be extended, upon written request by the applicant and approval of the special use permit time extension by the mayor and council and the approval of the special administrative permit time extension by the Director.

Sec. 25B-55-7. Special use permits.

- (1) Authority. The mayor and council may, in accordance with the procedures, standards and limitations of chapter 25B-55, take final action on applications for special use permits for those uses listed as authorized by special use permit in each of the zoning districts in section 25B-25-1, Table of Permitted and Prohibited Uses.
- (2) Applications. Applications for a special use permit shall be submitted on a form available from the Director and shall not be accepted until it is determined by the Director to be complete and all fees paid. Following the acceptance of a completed application for a special use permit, the Director shall present such request to the board of planning and zoning appeals for review and recommendation. The board of planning and zoning appeals recommendation for such application shall be presented to the mayor and council for a first reading and a public hearing.
- (3) Public hearings required. Before deciding on any special use permit pursuant to the requirements set forth in this section, the mayor and council shall provide for public notice and a public hearing thereon. No application for a special use permit shall be decided by the mayor and council unless it has first been submitted to the board of planning and zoning appeals for review and recommendation pursuant to the requirements of this section.

- (4) Notice of public hearings. Notice of public hearing on any proposed application for a special use permit shall be provided as is required in subsection 25B-55-4(5) of this chapter and shall, in addition to the information required in subsection 25B-55-4(5), indicating the special use requested for the subject property.
- (5) Withdrawal of application. An application for a special use permit may be withdrawn upon a written request by the applicant.
- (6) Action by the board of planning and zoning appeals.
 - (a) The secretary shall provide the members of the board of planning and zoning appeals complete information on each proposed application for a special use permit, which the board considers including a copy of the application and supporting materials, and the written report of the Director applying the required criteria in section 25B-55-6(5) and the supplemental regulations of chapter 25B-30, where applicable, to each application.
 - (b) Prior to initiating a motion regarding its recommendation to the mayor and council, the board of planning and zoning appeals shall review and consider each of the criteria contained in section 25B-55-6(5) of this chapter, and the supplemental regulations contained in chapter 25B-30, where applicable to the proposed use.
 - (c) The board of planning and zoning appeals recommendation on each application shall be based on a determination as to whether or not the applicant has met the criteria contained in section 25B-55-6(5), the supplemental regulations contained in chapter 25B-30, where applicable to the proposed use, and the requirements of the Comprehensive Plan character area and zoning district in which such use is proposed to be located.
 - (d) The board of planning and zoning appeals may recommend the imposition of conditions based upon the facts in a particular case in accordance with section 25B-55-14.
 - (e) The board of planning and zoning appeals may recommend approval of the special use permit application, approval of the application with conditions, or denial of the application. Failure to achieve a majority vote shall result in no recommendation to the mayor and council on the matter.
 - (f) Time limit. The board of planning and zoning appeals shall have 60 days from the date of receipt of a special use permit application from the Director within which to file its report and recommendation with the mayor and council. If the board of planning and zoning appeals shall fail to file such report and recommendation within the 60-day period, it shall be deemed to have given a recommendation of "no recommendation" on the proposed amendment.
- (7) Action by the mayor and council.
 - (a) The secretary shall provide the mayor and council information from decisions of the board of planning and zoning appeals on each proposed application for special use

permit, including a copy of the application and supporting materials, and the written report of the Director containing the required criteria in section 25B-55-6(5) and the supplemental regulations of chapter 25B-30, where applicable, to each application.

- (b) After a public notice as required in subsection (3) of this section, the mayor and council shall conduct a public hearing in a manner consistent with section 25B-55-4(6) of this chapter. The mayor and council shall review and consider each of the criteria contained in section 25B-55-6(5) of this chapter, and the supplemental regulations contained in chapter 25B-30, where applicable to the proposed use.
- (c) The decision of the mayor and council on each application for special use permit shall be based on a discretionary determination as to whether or not the applicant has met the criteria contained in section 25B-55-6(5), the supplemental use standards contained in chapter 25B-30 where applicable to the use proposed, the consistency of the application with the Comprehensive Plan, the requirements of the zoning district in which such use is proposed to be located, and whether additional conditions could be imposed which would help ensure the compatibility of the special use with the surrounding properties. The mayor and council may impose conditions based upon the facts in a particular case in accordance with section 25B-55-14.
- (d) The mayor and council, after conducting the public hearing with public notice required by this section, shall take one (1) of the following actions:
 - (i) Vote to approve the application.
 - (ii) Vote to approve the application with conditions.
 - (iii) Vote to deny the application.
 - (iv) Vote to defer the application to its next regular meeting or special called meeting.
 - (v) Vote to refer the matter back to the board of planning and zoning appeals for reconsideration at their next regularly scheduled meeting or special called meeting. If such referral includes a public hearing, the matter shall be re-advertised in accordance with subsections 25B-55-4(5)(a) and (5)(b).
- (e) Time limit. The mayor and council shall have 90 days from the date of the first reading of an ordinance for a special use permit within which to take final action.

Sec. 25B-55-8. Special administrative permits.

- (1) Authority. The Director may, in accordance with the procedures, standards and limitations of chapter 25B-55, take final action on applications for special administrative permits for those uses listed as authorized by special administrative permit in each of the zoning districts in section 25B-25-1, Table of Permitted and Prohibited Uses.

- (2) Withdrawal of application. An application for a special administrative permit may be withdrawn upon a written request by the applicant prior to the decision of the Director, however, there shall be no refund of application fees after an application has been deemed filed by the Director.
- (3) Action by the Director.
 - (a) The Director's decision on each application shall be based on a determination as to whether or not the applicant has met the criteria contained in section 25B-55-6(5) and the supplemental regulations of chapter 25B-30, where applicable to the proposed use, and the requirements of the Comprehensive Plan character area and zoning district in which such use is proposed to be located.
 - (b) Ability to impose conditions. The Director may attach reasonable conditions to a special administrative permit when necessary to prevent or minimize adverse impacts upon surrounding property or the environment.
 - (c) The Director may recommend approval of the special administrative permit application, approval of the application with conditions, or denial of the application.
 - (d) Decisions shall be made within 45 days of filings unless extended by mutual consent of the applicant and Director.
 - (e) Decisions shall be in writing and shall be transmitted to the applicant by first class mail or email.
- (4) Reporting to the board of planning and zoning appeals. The Director shall report to the board of planning and zoning appeals all decisions on special administrative permits at regular board meetings.

Sec. 25B-55-9. Variances.

- (1) Authority. Unless otherwise provided for in the Zoning Ordinance, the board of planning and zoning appeals shall have authority to grant variances from the dimensional requirements of the Zoning Ordinance, in accordance with the standards and procedures as set forth in this section.
- (2) Purpose. The purpose of a variance is to provide a mechanism when, owing to special conditions, the strict application of the Zoning Ordinance would impose on a landowner exceptional and undue hardship.
- (3) Initiation. A written petition for a variance may be initiated by the owner(s) of the subject property or the authorized agent(s) of the owner(s) of the property for which relief is sought. Applications shall be filed on forms provided by the Director and shall not be considered filed unless complete in every respect.

- (4) Application procedures. The application shall contain the following information and documentation:
 - (a) Name, address, telephone number, and email address of owner(s) and applicant, if not owner.
 - (b) Legal description, street address, lot number and subdivision name, if any, of the property that is the subject of the application.
 - (c) The size of the subject property.
 - (d) The purpose for the requested variance, and a statement of the intended development of the property if the variance is granted.
 - (e) The specific provision of the Zoning Ordinance from which a variance is requested.
 - (f) A statement concerning each of the Standards for granting variances in subsection (8) of this section.
 - (g) A statement explaining how the proposed variance is consistent with the general spirit and intent of the Zoning Ordinance and the Comprehensive Plan.
- (5) Staff report. The Director shall conduct a site inspection and shall prepare an analysis of each application for variance applying the criteria and standards set forth in subsection (8) of this section. The staff report shall be presented in written form to the board of planning and zoning appeals at the scheduled hearing date.
- (6) Public notice procedures. The public notice procedures for a variance application shall be in conformance with subsection 25B-55-4(5).
- (7) Public hearing procedures. The public hearing procedures for a variance application shall be in conformance with section 25B-55-4(6)(a) of this chapter. The chair, or in their absence, the vice chair, may administer oaths and compel attendance of witnesses by subpoena.
- (8) Standards for granting variances.
 - (a) Granting variances. The board of planning and zoning appeals shall not grant a variance unless it has, in each case, made specific findings of fact based directly upon the particular evidence presented supporting written conclusions that the variance meets each of the following criteria:
 - (i) Arises from a condition that is unique and peculiar to the land, structures and buildings involved.
 - (ii) Is necessary because the particular physical surroundings, the size, shape or topographical condition of the specific property involved would result in unnecessary hardship for the applicant; as distinguished from a mere inconvenience, if the provisions of the Zoning Ordinance are literally enforced.
 - (iii) The condition requiring the requested relief is not ordinarily found in properties with the same zoning district designation as the subject property.

- (iv) The condition is created by the regulations of the Zoning Ordinance and not by an action or actions of the property owner or the applicant.
 - (v) The granting of the variance will not impair or injure other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety or substantially diminish or impair property values within the neighborhood.
 - (vi) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structures.
 - (vii) The variance desired will not be opposed to the general spirit and intent of the Zoning Ordinance or the purpose and intent of the Comprehensive Plan.
- (b) No variance shall be authorized to:
- (i) Allow a structure or use not authorized in the applicable zoning district or a density of development that is not authorized within such district.
 - (ii) Conflict with or change any requirement enacted as a condition of zoning or of a special use permit authorized by the mayor and council.
 - (iii) Reduce, waive or modify in any manner the minimum lot area established by the Zoning Ordinance in any zoning district.
 - (iv) Reduce, waive or modify in any manner the minimum lot area established by the mayor and council through a special condition of approval.
 - (v) Permit the expansion or enlargement of any nonconforming situation or nonconforming use requiring a special use permit.
 - (vi) Permit the re-establishment of any non-conforming situation or nonconforming use requiring a special use permit where such use has lapsed.
- (c) Ability to impose conditions. The board of planning and zoning appeals may attach reasonable conditions to a variance when necessary to prevent or minimize adverse impacts upon surrounding property or the environment.
- (g) Final decisions. The board of planning and zoning shall make a final decision on variance requests in accordance with the procedures and standards set forth in this section 25B-55-9. Final decisions shall be made immediately following the conclusion of the public hearing or, if deferred, no more than 45 days from the date of the initial public hearing.
- (10) Successive applications. An application for a variance affecting all or a portion of the same property that was denied by the board of planning and zoning appeals shall not be accepted sooner than six (6) months after the date of final decision by the board of planning and zoning appeals.

Sec. 25B-55-10. Appeals to the board of planning and zoning appeals.

(1) Procedures.

- (a) Eligibility for appeal. Appeals to the board of planning and zoning appeals may be initiated by any aggrieved person affected by any decision, final order, requirement, determination or interpretation of any administrative official of the City, with respect to the provisions of the Zoning Ordinance. These appeals shall be taken by filing with the secretary of the board of planning and zoning appeals a written notice of appeal, specifying the grounds thereof, within 10 days after the action being appealed was taken. A failure to act shall not be construed to be an order, requirement or decision within the meaning of this paragraph.
- (b) A person shall be considered aggrieved for purposes of this section if:
 - (i) Said person or said person's property was the subject of the action being appealed; or
 - (ii) Said person has a substantial interest in the action being appealed that is in danger of suffering special damage or injury not common to all property owners similarly situated.
- (c) Transmission of records. The Director shall transmit to the board of planning and zoning appeals all documents, digital information, or other matters constituting the record upon which the action being appealed was taken.

(2) Hearings. The board of planning and zoning appeals shall hear the appeal and matters referred to it within 45 days of receiving the complete and sufficient application for appeal and give notice to the appellant and official(s) subject to the appeal.

(3) Decisions of the board. Following the consideration of all testimony, documentary evidence and matters of record, the board of planning and zoning appeals shall make a determination on each appeal. The board shall decide the appeal within a reasonable time but, in no event, more than 45 days from the date of the initial hearing. An appeal may be sustained only upon an expressed finding by the board of planning and zoning appeals that the administrative official's action was based on an erroneous finding of a material fact or a misinterpretation of a regulation of this code.

Sec. 25B-55-11. Appeals from decisions of the board of planning and zoning appeals.

Appeals of all final decisions of the board of planning and zoning appeals under the provisions of this chapter shall be as follows:

(1) Review of decisions. Any person aggrieved by a final decision of the board of planning and zoning appeals may seek review of such decision by petitioning the Superior Court of Troup County for a writ of certiorari, setting forth plainly the alleged errors. Such petition shall be

filed within 30 days after the final decision of the board of planning and zoning appeals is rendered.

- (2) Notice to the board. In any such petition filed, the secretary of the board of planning and zoning appeals shall be authorized to acknowledge service of a copy of the petition and writ for the board of planning and zoning appeals. Service upon the City as defendant shall be as otherwise provided by law. Within the time prescribed by law, the board of planning and zoning appeals shall cause to be filed with the Troup County Superior Court a duly certified record of the proceedings before the board of planning and zoning appeals, including a transcript or detailed minutes of the evidence heard before it, and the decision of the board of planning and zoning appeals.

Sec. 25B-55-12. Burden of proof in appeals and variances.

- (1) Requirements. The standards and requirements of the Zoning Ordinance and decisions made by public officials are presumed to be valid. It shall be the responsibility of an applicant seeking relief to assume the burden of proof and rebut this presumption by presenting sufficient facts and evidence to meet all required standards of review.
- (2) Review. It is the duty of the board of planning and zoning appeals to review such facts and evidence in light of the intent of the UDO to balance the public health, safety and general welfare against the injury to a specific applicant that would result from the strict application of the provisions of the UDO to the applicant's property.

Sec. 25B-55-13. Administrative variances.

- (1) Authority. Applications for authorized administrative variances may be submitted to the Director, who shall make final decisions on such applications in accordance with this section.
- (2) Limitations. Applications for administrative variances shall be considered on the following provisions exclusively:
 - (a) Front yard – variance not to exceed a decrease of more than 10 percent deducted from the required setback.
 - (b) Side yard – variance not to exceed a decrease of more than 25 percent deducted from the required setback.
 - (c) Rear yard – variance not to exceed a decrease of more than five (5) feet deducted from the required setback.
 - (d) Heights of structures in required yards – variance not to exceed an increase of more than 5 inches added to the maximum allowable height.

- (e) Height of building – variance not to exceed an increase of more than five (5) feet added to the maximum allowable height.
- (f) Storefront fenestration percentage requirements – variance not to exceed a decrease of more than 20 percent deducted from the minimum required fenestration.
- (g) Storefront intervening fenestration distance requirements – variance not to exceed an increase of more than 30 feet added to the length of facade allowed without intervening fenestration, architectural detailing or entryway.
- (h) Front yard facing garage door width requirements – variance not to exceed an increase of more than 25 percent added to the maximum width allowed.
- (i) Garage door placement – variance to permit garage door placement on streets where such placement is prohibited, only when meeting the requirement is not feasible.
- (j) Landscape zone – variance not to exceed a decrease of more than two (2) feet deducted from the required minimum width.
- (k) Street tree spacing – variance not to exceed an increase of more than five (5) feet added to the minimum required spacing distance.
- (l) Sidewalk widths – variance not to exceed a decrease of more than two (2) feet deducted from the required minimum width.
- (m) Outdoor dining encroachment into required sidewalks – variance to allow outdoor dining areas to encroach a maximum two (2) feet into an adjacent required public sidewalk.
- (n) Open space calculations – variance not to exceed a decrease of more than 10 percent deducted from the required minimum calculation.
- (o) Block dimensions – variance not to exceed an increase of more than 25 percent added to the maximum allowable dimension.
- (p) Fences – variance not to exceed an increase of more than two (2) feet added to the maximum allowable height.
- (q) Retaining walls – variance not to exceed an increase of more than 10 feet added to the maximum allowable height.
- (r) Loading requirements – variance not to exceed a decrease of more than one (1) loading space deducted from the required minimum calculation.
- (s) Restaurants with drive-through service window car stacking – variance not to exceed a decrease of more than three (3) stacking spaces for inbound drive-through customers.
- (t) Storm water retention facilities – variance to allow stormwater retention facilities to eliminate minimum setback requirements when such facilities are located within a master planned development that results in the creation of multiple new parcels within a larger project area.

- (3) Application procedures.
- (a) Form. An application shall be submitted on a form provided by the Director.
 - (b) Documentation. The application shall be in such a form and contain such information and documentation as shall be prescribed by the Director, but shall contain at least the following:
 - (i) Name and address of the applicant.
 - (ii) Size of the subject property.
 - (iii) A statement of the hardship imposed on the applicant by the Zoning Ordinance and a statement demonstrating why the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located.
 - (iv) Should the Director determine that a site plan is necessary to adequately review the administrative variance, said plan shall be drawn to scale, showing property lines with dimensions, and any improvements, structures and buildings. Should the Director determine that a plat is necessary to adequately review the administrative variance, said plat shall be prepared by an architect, engineer, landscape architect or land surveyor whose state registration is current and valid, with the preparer's signature and seal affixed to the plat.
 - (v) Any other pertinent information as requested by the Director.
 - (c) Within 15 business days after an application has been determined to be complete, the Director shall either grant the administrative variance, grant the administrative variance with conditions, or deny the administrative variance with reasons clearly stated in accordance with the standards set forth in subsection (5) of this section. The Director may impose such requirements and conditions with respect to the location, construction, maintenance and operation of any use or building, in addition to those expressly set forth in this Zoning Ordinance, as may be deemed necessary for the protection of adjacent properties or the environment.
- (4) Expiration. An administrative variance shall automatically expire one (1) calendar year from the date of approval, unless the proposed use or development has begun in utilization of the administrative variance allowance.
- (5) Standards for issuance of administrative variances. In deciding whether to grant an application for an administrative variance, the Director shall consider all of the applicable standards provided in subsection 25B-55-9(8). Approval of an administrative variance shall require demonstration of a hardship, in compliance with all said criteria.
- (6) Appeals of decisions to the board of planning and zoning appeals. The final decision of the Director made pursuant to the provisions of this section may be appealed to the board of planning and zoning appeals pursuant to section 25B-55-10. Decisions made by the board

of planning and zoning appeals shall be final. Appeals of decisions made by the board of planning and zoning appeals shall be pursuant to section 25B-55-11.

- (7) Reporting to the board of planning and zoning appeals. The Director shall report to the board of planning and zoning appeals all decisions on administrative variances at regular board meetings.

Sec. 25B-55-14. Conditional approval and alterations to conditions.

- (1) Conditions of approval. The board of planning and zoning appeals and the Director may recommend, and the mayor and council may impose, reasonable conditions upon the approval of any amendment to the Comprehensive Plan character area map, official Zoning Map or approval of a special use permit that it finds necessary to ensure compliance with the intent of the Comprehensive Plan or Zoning Ordinance. Such conditions may also be imposed by the board of planning and zoning appeals for variances. Such conditions may be used when necessary to prevent or minimize adverse impacts upon property or the environment. For example, conditions may include but shall not be limited to the following:
 - (a) Limitations or requirements on the size, intensity of use, bulk and location of any structure.
 - (b) Increased landscaping, buffer, screening or setback requirements from property lines or water bodies.
 - (c) Greenspace and open space conservation.
 - (d) Driveway curb cut limitations.
 - (e) Restrictions to land uses or activities that are permitted.
 - (f) Prohibited locations for buildings, structures, loading or parking areas.
 - (g) The provision of adequate ingress and egress.
 - (h) Making project improvements for streets, sidewalks, parks or other community facilities.
 - (i) Building height, massing or compatible architectural design features.
 - (j) Hours of operation.
 - (k) The duration of a special use.
 - (l) A requirement that development shall conform to a specific site plan.
 - (m) Other conditions that the mayor and council finds are necessary as a condition of approval of an amendment to the Comprehensive Plan character area map, official Zoning Map or special use permit.
- (2) Such conditions, limitations or requirements shall be:
 - (a) Set forth in the motion approving the amendment or special use permit.
 - (b) Set forth in the local ordinance that officially records the amendment.
 - (c) In effect for the period of time specified in the amendment. If no time period is stated, the conditions shall continue for the duration of the matter which it conditions and become an integral part of the Comprehensive Plan character area map amendment,

official Zoning Map amendment, or special use permit to which the conditions are attached and shall be:

- (i) Required of the property owner and all subsequent owners as a condition of their use of the property; and
 - (ii) Interpreted and continually enforced by the department in the same manner as any other provision of the UDO.
- (3) Alterations to conditions of approval.
- (a) Alterations or repeal of conditions attached to any amendment to the Comprehensive Plan character area map, official Zoning Map, or approval of a special use permit shall be made only by the mayor and council following a duly advertised public hearing conducted in accordance with subsection 25B-55-4(4) of this chapter. Notice shall be provided in accordance with subsection 25B-55-4(5).
 - (b) Except for minor changes authorized as an administrative variance under section 25B-55-13(2), alterations or repeal of conditions attached to a variance granted by the board of planning and zoning appeals shall be made only by the board of planning and zoning appeals following a duly advertised public hearing conducted pursuant to procedures provided in subsection 25B-55-9(7) of this chapter. Notice shall be provided in accordance with subsection 25B-55-4(5).

Sec. 25B-55-15. Disclosure of campaign contributions.

It is the duty of all applicants and opponents of rezoning actions who have made campaign contributions aggregating \$250.00 or more to a member of the board of planning and zoning appeals or mayor and council within two (2) years prior to the applicant's application for the rezoning action, to comply with the requirements of O.C.G.A. § 36-67A-1, et seq., as amended.

CHAPTER 25B-60. TELECOMMUNICATIONS ANTENNAS AND TOWERS

Sec. 25B-60-1. Purpose.

This chapter is designed and intended to balance the interests of the residents of the City of LaGrange, telecommunications providers and telecommunications customers in the siting of telecommunications facilities within the City of LaGrange so as to protect the health, safety and integrity of residential neighborhoods and foster, through appropriate zoning and land use controls, a competitive environment for telecommunications carriers that does not unreasonably discriminate among providers of functionally equivalent personal wireless services and shall neither prohibit nor have the effect of prohibiting the provision of personal wireless services, and so as to promote the City of LaGrange as a pro-active City in the availability of personal wireless telecommunications service. To that end, this chapter shall:

- (1) Provide for the appropriate location and development of telecommunications facilities in the City of LaGrange;
- (2) Protect the built and natural environment of the City of LaGrange by promoting compatible design standards for telecommunications facilities;
- (3) Minimize adverse visual impacts of telecommunications facilities through careful design, siting, landscape screening and innovative camouflage techniques;
- (4) Avoid potential damage to adjacent properties from tower or antenna failure through engineering and careful siting of telecommunications tower structures and antennas;
- (5) Maximize use of any new and existing telecommunications towers so as to minimize the need to construct new towers and minimize the total number of towers throughout the City;
- (6) Maximize and encourage use of alternative telecommunications tower structures as a primary option rather than construction of additional single use towers; and
- (7) Encourage and promote the location of new telecommunications facilities in areas which are not zoned for residential use.

Section 25B-60-2. Federal and State Law.

The regulations of this chapter must be applied within the procedural and regulatory constraints of applicable federal and state telecommunications statutes.

Section 25B-60-3. Exclusions.

The following shall be exempt from this chapter:

- (1) Any tower and antenna under 50 feet in total height which is owned and operated by a federally licensed amateur radio operator.
- (2) Satellite dish antennas.
- (3) Towers and antennas operated by local, state or federal government for a necessary governmental function.

Section 25B-60-4. Placement of telecommunications facilities by zoning district.

- (1) No telecommunications facilities shall be allowed within 1,500 feet of any dwelling within any ES-R, SU-R, TN-R, TN-MR, TN-MX, AC-MR, AC-MX, DT-MX, and SD-MH district within the City of LaGrange. Subject to this limitation, monopole towers shall be allowed up to and including a height of 50 feet within such districts. Antennas shall be allowed, subject to applicable height restriction, within said districts on existing nonresidential structures.
- (2) In any CR-MR, CR-MX, or CP-GP zoning district, telecommunications facilities shall be allowed, except that no tower shall be allowed within 500 feet of any dwelling in a CR-MR and CR-MX zoning district. Monopole towers within said district shall be allowed, subject to this limitation, up to a height including 50 feet. Antennas shall be allowed, subject to applicable height restriction, within said districts on existing nonresidential structures.
- (3) In any AC-MX and DT-MX zoning district, towers shall be allowed subject to the following constraints:
 - (a) Monopole towers in excess of 50 feet in height shall be allowed only when located a distance of at least 1,500 feet from the nearest dwelling;
 - (b) Otherwise, monopole towers within said district shall not exceed a height of 50 feet, unless such are designed and intended to accommodate at least two (2) users, in which case said monopole tower shall not exceed a height of 80 feet.
- (4) In any CP-GI and CP-HI zoning district, towers of unrestricted height shall be allowed, provided no telecommunications tower shall be allowed within a distance of 1,500 feet of any dwelling.
- (5) Any telecommunications towers and antennas in all instances must comply with the airport special zoning district (section 25B-10-2).
- (6) In no district within the City shall an antenna as defined herein extend a distance greater than 20 feet above the structure to which it is attached.
- (7) Measurements in this section shall be in a straight line from the base of the telecommunications facility to the nearest portion of the structure, building, dwelling, or other regulated structure.

Section 25B-60-5. Preferred and disfavored sites.

- (1) Preferred location sites:
 - (a) Co-location sites: Any existing telecommunications tower(s) currently being used for transmitting or receiving analog, digital, microwave, cellular, telephone, personal wireless service or similar forms of electronic communication shall be a preferred location site regardless of the underlying zoning designation of the site, provided, however, that locations which meet this criteria shall be subject to the design and siting components of this chapter. No more than two (2) towers shall be authorized at a co-location site, and no structure shall be allowed thereon higher than the existing structure (tower) located on the site.

- (b) Publicly used structures: Publicly used structures are preferred locations throughout the City because they appear in virtually all neighborhoods, are disbursed throughout the City, and due to their institutional or infrastructure uses are generally similar in appearance to or readily adaptable for telecommunications facilities. Therefore (telecommunications facilities) antennas should be less noticeable when placed on publicly used structures than when placed on commercial or residential structures. Publicly used structures include, but are not limited to, facilities such as police or fire stations, libraries, community centers, civic centers, courthouses, utility structures, water towers, elevated roadways, flag poles, schools, hospitals, clock or bell towers, light poles and churches.
 - (c) Industrial and commercial structures: Wholly industrial and commercial structures such as warehouses, factories, retail outlets, supermarkets, banks, garages, medical facilities, office buildings or service stations shall be preferred locations particularly where existing visual obstruction or clutter on the roof or along the roof line can and will be removed as part of the installation of the telecommunications facility.
- (2) Disfavored location sites: Any single-family structure or site or multifamily duplex shall be a disfavored site for the location of telecommunications facilities.

Section 25B-60-6. Requirements for telecommunication facilities.

- (1) Lighting: No illumination is permitted on telecommunications facilities unless required by the FCC, FAA or other state or federal agency of competent jurisdiction or unless necessary for the air traffic safety. If lighting is required or necessary, the Director of the Department of Community Development may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses and views.
- (2) Advertising: No advertising or signage is permitted on telecommunications facilities.
- (3) Visual effects: If an antenna is installed on a structure other than a tower, the antenna and associated electrical and mechanical equipment must be of neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (4) Accessory uses: Accessory structures used in direct support of a telecommunications facility shall be allowed but shall not be used for offices, vehicle storage or other outdoor storage. Mobile or immobile equipment not used in direct support of a telecommunications facility shall not be stored or parked on the site of the telecommunications facility.
- (5) Lot size and setbacks: Telecommunications facilities must be set back from any property line a sufficient distance to protect adjoining property from the potential impact of telecommunications facility failure by being sufficiently distant to accommodate such failure of the site, based on the engineer's analysis as required in section 25B-60-7. Such setback distance shall in no event be less than the calculated distance covered by the telecommunications facility should such fail, plus an additional 10 feet.

- (6) On-site vegetation: Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.
- (7) Buffer strip and fence: Any tower site (including the entire "guyed" area) shall be surrounded by a buffer strip and fence as approved by the Director based on applicable regulations of the UDO for buffers and fencing.

Section 25B-60-7. Application requirements.

Application for a building permit for any wireless facility shall be made by the person, company or organization that will own and operate the telecommunications facility. An application will not be considered until it is complete, and the following information shall be submitted when applying for said permit and must be submitted for an application to be considered complete:

- (1) Basis information: A report from a qualified, registered professional engineer licensed in the State of Georgia, documenting the following:
 - (a) Wireless facility height and design, including technical, engineering, economic and other pertinent factors governing selection of the proposed design;
 - (b) Total anticipated capacity of the telecommunications facility, including number and types of antennas which can be accommodated by the facilities;
 - (c) Evidence of structural integrity of the tower structure; and
 - (d) Structural failure characteristics of the telecommunications facility and demonstration that site setbacks are of adequate dimension (to contain debris).
- (2) A definition of the area of service to be served by the antenna or tower and whether such antenna or tower is needed for coverage or capacity;
- (3) The identity of a community liaison officer appointed by the applicant to resolve issues of concern to neighbors and residents relating to the construction and operation of the facility. Included within such designation shall be name, address, telephone number, facsimile number and electronic mail address, if applicable.
- (4) Site plan: An applicant for a telecommunications facility building permit must present a site plan that discloses the following:
 - (a) Location of guy wires;
 - (b) Location to nearest residential structure;
 - (c) Height elevations above ground level;
 - (d) Height elevation above sea level;
 - (e) Relation to slope set forth in the airport special zoning district; and
 - (f) Full description of landscaping and fence material to be used.

Section 25B-60-8. Co-location.

Applicant and owner shall allow other future personal wireless service companies, including public and quasipublic agencies, using functionally equivalent personal wireless technology to

co-locate antennas, equipment and facilities on a telecommunications facility unless specific technical constraints or applicable law prohibit said co-location. Applicant and other personal wireless carriers shall provide a mechanism for the construction and maintenance of shared facilities and infrastructure and shall provide for equitable sharing costs in accordance with industry standards.

Section 25B-60-9. Action on application; appeals.

- (1) The Director shall approve or deny the application for a new wireless support structure within 150 calendar days of the date of complete application, unless another date is agreed to by the applicant and the Director in writing. The Director shall have 30 days from the date of application to determine if an application is complete and shall notify the applicant in writing of any additional materials required. If so notified, the time within which such information is being provided by the applicant shall not count against the 150-day decision period herein. Any such decision denying a request to place, construct or modify a telecommunications facility shall be in writing and supported by evidence contained within a written record.
- (2) The Director shall approve or deny the application for a colocation within 90 calendar days of the date of complete application, unless another date is agreed to by the applicant and the Director in writing. The Director shall have 30 days from the date of application to determine if an application is complete and shall notify the applicant in writing of any additional materials required. If so notified, the time within which such information is being provided by the applicant shall not count against the 90-day decision period herein. Any such decision denying a request to place, construct or modify a telecommunications facility shall be in writing and supported by evidence contained within a written record. If the application for a co-location or modification of a wireless facility is subject to the streamlined process of O.C.G.A. § 36-66B-4 as amended, the application entitled to streamlined processing shall be reviewed for conformance with applicable site plan and building permit requirements, including zoning and Comprehensive Plan character area map conformity but shall not otherwise be subject to additional approvals beyond the initial approval issued for the wireless support structure or wireless facility.
- (3) The Director shall approve or deny the application for an eligible facility request subject to review under section 6409 of the Spectrum Act within 60 calendar days of the date of complete application, unless another date is agreed to by the applicant and the Director in writing. The Director shall have 30 days from the date of application to determine if an application is complete and shall notify the applicant in writing of any additional materials required. If so notified, the time within which such information is being provided by the applicant shall not count against the 60-day decision period herein. Following a supplemental submission, the Director will have 10 days to notify the applicant that the supplemental submission did not include the missing information. If the Director does not act within the 60 days the application is granted, the decision shall be considered to be

approved. The decision shall be in writing and be supported by a written record documenting the reasons for the denial and the evidence in support of the decision.

- (4) Appeals from a decision of the Director may be taken to the board of planning and zoning appeals per the appeals provisions of section 25B-55-10.

Section 25B-60-10. Maintenance of Facilities.

- (1) All wireless transmission facilities and related fencing and landscaping shall be maintained by the facility owner in good condition, order, and repair so that they shall not endanger the life or property of any person, nor shall they be a blight upon the property.
- (2) All maintenance or construction on wireless transmission facilities shall be performed by persons employed by or under contract to the owner between the hours of 8:30 a.m. and 5:30 p.m. Monday through Friday except in cases of emergency. Access to facilities on City owned property shall be determined on a case-by-case basis by the department responsible for such property. The hours of access to City sites shall not exceed those specified above. Persons may not be present on site unless performing construction or maintenance at such site.

Section 25B-60-11. Liability Insurance.

- (1) All permitted wireless telecommunications facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the permit in amounts as set forth below:
 - (a) Commercial general liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate; and
 - (b) Automobile coverage: \$1,000,000 per occurrence/ \$2,000,000 aggregate; and
 - (c) A \$3,000,000 umbrella coverage; and
 - (d) Workers compensation and disability: Statutory amounts.
- (2) For a wireless telecommunications facility on City property, the commercial general liability insurance policy shall specifically include the City and its officers, commissions, employees, committee members, attorneys, agents and consultants as additional insured.
- (3) The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the state and with a best's rating of at least A.
- (4) The insurance policies shall contain an endorsement obligating the insurance company to furnish the City with at least 30 days' prior written notice in advance of the cancellation of the insurance.
- (5) Renewal or replacement policies or certificates shall be delivered to the City at least 15 days before the expiration of the insurance that such policies are to renew or replace.
- (6) Before construction of a permitted wireless telecommunications facility is initiated, but in no case later than 15 days after the grant of the application, the applicant shall deliver to the City a copy of each of the policies or certificates representing the insurance in the required amounts.

- (7) A certificate of insurance that states that it is for informational purposes only and does not confer rights upon the City shall not be deemed to comply with this section.

Section 25B-60-12. Indemnification.

- (1) Any application for wireless telecommunication facilities that is proposed for City property, pursuant to this chapter, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the chapter, to at all times defend, indemnify, protect, save, hold harmless, and exempt the City and its officers, commissions, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising there from, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the county, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the City.
- (2) Notwithstanding the requirements noted in subsection (1) of this section, an indemnification provision will not be required in those instances where the City itself applies for and secures a special use permit for wireless telecommunications facilities.

Section 25B-60-13. Fines.

- (1) In the event of a violation of this chapter or any permit issued pursuant to this chapter, the City may impose and collect, and the holder of the permit for wireless telecommunications facilities shall pay to the county, fines or penalties as set forth below.
- (2) If the applicant fails to comply with provisions of this chapter such shall constitute a violation of this chapter and shall be subject to a fine not to exceed \$350.00 per day per violation following due and proper notice and, further, each day or part thereof that a violation remains uncured after proper notice shall constitute a separate violation, punishable separately.
- (3) Notwithstanding anything in this chapter, the holder of the permit for wireless telecommunications facilities may not use the payment of fines, liquidated damages or other penalties, to evade or avoid compliance with this chapter or any section of this chapter. An attempt to do so shall subject the holder of the permit to termination and revocation of the special use permit. The City may also seek injunctive relief to prevent the continued violation of this chapter, without limiting other remedies available to the county.

Section 25B-60-14. Abandoned towers.

Any telecommunications facility that is not operated for a continuous period of 12 months shall be considered abandoned, irrespective of whether the owner or operator intends to make use of it or any part of it. In such case, the owner of the telecommunications facility and the owner of the property where such facility is located shall be under a duty to remove the abandoned telecommunications facility. If such antenna and/or tower is not removed within 60 days of receipt of notice from the City notifying the owner(s) of such abandonment, the City may remove such tower and/or antenna and place a lien upon the property for the costs of removal. The City may pursue all legal remedies available to it to ensure that abandoned telecommunications tower or facilities are removed. Any delay by the City in taking such action shall not under any circumstances operate as a waiver of the City's right to take such action. The City may seek to have a telecommunications facility removed regardless of the owner's or operator's intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.

Section 25B-60-15. Pre-existing towers/nonconforming uses.

Use of all telecommunications facilities lawfully permitted and operative prior to the adoption of the UDO, and which do not comply with the provisions of chapter 25B-60, or amendments thereto, shall be allowed as a nonconforming use and shall be treated as a nonconforming use in accordance with section 25B-50. Routine maintenance, including replacement with new tower or antenna of like construction and height shall be permitted on such existing telecommunications facilities. Any existing unused tower or antenna so replaced shall be removed within 30 days of the new tower or antenna becoming operational. New construction other than routine maintenance shall comply with the requirements of this chapter.

- (1) A telecommunications facility that has received City approval as of the date of final approval of this UDO, in the form of a building permit, but has not yet been constructed or placed in operation, shall be considered an existing telecommunications facility as long as such building permit is current and not expired. The zoning district regulations of the Zoning Ordinance contain additional standards and procedures that are supplemental to all other regulations and requirements of this chapter. Should the requirements of these zoning district standards and procedures conflict with standards of other requirements of this chapter, the requirements of the zoning district shall apply.
- (2) Placement of an antenna on a nonconforming structure shall not be considered an expansion of the nonconforming structure.

CHAPTER 25B-65. HISTORIC PRESERVATION

Sec. 25B-65-1. Historic preservation commission created.

The historic preservation commission for the City is hereby created, whose title shall be "LaGrange Historic Preservation Commission."

Sec. 25B-65-2. Operational responsibilities; staff function.

The commission shall operate under the general government of the City, with the staff function therefor being performed by the Department of Community Development.

Sec. 25B-65-3. Number; appointment; terms; compensation.

- (1) The commission shall consist of seven (7) members, a majority of whom shall have demonstrated special interest, experience or education in history or architecture. All members shall reside within the corporate limits of the City and shall serve without compensation.
- (2) The mayor and council of the City shall have the option of appointing up to three (3) ex-officio members to the commission, who shall not have voting privileges but shall be available to advise and assist the commission members in carrying out the duties imposed under this chapter. An ex-officio member of the committee may be appointed without regard to residence.
- (3) Members shall serve three (3) year terms. In order to achieve staggered terms, initial appointments shall be:
 - (a) Two (2) members for one (1) year;
 - (b) Two (2) members for two (2) years; and
 - (c) Three (3) members for three (3) years.
 - (d) Ex-officio members shall be appointed for three (3) year terms.
- (4) Neither members nor ex-officio members shall receive a salary, although each may be reimbursed for expenses at the discretion of the governing authority.
- (5) Both members and ex-officio members shall be removable at the discretion of the mayor and council, with or without cause.

Sec. 25B-65-4. Commission powers.

The commission shall be authorized to:

1. Prepare an inventory of all property within the City having the potential for designation as historic property;

2. Recommend to the mayor and council specific places, districts, sites, buildings, structures or works of art to be designated by ordinance as historic properties or historic districts;
3. Review applications for certificates of appropriateness and grant or deny the same in accordance with the requirements set forth in section 25B-65-12;
4. Recommend to the mayor and council that the designation of any place, district, site, building, structure or work of art as a historic property or as a historic district be revoked or removed;
5. Restore or preserve any historic properties acquired by the City, at the request of and upon approval by the mayor and council;
6. Promote the acquisition by the City of conservation easements in accordance with applicable state law;
7. Conduct an educational program on historic properties located within the City;
8. Make such investigations and studies of matters relating to historic preservation as the mayor and council or the commission itself may from time to time deem necessary or appropriate for the purposes of this chapter;
9. Seek out state and federal funds for historic preservation and make recommendations to the mayor and council concerning the most appropriate use of any funds acquired;
10. Consult with historic preservation experts in the Division of Historic Preservation of the Department of Natural Resources or its successor and the Georgia Trust for Historic Preservation, Inc.; and
11. Submit to the Division of Historic Preservation of the Department of Natural Resources or its successor a list of historic properties or historic districts designated as such pursuant to section 25B-65-8.

Sec. 25B-65-5. Authority to adopt standards and procedures; quorum; records.

The commission shall have the authority to adopt rules and standards for the transaction of its business and for consideration of applications for designations and certificates of appropriateness, such as by-laws and design guidelines and criteria, all subject to approval by the mayor and council. A quorum shall consist of a majority of the members. Minutes shall be kept of the commission's resolutions, proceedings, actions and meetings.

Sec. 25B-65-6. Conflict of interest.

No member shall vote or otherwise participate in the discussions or deliberations concerning a project or proposal in which he or she has an economic interest.

Sec. 25B-65-7. Recommendation and report of commission.

The commission may present to the mayor and council recommendation for historic districts and properties. Prior to the commission's recommendation of the historic district or historic property to the mayor and council for designation, the commission shall prepare a report consisting of:

- (1) A physical description of the district or property;
- (2) A statement of the historical, cultural, architectural and aesthetic significance of same;
- (3) A map showing district boundaries or boundaries of individual historic properties;
- (4) A statement justifying district or individual property boundaries; and
- (5) Representative photographs.

Sec. 25B-65-8. Adoption of designation ordinance.

- (1) No ordinance shall be adopted by the mayor and council to designate either a historic property or historic district without compliance with the following requirements:
 - (a) Any ordinance designating any property as a historic property or any district as a historic district shall require that the designated property or district be shown on the Official Zoning Map of the City;
 - (b) Any ordinance designating any property as a historic property shall describe each such property to be designated, shall set forth the name or names of the owner or owners of the property, and shall require that a certificate of appropriateness be obtained from the commission prior to any material change in appearance of the designated property; and
 - (c) Any ordinance designating any district as a historic district shall include a description of the boundaries of the district, shall list each property located therein, shall set forth the name or names of the owner or owners of each property, and shall require that a certificate of appropriateness be obtained from the historic preservation commission prior to any material change in appearance of any structure, site or work of art located within the designated historic district.
- (2) No ordinance designating any property as a historic property and no ordinance designating any district as a historic district nor any amendments thereto may be adopted by the local governing authority nor may any property be accepted or acquired as historic property by the governing authority until said authority has taken the following procedural steps:
 - (a) The commission shall make or cause to be made an investigation and shall report on the historic, cultural, architectural or aesthetic significance of each place, district, site, building, structure or work of art proposed for designation or acquisition. The commission shall submit said report to the Division of Historic Preservation of the Department of Natural Resources or its successor which will be allowed 30 days to prepare written comments concerning the reports;

- (b) The commission and the mayor and council shall hold a public hearing on the proposed ordinance. Notice of the hearing shall be published at least three (3) times in the principal newspaper of general circulation within the City; and written notice of the hearing shall be mailed by the commission to all owners and occupants of such properties. All the notices shall be published or mailed not less than 10 nor more than 20 days prior to the date set for public hearing; and
 - (c) Following the public hearing, the mayor and council may adopt the ordinance as prepared, adopt the ordinance with any amendments it deems necessary or reject the proposal altogether.
- (3) Within 30 days immediately following adoption of the ordinance, the owners and occupants of each designated property and the owners and occupants of each structure, site or work of art located within a designated historic district shall be given written notification of such designation by the mayor and council, which notice shall apprise said owners and occupants of the necessity for obtaining a certificate of appropriateness prior to undertaking any material change in the appearance of the historic property designated or within the historic district designated.

Sec. 25B-65-9. Compliance with zoning code required.

Nothing in this chapter shall be construed as to exempt property owners from complying with existing building and zoning codes, nor to prevent any property owner from making any use of his or her property not prohibited by other statutes, ordinances or regulations. Any properties designated as historic properties, or any district designated as a historic district shall in no way affect the established allowable uses set forth in the Zoning Ordinance of the City. All boundaries of designated properties and districts shall overlay existing boundaries of existing or future use zones, and the intent of the one (1) shall not be in conflict with the intent of the other.

Sec. 25B-65-10. Certificate of appropriateness required for material change in appearance.

- (1) After the designation by ordinance of a historic property or of a historic district, no material change in the appearance of the historic property or of a structure, site or work of art within a historic district shall be made or permitted to be made by the owner or occupant thereof unless and until application for a certificate of appropriateness shall be submitted to and approved by the commission. Such application shall be accompanied by such drawings, photographs or plans as may be required by the commission.

Sec. 25B-65-11. Certificate of appropriateness; exemption.

The department of transportation and any contractors, including cities and counties, performing work funded by the department of transportation are exempt from the provisions

of this chapter. Moreover, local governments are exempt from the requirement of obtaining a certificate of appropriateness under this chapter; provided, however, that a local government shall notify the commission 45 days prior to beginning an undertaking that would otherwise require a certificate of appropriateness and allow the commission an opportunity to comment. The 45-day notice provision required herein shall not be applicable if the affected local government, in its discretion, deems it necessary to begin the undertaking prior to the expiration of said 45 days to promote the safety, health, peace, security and general welfare of the local government and its inhabitants.

Sec. 25B-65-12. Certificate of appropriateness; review of applications; procedure; approval, notification or rejection; negotiations for acquisitions.

- (1) Prior to reviewing an application for a certificate of appropriateness, the commission shall take such action as may be reasonably required to inform the owners of any property likely to be affected materially by the application and shall give the applicant and such owners an opportunity to be heard. In cases where the commission deems it necessary, it may, in its discretion, hold a public hearing concerning the application.
- (2) The commission shall approve the application and issue a certificate of appropriateness if it finds that the proposed material change in appearance would not have a substantial adverse effect on the aesthetic, historical or architectural significance and value of the historic property or the historic district at issue. In making such determination, the commission shall consider, in addition to other pertinent factors, the following factors:
 - (a) The historical and architectural value and significance;
 - (b) Architectural style;
 - (c) General design, arrangement, texture and material of the architectural features involved; and
 - (d) The relationship thereof to the exterior or architectural style and pertinent features of other structures in the immediate neighborhood.
- (3) In its review of applications for certificates of appropriateness, the commission shall not consider interior arrangement or uses having no effect on exterior features.
- (4) The commission shall exert best efforts to either approve or reject an application for a certificate of appropriateness within 30 days after the filing thereof, but in no event shall fail to act within 45 days after the filing of said application. Evidence of approval shall be by a certificate of appropriateness issued by the commission. Failure of the commission to act within the 45-day period herein established shall constitute approval, and no other evidence of approval shall be required.
- (5) In the event the commission rejects an application, it shall state its reasons for doing so and shall transmit a record of such action and the reasons therefor, in writing, to the applicant. The commission may suggest alternative courses of action, which, in the opinion of the commission, would be proper if the application is disapproved as submitted. The applicant

may make modifications to the plan and may resubmit the application at any time thereafter.

- (6) In cases in which the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of an application for a certificate of appropriateness by the commission shall be binding upon the Building Official charged with issuing building permits; and, in such case, no building permit shall be issued.
- (7) Where such action is authorized by the mayor and council and is reasonably necessary or appropriate for the preservation of a unique historic property, the commission may enter into negotiations with the owner for the acquisition by gift, purchase, exchange or otherwise of the property or any interest therein.
- (8) Construction for which a certificate of appropriateness has been issued shall begin within 12 months from the date of issuance of the certificate. A one (1) time extension may be granted by the commission for a period of up to 12 months from the date of expiration provided that:
 - (a) The original certificate of appropriateness has not expired at the time application for an extension is filed; and
 - (b) The site or building conditions have not changed on the subject property and adjacent properties.

Upon expiration of either the initial 12-month time limitation or any extension, an applicant must reapply for a certificate of appropriateness.

Sec. 25B-65-13. Variances; appeals.

- (1) Where, by reason of unusual circumstances, the strict application of any provision of this chapter would result in exceptional practical difficulty or undue hardship upon any owner of any specific property, the commission, in passing on applications, shall have the power to vary or modify strict adherence to the provisions or to interpret the meaning of the provision so as to relieve such difficulty or hardship; provided, however, that such variance, modification or interpretation shall remain in harmony with the general purpose and intent of the provisions so that the architectural or historical integrity or character of the property shall be conserved and substantial justice done. In granting variations, the commission may impose such reasonable and additional stipulations and conditions as will in its judgment best fulfill the purpose of this chapter.
- (2) Any person adversely affected by any determination made by the commission relative to the issuance or denial of a certificate of appropriateness may appeal such determination to the mayor and council; the mayor and council may approve, modify and approve, or reject the determination made by the commission if it finds that the commission abused its discretion in reaching its decision.

- (3) Appeals from decisions of the mayor and council may be taken to the superior court in the manner provided by law for appeals from a conviction for municipal or county ordinance violations, in accordance with O.C.G.A. section 44-10-28(j) or its successor provision.

Sec. 25B-65-14. Changes or uses not prohibited.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on a historic property, which maintenance or repair does not involve a material change in design, material, or outer appearance thereof, nor to prevent any property owner from making any use of his property not prohibited by other laws, ordinances, or regulations.

Sec. 25B-65-15. Court proceedings authorized.

The mayor and council or commission shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in the appearance of a designated historic property or historic district, except those change made in compliance with the provisions of this chapter, or to prevent any illegal act or conduct with respect to such historic property or historic district.

Sec. 25B-65-16. Violations of this chapter; penalties.

Violations of any part of this chapter shall be punished in conformity with section 1-1-6 of the Code.

TITLE 25. LAGRANGE UNIFIED DEVELOPMENT ORDINANCE

TITLE 25C. DEVELOPMENT AND PERMITTING

CHAPTER 25C-1. COMMUNITY DEVELOPMENT

Sec. 25C-1-1. Department created; appointment of Director.

There is hereby created the Community Development Department of the City, the Director of which shall be the Director of Community Development (referred to in this chapter as the "Director"). The Director shall be appointed by the City Manager.

Sec. 25C-1-2. Duties of Director.

The Director shall, under the general supervision of the City Manager, provide administrative and technical direction to and exercise general supervision over the administration and management of the activities related to improving the condition of housing in the community, promoting job opportunities, rehabilitating and revitalizing neighborhoods, locating and identifying funds and resources available to carry out such activities and the administration, supervision and enforcement of building, plumbing, housing and environmental sanitation codes of the City, and in furtherance thereof, shall:

- (1) Identify both institutional and financial resources including but not limited to federal, state, local and private funds specifically needed, and which are available to perform the function of economic development and revitalization of neighborhoods in the community;
- (2) Develop program activities to implement the policies and priorities established and identified by the mayor and council;
- (3) Enforce all laws, ordinances, rules and regulations pertaining to governmental functions under his supervision;
- (4) Package, prepare and assemble applications for specific projects and programs which are necessary or appropriate in the implementation of the goals of the Community Development Department including but not limited to, public and private sector resources;
- (5) Represent the City in contacts with state and federal jurisdictions relating to matters under their supervision;
- (6) Identify the existing housing stock characteristics and the housing needs and projection of housing needs in the community in accordance with the goals and objectives identified, fixed and approved by the mayor and council;

- (7) Perform such other duties or responsibilities as may be delegated by ordinance or resolution of the mayor and council, or as directed by the City Manager, or as may be required of the City Manager's employees relating to application for, issuance of and enforcement, regulation and collection of fees pertaining to licenses issued or to be issued by the City;
- (8) Recommend for appointment and after appointment shall administer, direct and supervise the Building Official or Building Officials, or their respective duly authorized representatives, in the inspection, application and enforcement of all technical codes and regulations now or hereafter adopted by the mayor and council;
- (9) Perform the administrative duties for the construction board of adjustment and appeals and in furtherance thereof, keep accurate and up to date minutes of the meetings, maintain and preserve the records of the board and perform all administrative functions related thereto; and
- (10) Organize, assist and participate in the formation of citizens' or advisory committees required or reasonably necessary to assist in the performance of the functions described herein.

Sec. 25C-1-3. Building Official(s); appointment, duties.

- (1) The Director with the approval of the City Manager shall appoint a Building Official or Building Officials. The Building Official or Building Officials or their respective duly authorized representatives shall perform all functions and duties prescribed by ordinance or resolution by the mayor and council or specified by the Director. In furtherance thereof, the Director shall be authorized to appoint inspectors to assist the Building Official or Building Officials in the performance of their duties and to perform such functions and have such responsibilities as the Director may specify and designate.
- (2) The Building Official of the City is authorized to investigate and report violations of any of the codes of the City relating to zoning codes, building codes, plumbing codes, erosion and sedimentation ordinance, floodplain ordinance, sign ordinance, buffers, landscape, and trees ordinance, housing codes or any other codes or ordinances which such official is charged with the responsibility of investigating and enforcing. Such officials are authorized to issue and serve citations and summons for appearance before the municipal court for violations of the provisions of such codes or ordinances.
- (3) The power and authority given hereby under subparagraph (2) of this section does not include the right of arrest or detention, but is merely to authorize issuance of citations and summons and service of the same and the right to investigate and report violations as authorized by subparagraph (b) and shall not make any such official a peace officer of the City as that term is commonly used in this state or as that term is defined by paragraph (11) of section 16-1-3 of the Official Code of Georgia Annotated.

Sec. 25C-1-4. Building permits, inspections, certificates of occupancy, etc., not to be construed as guarantee.

The inspections by the Director, the Building Official or the duly authorized representatives of either, the issuance of building permits and the issuance by the City of any certificate of occupancy, are done, conducted and performed by such officials of the City in furtherance of a duty to citizens in general and are performed and conducted for the purpose of protecting the safety, health and general welfare of the citizens of LaGrange. No such inspection, permit issuance, or certificate of occupancy issuance shall create a special relationship to any specific individual or individuals or to specific property. The City and its officers, agents or employees shall have no liability for the performance of any such inspection, issuance of permits or certificates of occupancy and in no circumstance is any such inspection, issuance of permit or issuance of certificate of occupancy to be construed as a guarantee that specific properties are free from all or any problems.

CHAPTER 25C-5. BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. IN GENERAL

Sec. 25C-5-1. Fire District.

As required by section 301.4 (a) and (b) of the Standard Building Code, there is hereby created and established in the City a fire district, the limits of which shall include the following territory in the City, to wit: Commencing at the point of intersection of the centerline of the Seaboard Coast Line Railroad track and the westerly boundary of Main Street and running thence northwesterly along the west boundary of Main Street to its intersection with the south margin of West Depot Street; thence westerly along the south margin of West Depot Street to its intersection with the east boundary of South Lewis Street; thence northerly along the east boundary of South Lewis Street and continuing along the east boundary of North Lewis Street to its intersection with the south boundary of Smith Street; thence easterly along the south boundary of Smith Street to its intersection with the west boundary of Morgan Street; thence southerly along the west boundary of Morgan Street at its intersection with the centerline of the Seaboard Coast Line Railroad track; thence in a southerly direction along the centerline of the Seaboard Coast Line Railroad track to its point of intersection with the west boundary of Main Street which is the point of beginning.

Cross reference— Fire prevention and protection, Ch. 10-10.

State Law reference— Elimination of fire and other hazards to persons and property, O.C.G.A. § 25-2-1 et seq.

Sec. 25C-5-2. Awnings and marquees – Restrictions.

- (1) Awnings and marquees erected over sidewalks within the fire district shall be supported entirely by metal brackets or hung on metal rods or chains, such brackets, rods or chains to be attached to the building in front of which any such awning or marquee shall be placed; provided, however, wooden supports for such structures shall be permissible outside the fire district. All such awnings and marquees shall be placed with their outer edges at least 12 inches back of the curblin, and the lower or underside of said awning or marquee, including all attachments thereto such as light fixtures, and its supports as required above, shall not be less than eight (8) feet above the sidewalk at the lowest point.
- (2) The mayor and council may permit the structure supporting marquees to be placed on the sidewalk area of the street right-of-way provided:

- (a) The plans and specifications of such structure shall otherwise comply with the charter and all ordinances and codes of the City;
- (b) The structure shall be constructed, placed, and maintained so as not to interfere with pedestrian or vehicular traffic on the street right-of-way;
- (c) Adequate lighting is installed, maintained and operated by the owner or tenant of the building to which the marquee is attached, the operation of such lighting system to be approved by the Director of Utilities;
- (d) The structure is of a design that is compatible with the design of the adjacent buildings;
- (e) The owner or tenant shall at his own expense maintain and make all repairs to the structure, however necessitated, at no expense to the City;
- (f) In the event the mayor and council determine that it is necessary to use said sidewalk area for any public purpose, inconsistent with use by the owner, the owner shall remove the supporting structure at no expense to the City; and
- (g) The owner shall comply with any applicable laws of the state and regulations of GDOT.

State Law reference— Obstructing sidewalks or other public passages, O.C.G.A. § 16-11-43; regulations of state department of transportation, O.C.G.A. § 32-2-2.

Sec. 25C-5-3. Same – Permit.

It shall be unlawful for any person to erect an awning or a marquee anywhere within the fire district without first obtaining a permit to do so from the City.

ARTICLE II. ADOPTION OF STANDARD CODES

Sec. 25C-5-20. Georgia State Minimum Standard Codes.

- (1) The latest edition of the following Georgia State Minimum Standard Codes, as adopted and amended by the Georgia Department of Community Affairs, as well as Chapter 1 of said codes, shall be enforced within the City:
 - (a) 2000 International Building Code;
 - (b) 2000 International Mechanical Code;
 - (c) 2000 International Gas Code;
 - (d) 2000 International Plumbing Code;
 - (e) 2002 National Electrical Code;
 - (f) 2003 International Fire Code;

- (g) 2000 International Residential Code for One- and Two- Family Dwellings; and
- (h) Georgia State Energy Code.

(2) The latest addition of the following Georgia state minimum standard codes, as well as Chapter 1 of said codes, are hereby adopted and shall be enforced within the City:
(a) International Property Maintenance Code, 2003 edition as amended by the State of Georgia.

(3) In addition to the Standard Codes referenced above, the following appendices of said codes, as adopted and amended by the Georgia Department of Community Affairs, are adopted by reference as though copied herein fully:

- (a) International Building Code: Appendices C, D, E, F, G, H, I and J);
- (b) International Mechanical Code: Appendix A);
- (c) International Plumbing Code: Appendices B, D, E, F and G);
- (d) International Gas Code: Appendices A, B and C);
- (e) International Fire Code: Appendices B, C, D, E, F and G);
- (f) National Electric Code: All appendices); and
- (g) International Residential Code for One- and Two-Family Dwellings: Appendices E, G and H).

(4) The International Building Code is amended as follows: section 112.1 is deleted, in its entirety, and replaced by a new section 112.1 to read as follows:

"In order to hear and decide appeals of orders, decisions and determinations of the Building Official, there is hereby established the construction board of adjustment and appeals, which shall consists of five (5) members who shall be appointed by the mayor and council of the City of LaGrange. The members of the board may be removed from the board at anytime by the mayor and council, with or without cause, and shall have the qualifications and terms of office as shall be fixed by the mayor and council."

Section 112.3 of the International Building Code is amended by deleting said section, in its entirety, inserting in lieu thereof a new section 112.3 to be entitled "Further Right of Appeal" and to read as follows: "Section 112.3 Further Right of Appeal. Anyone aggrieved by or who disagrees with a decision of the construction board of adjustment and appeals shall have the right to appeal such decision to the mayor and council. The decision of the mayor and council on any such appeal shall be final, subject however to such additional remedy as any aggrieved party may have at law or in equity."

Section 113.3 of the International Building Code is deleted in its entirety.

Section 115 of the International Building Code is deleted in its entirety.

(5) The International Fire Code is hereby amended as follows:

- (a) Section F108.1 is deleted, in its entirety, and replaced by a new section F108.1 to read as follows:

"In order to hear and decide appeals of orders, decisions and determinations of the Building Official, there is hereby established the construction board of adjustment and appeals, which shall consist of five (5) members who shall be appointed by the mayor and council of the City of LaGrange. The members of the board may be removed from the board at anytime by the mayor and council, with or without cause, and shall have the qualifications and terms of office as shall be fixed by the mayor and council."

- (b) Section F108.3 of the International Fire Code is amended by deleting said section, in its entirety, inserting in lieu thereof a new section F108.3 to be entitled "Further Right of Appeal" and to read as follows:

Section 112.3 Further Right of Appeal. "Anyone aggrieved by or who disagrees with a decision of the construction board of adjustment and appeals shall have the right to appeal such decision to the mayor and council. The decision of the mayor and council on any such appeal shall be final, subject however to such additional remedy as any aggrieved party may have at law or in equity."

- (6) The International Mechanical Code is hereby amended as follows:

- (a) Section M109 is deleted, in its entirety, and replaced by a new section M109 to read as follows:

"Section M109.1 There is hereby established the construction board of adjustment and appeals, which shall consist of five (5) members who shall be appointed by the mayor and council of the City of LaGrange. The members of the board may be removed from the board at any time by the mayor and council, with or without cause, and shall have the qualifications and terms of office as shall be fixed by the mayor and council.

Section M109.2 Limitations on Authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

Section M109.3 Further Right of Appeal.

Anyone aggrieved by or who disagrees with a decision of the construction board of adjustment and appeals shall have the right to appeal such decision to the mayor and council. The decision of the mayor and council on any such appeal shall be final, subject however to such additional remedy as any aggrieved party may have at law or in equity."

- (7) The International Plumbing Code is hereby amended as follows:

- (a) Section P109 is deleted, in its entirety, and replaced by a new section M109 to read as follows:

"Section P109.1 There is hereby established the construction board of adjustment and appeals, which shall consist of five (5) members who shall be appointed by the mayor and council of the City of LaGrange.

The members of the board may be removed from the board at anytime by the mayor and council, with or without cause, and shall have the qualifications and terms of office as shall be fixed by the mayor and council.

Section P109.2 Limitations on Authority.

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

Section P109.3 Further Right of Appeal.

Anyone aggrieved by or who disagrees with a decision of the construction board of adjustment and appeals shall have the right to appeal such decision to the mayor and council. The decision of the mayor and council on any such appeal shall be final, subject however to such additional remedy as any aggrieved party may have at law or in equity."

(8) The International Fuel Gas Code is amended as follows:

(a) Section FG109 is deleted, in its entirety, and replaced by a new section FG109 to read as follows:

"Section FG109.1 There is hereby established the construction board of adjustment and appeals, which shall consist of five (5) members who shall be appointed by the mayor and council of the City of LaGrange.

The members of the board may be removed from the board at anytime by the mayor and council, with or without cause, and shall have the qualifications and terms of office as shall be fixed by the mayor and council.

Section FG109.2 Limitations on Authority.

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

Section FG109.3 Further Right of Appeal.

Anyone aggrieved by or who disagrees with a decision of the construction board of adjustment and appeals shall have the right to appeal such decision to the mayor and council. The decision of the mayor and council on any such appeal shall be final, subject however to such additional remedy as any aggrieved party may have at law or in equity."

(9) The Standard Housing Code is amended as follows:

By deleting section 103.1, inserting in lieu thereof a new section 103.1 to read as follows:

103.1 General. The Director of the Department of Community Development shall be known as the code official.

Sections 103.2 and 103.5 are hereby deleted.

Section 111, entitled "Means of Appeal," is amended by substituting "board of appeals" with the "construction board of adjustment and appeals" of the City of LaGrange. The construction board of adjustment and appeals shall have all duties and responsibilities of the board of appeals referenced in the Standard Housing Code. Thus, sections 111.2, 111.2.1 and 111.2.2 are deleted from the Standard Housing Code, with a new 111.2 to be inserted therein to read as follows:

111.2. Construction Board of Adjustment and Appeals. In order to hear and decide appeals of orders, decisions and determinations of the code official, there is hereby established the construction board of adjustment and appeals, which shall consist of five (5) members who shall be appointed by the mayor and council of the City of LaGrange. The members of the board may be removed from the board at any time by the mayor and council, with or without cause, and shall have the qualifications and terms of office as shall be fixed by the mayor and council.

(10) The International Residential Code is amended as follows:

(a) Section R 112 of the International Residential Code is deleted, in its entirety, and replaced by a new section R 112 to read as follows:

Section R112.1 There is hereby established the construction board of adjustment and appeals, which shall consist of five (5) members who shall be appointed by the mayor and council of the City of LaGrange. The members of the board may be removed from the board at any time by the mayor and council, with or without cause, and shall have the qualifications and terms of office as shall be fixed by the mayor and council.

Section R112.2 Limitations on Authority.

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

Section R112.3 Further Right of Appeal.

Anyone aggrieved by or who disagrees with a decision of the construction board of adjustment and appeals shall have the right to appeal such decision to the mayor and council. The decision of the mayor and council on any such appeal shall be final, subject however to such additional remedy as any aggrieved party may have at law or in equity.

(11) The following procedure shall apply to appeals of orders, decisions and determinations of the Building Official relating to the National Electric Code and the Georgia State Energy Code (CABO Model Energy Code):

(a) In order to hear and decide appeals of orders, decisions and determinations of the Building Official, there is hereby established the construction board of adjustment and

appeals, which shall consist of five (5) members who shall be appointed by the mayor and council. The members of the board may be removed from the board at any time by the mayor and council, with or without cause, and shall have the qualifications and terms of office as shall be fixed by the mayor and council.

- (b) An application for appeal shall be based on a claim that the true intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of said code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.
- (c) Anyone aggrieved by or who disagrees with a decision of the construction board of adjustment and appeals shall have the right to appeal such decision to the mayor and council. The decision of the mayor and council on any such appeal shall be final, subject however to such additional remedy as any aggrieved party may have at law or in equity.

ARTICLE III. BUILDING CODE

Sec. 25C-5-30. Design Professional.

Construction documents submitted pursuant to requirements of the Standard Building Code shall be prepared by a design professional. The design professional shall be an architect or engineer legally registered under the laws of the state regulating the practice of architecture or engineering and shall affix his or her official seal to said drawings, specifications and accompanying data, for the following:

- (1) All Group A, E, and I occupancies;
- (2) Buildings and structures three (3) stories or more high;
- (3) Buildings and structures 5,000 square feet or more in area. For all other buildings and structures, the submittal shall bear the certification of the applicant that some specified state law exemption permits its preparation by a person not so registered. EXCEPTION: Group R₃ buildings, regardless of size, shall require neither a registered architect or engineer, nor a certification that an architect or engineer is not required.

Sec. 25C-5-31. Moving buildings – Dimensions; permit.

No building or a portion thereof with dimensions in excess of 18 feet in width, 30 feet in length and 16 feet in height shall be moved on the streets of the City unless or until a special permit for such moving shall be obtained from the Director. Such permit shall impose such conditions and contain such restrictions as the Director shall deem necessary in order to facilitate the movement so as not to interfere with utilities, traffic and public facilities.

Sec. 25C-5-32. Same – Prohibited at night.

It shall be unlawful for any person to move or cause to be moved, or allow to remain, any building on the streets of the City between sundown and sunrise.

Sec. 25C-5-33. Building code permits.

- (1) No permit as required by the building code shall be issued by the City until the fee is paid in accordance with the fee schedule established by the City.
- (2) No building permit shall be issued to any person for construction of a building on any lot, tract or parcel of land unless the same shall front at least 40 feet upon a public street which has been accepted and which is being currently used by the City as a public street.

Sec. 25C-5-34. Furnishing electricity, conditions.

In order to enforce the International Property Maintenance Code, 2003 edition, the City may deny utility service upon a change of occupancy of any dwelling until such dwelling has been inspected and found to be in compliance with the International Property Maintenance Code, 2003 edition, as amended by the Georgia Department of Community Affairs.

Sec. 25C-5-35. Payment upon commencing business; exceptions.

Permit and license fees or costs as established by this chapter, as well as elsewhere in the code, shall be paid before commencing business and as a condition precedent for transacting business or practicing an occupation, except as follows:

- (1) Regulatory fees may be paid after commencing business or the practice of a profession or occupation when:
 - (a) The work done or services provided are necessary for the health, comfort or safety of one (1) or more individuals or protection of property. This paragraph shall apply to, but not be limited to the repair, service, or insulation of heating, ventilation and air conditioning equipment system;
 - (b) The work done or services provided have no adverse effect on any other person;
 - (c) Applicable regulatory and permit fees are tendered to the City within two (2) business days after commencing business or the practice of a profession or occupation and any and all required inspections are made in order to insure compliance with any applicable code;
 - (d) The work is commenced or the services are provided within 24 hours of receiving the request for such work or service and it is not possible for the person conducting the work or providing the service to obtain a permit prior to commencing due to the hours of operation of the City.

ARTICLE IV. PLUMBING

Sec. 25C-5-40. Permit.

There shall be a charge for the cost of all plumbing permits, payable to the City, based upon the schedule of charges established by the City.

Sec. 25C-5-41. Reserved.

Sec. 25C-5-42. Water and sewer installations, self-inspection; exemption.

Pursuant to and in accordance with section 3 of Act No. 1046 (House Bill 1221) enacted by the General Assembly of Georgia at its 1996 Session and approved on April 25, 1996, (the "act"), the mayor and council of the City of LaGrange, Georgia does hereby exempt the City of LaGrange from the provisions of section 1 of the act.

Sec. 25C-5-43. Reserved.

ARTICLE V. UNSAFE OR UNFIT BUILDINGS OR STRUCTURES

Sec. 25C-5-50. Findings of the existence of nuisance structures.

- (1) The governing authority of the City finds and declares that within the corporate limits of the City there is the existence or occupancy of dwellings or other buildings or structures which are unfit for human habitation or for commercial, industrial, or business occupancy or use and are not in compliance with applicable state minimum standard codes as adopted by ordinance or operation of law or any optional building, fire, life safety, or other codes relative to the safe use of real property and real property improvements adopted by ordinance to be in force within the City; or general nuisance law and which constitute a hazard to the health, safety, and welfare of the people of the City and the state; and that the public necessity exists for the repair, closing, or demolition of such dwellings, buildings, or structures.
- (2) It is further found and declared that within the corporate limits of the City where there is in existence a condition or use of real estate which renders adjacent real estate unsafe or inimical to safe human habitation, such use is dangerous and injurious to the health, safety, and welfare of the people of the City and a public necessity exists for the repair of such condition or the cessation of such use which renders the adjacent real estate unsafe or inimical to safe human habitation. Moreover, the mayor and council find that there exist in the City dwellings, buildings, or structures which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and which are not in compliance

with applicable codes; which have defects increasing the hazards of fire, accidents, or other calamities; which lack adequate ventilation, light, or sanitary facilities; or other conditions exist rendering such dwellings, buildings or structure unsafe or unsanitary, or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of the City, or vacant, dilapidated dwellings, buildings, or structures in which drug crimes are being committed. Finally, it is the intent of the governing authority to invoke the procedures hereafter codified for private property which constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions to those persons residing or working in the vicinity of the property.

Sec. 25C-5-51. Nuisance abatement procedures.

- (1) Continued use of other laws and ordinances. It is the intent of the mayor and council that nothing in this article shall be construed to abrogate or impair the powers of the courts or of any department of the City to enforce any provisions of any local enabling act, charter, ordinance or regulation nor to prevent or punish violations thereof; and the powers conferred by this article shall be in addition to and supplemental to the powers conferred by any other law or ordinance, legislation, or regulation.
- (2) Duties of owners; appointment of public officer; procedures for determining premises to be unsafe or unhealthful.
 - (a) It is the duty of the owner of every dwelling, building, structure, or property within the jurisdiction to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within the City, or such ordinances which regulate and prohibit activities on property 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.
 - (b) The mayor and council of the City of LaGrange hereby appoint and designate the Director as the public officer to exercise the powers prescribed by this article.
- (3) Other remedies not precluded.
 - (a) The public officers designated herein may issue citations for violations of State minimum standard codes, optional building, fire, life safety, and other codes adopted by ordinance, and conditions creating a public health hazard or general nuisance, and may seek to enforce such citation in courts of competent jurisdiction prior to issuing a complaint in rem as provided in this article.
 - (b) Nothing in this article shall be construed to impair or limit in any way the power of the City to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Sec. 25C-5-52. Procedures; notice; hearing; appeal.

- (1) Whenever a request is filed with the public officer by a public authority or by at least five (5) residents of the City charging that any dwelling, building, or structure is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer shall make an investigation or inspection of the specific dwelling, building, structure, or property. If the officer's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer may issue a complaint in rem against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the interested parties in such dwelling, building, or structure. The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the interested parties; state with particularity the factual basis for the action; and contain a statement of the action sought by the public officer to abate the alleged nuisance. The summons shall notify the interested parties that a hearing will be held before the Municipal Court of the City of LaGrange, at a date and time certain and at a place within the City where the property is located. Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint in court. The interested parties shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing.
- (2) If after such notice and hearing, the court determines that the dwelling, building, or structure in question is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court shall state in writing findings of fact in support of such determination and shall issue and cause to be served upon the interested parties that have answered the complaint or appeared at the hearing an order:
 - (a) If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure so as to bring it into full compliance with the applicable codes relevant to the cited violation and, if applicable, to secure the structure so that it cannot be used in connection with the commission of drug crimes; or
 - (b) If the repair, alteration, or improvement of the said dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to

demolish and remove such dwelling, building, or structure and all debris from the property.

(c) For purposes of this article, the court shall make its determination of reasonable cost in relation to the present value of the dwelling, building or structure without consideration of the value of the land on which the structure is situated; provided, however; that costs of the preparation necessary to repair, alter, or improve a structure may be considered. Income and financial status of the owner shall not be factored in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia appraiser classification as provided in Chapter 39A of Title 31, of the O.C.G.A. 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;

(d) If the owner fails to comply with an order to prepare or demolish the dwelling, building or structure, the public officer may cause such dwelling, building, or structure to be repaired, altered, or improved, or to be vacated and closed, or demolished. Such abatement shall commence within 270 days after the expiration of time specified in the order for abatement by the owner. Any time during which such action is prohibited by a court order issued pursuant to O.C.G.A. § 41-2-13 or any other equitable relief granted by the court of competent jurisdiction shall not be counted toward the 270 days in which such abatement action must commence. The public officer shall cause to be posted on the main entrance of the dwelling, building or structure a placard with the following words:

"This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or has been ordered secured to prevent its use and connection with drug crimes or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful."

(3) If the public officer has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any 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 public officer and the City are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials; and

(4) The amount of the cost of demolition, including all court costs, appraisal fees and administrative costs incurred by the municipal tax collector or City revenue officer, and all other costs necessarily associated with the abatement action, including restoration to grade

of the real property after demolition, shall be a lien against the real property upon which such cost was incurred.

- (a) The lien provided for in subsection (4) of this section shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure or demolition in the office of the clerk of superior court of the county and shall relate back to the date of the filing of the lis pendens notice required under section 25C-5-53(4). The clerk of superior court shall record and index such certified copy of the order in the deed records of the county and enter the lien on the general execution docket. The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior and shall continue in force until paid.
- (b) Upon final determination of costs, fees and expenses incurred in accordance with this chapter, the public officer responsible for enforcement actions in accordance with this chapter shall transmit to the appropriate municipal tax collector or City revenue officer a statement of the total amount due and secured by said lien, together with copies of all notices provided to interested parties. The statement of the public officer shall be transmitted within 90 days of completion of the repairs, demolition or closure. It shall be the duty of the appropriate municipal tax collector or City revenue officer, whose duties include the collection of municipal taxes, to collect the amount of the lien using methods available for collecting real property ad valorem taxes, including specifically O.C.G.A. Tit. 48, Ch. 4 provided, however, that the limitation of O.C.G.A. § 48-4-78 which requires 12 months of delinquency before commencing a tax foreclosure shall not apply. The municipal tax collector or City revenue officer shall remit the amount collected to the governing authority of the City.
- (c) Enforcement of liens pursuant to this article may be initiated at any time following receipt by the municipal tax collector or City revenue officer of the final determination of costs in accordance with this article. The unpaid lien amount shall bear interest and penalties from and after the date of final determination of costs in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes. An enforcement proceeding pursuant to O.C.G.A. § 48-4-78 for delinquent ad valorem taxes may include all amounts due under this article.
- (d) The redemption amount of any enforcement proceeding pursuant to this section shall be the full amount of costs as finally determined in accordance with this section together with interest, penalties and costs incurred by the governing authority, municipal tax collector or City revenue officer in the enforcement of such lien. Redemption of property from the lien may be made in accordance with the provisions of O.C.G.A. §§ 48-4-80 and 48-4-81.
- (e) Where the abatement action does not commence in the superior court, review of a court order requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be by direct appeal to the superior court under O.C.G.A. § 5-3-29.

Sec. 25C-5-53. Standards; powers; service of complaints.

- (1) The public officer may determine, under existing ordinances, that a dwelling, building, or structure is unfit for human habitation or is unfit for its current commercial, industrial, or business use if he/she finds that conditions exist in such building, dwelling, or structure which are dangerous or injurious to the health, safety, or morals of the occupants of such dwelling, building, or structure; of the occupants of neighborhood dwelling, buildings, or structures; or of other residents of the City. Such conditions may include the following (without limiting the generality of the foregoing):
 - (a) Defects therein increasing the hazards of fire, accidents or other calamities;
 - (b) Lack of adequate ventilation, light, or sanitary facilities;
 - (c) Dilapidation;
 - (d) Disrepair;
 - (e) Structural defects;
 - (f) Uncleanliness; and
 - (g) Other additional standards which may from time to time be adopted and referenced herein by ordinance amendment.

The public officer may determine, under existing ordinances, that a dwelling, building, or structure is vacant, dilapidated, and being used in connection with the commission of drug crimes based upon personal observation or report of a law enforcement agency and evidence of drug crimes being committed.

- (2) The public officer(s) designated in this article shall have such powers as may be necessary or convenient to carry out the purposes of this ordinance, including the following powers:
 - (a) To investigate the dwelling conditions in the City in order to determine which dwellings, building, or structures therein are unfit for human habitation or are unfit for current commercial, industrial, or business use or are vacant, dilapidated, and being used in connection with the commission of drug crimes;
 - (b) To administer oaths and affirmations, to examine witnesses, and to receive evidence;
 - (c) To enter upon premises for the purposes of making examinations; provided, however, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
 - (d) To appoint and fix the duties of such officers, agents, and employees as he or she deems necessary to carry out the purposes of the ordinance; and
 - (e) To delegate any of his or her functions and powers under the ordinance to such officers and agents as he or she may designate.
- (3) Service of complaints.
 - (a) Complaints issued by a public officer pursuant to this article shall be served in the following manner. At least 14 days prior to the date of the hearing, the public officer

shall mail copies of the complaint by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identity and address are reasonably ascertainable. Copies of the complaint shall also be mailed by first class mail to the attention of the occupants of the property, if any, and shall be posted on the property within three (3) business days of filing the complaint and at least 14 days prior to the date of the hearing.

- (b) For interested parties whose mailing address is unknown, a notice stating the date, time and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in Troup County once a week for two (2) consecutive weeks prior to the hearing.
- (4) A notice of lis pendens shall be filed in the office of the clerk of superior court in the county in which the dwelling, building, or structure is located at the time of filing the complaint in the appropriate court. Such notice shall have the same force and effect as other lis pendens notices provided by law.
- (5) As provided by O.C.G.A. § 41-2-13, any person affected by an order issued by the public officer may petition to the superior court for an injunction restraining the public officer from carrying out the provisions of the order and the court may, upon such petition, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that such person shall present such petition to the court within 15 days of the posting and service of the order of the public officer. De novo hearings shall be had by the court on petitions within 20 days. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require; provided, however, that it shall not be necessary to file bond in any amount before obtaining a temporary injunction under this Code section.
- (6) Orders and other filings made subsequent to service of the initial complaint and hearing shall be served in the manner provided in this section on any interested party who answers the complaint or appears at the hearing. Any interested party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

ARTICLE VI. ELECTRICAL CODE

DIVISION 1. GENERALLY

Sec. 25C-5-80. Conduit type and size within fire district.

All electrical wiring installed within the fire district must be placed within metal conduit, tubing or other metal raceway, and shall not be smaller than number 12-gauge copper wire, except as to residential buildings.

Sec. 25C-5-81. Reserved.

Sec. 25C-5-82. Exposing service entrance cables.

All service entrance cables from the point of connection with the City service wires to the meter base shall be enclosed within a metallic conduit.

DIVISION 2. LICENSE; BOND

Sec. 25C-5-90. Licenses required.

It shall be unlawful for any person to make any electrical installation within the City unless such person shall be licensed to make electrical installations pursuant to state law and shall first have been issued a business license by the City.

Editor's note— Ord. No. 93-38, § 1, adopted Aug. 10, 1993, amended this Code by repealing § 25-5-97, pertaining to the requirement of a bond to engage in and do electrical installation, as derived from § 6-62 of the 1972 Code.

DIVISION 3. PERMITS; INSPECTIONS

Sec. 25C-5-100. Electrical inspector generally.

- (1) The City Manager shall appoint or designate a representative of the City, having all the necessary qualifications, to perform the duties of an electrical inspector.
- (2) The electrical inspector shall have the authority to enter any building at reasonable hours, for the purpose of inspecting the electrical installations. Any person attempting to prevent such inspection, whether owner, lessee or his agent, shall be in violation of this Code.

Sec. 25C-5-101. Permit – Required.

No person shall install or repair any electrical appliance or wiring, except repairs not involving the removing or alteration of present installations, until a permit has been secured from the electrical inspector; however, permits must be obtained whenever any electrically operated air conditioner is installed at any location in the City and this shall apply whether such air conditioner is replacing an old air conditioner or is a new installation of an air-conditioning unit

or system. Not less than four (4) hours before any electrical work is started, except as noted in this section, a permit must be secured from the electrical inspector for such work to be done.

Sec. 25C-5-102. Same – Issuance.

Except as provided in this article, the electrical inspector shall not grant a permit to any person unless he has fully qualified with all the terms of this article. Any permit granted in violation of this section shall be null and void.

Sec. 25C-5-103. Workmanship; supervision by master electrician.

Except as provided in this article, all electrical work must be done in a workmanlike manner by a competent electrician under the supervision of a master electrician licensed under the provisions of this article.

Sec. 25C-5-104. Reserved.

Sec. 25C-5-105. Inspection – Required, completeness.

It shall be the duty of the electrical inspector, either personally or by assistants, to inspect all electrical work done within the scope of this article during the progress of such work, as well as when it is completed; such inspection, made from time to time, must be thorough and complete.

Sec. 25C-5-106. Same – Procedure; certificate; correction of defects.

Inspection notices, upon blanks furnished by the electrical inspector, shall be filed in the office of the electrical inspector by each person doing electrical work, giving notice to the electrical inspector of the location, kind of work and time the work will be ready for inspection. The work involved will be inspected as soon as feasible thereafter. When the work has been completed, the electrician must immediately so notify the electrical inspector. At the time the final inspection is made, the electrician or his designated representative must be present. No electrical work may be covered until the necessary inspection has been made. It shall be unlawful for any person to fail to comply with the foregoing procedure. Upon final inspection, if the electrical inspector determines that the work and material are in accordance with the provisions of this article, a certificate of final inspection shall be issued, certifying that the work has been done in accordance with the laws and ordinances of the City. If the electrical inspector finds that any electrical work has not been properly installed or does not comply with the electrical code of the City, he shall so notify the owner, agent or lessee of such property. Upon notice so to do, the owner, agent or lessee shall make such changes and corrections in the electrical work, as may be ordered by the electrical inspector, within five (5) days after notice so to do. In addition

to other penalties, if the necessary corrections are not made, the City may refuse to furnish service to the premises.

Sec. 25C-5-107. Same – Prior concealment.

No person doing or having done any electrical work shall cover or conceal the same by any means until and after the electrical inspector has inspected and approved such work.

ARTICLE VII. GAS CODE

Sec. 25C-5-120. Gas inspector generally.

The City Manager shall appoint or designate a representative of the City, having all the necessary qualifications, to perform the duties of a gas inspector.

Cross reference— Administration, Ch. 5-1 et seq.

Sec. 25C-5-121. Permit required.

No new gas piping or vented gas appliances shall be installed unless a written permit shall have first been obtained from the gas inspector. Upon the completion of any work for which a permit is required under this section, it shall be the duty of the person doing the work to notify the gas inspector, and the work shall be subject to inspection.

Sec. 25C-5-122. Turning on gas.

The City reserves to itself the sole right to turn gas on to any new, repaired or altered piping upon the satisfactory completion of a pressure drop test. Therefore, in all such cases where the gas has been turned off to do any such work, the contractor shall apply to the City to turn it on again.

CHAPTER 25C-10. BUFFERS, LANDSCAPE, AND TREES

ARTICLE I. INTENT AND PURPOSE

Sec. 25C-10-1. Intent.

This chapter shall apply to all properties or portions thereof within the incorporated areas of LaGrange, Georgia, to the extent of the provisions contained herein. The mayor and council of the City find that the protection and preservation of trees, the planting of new trees and other landscape material of the species and quality recommended herein, and the provision of buffers between dissimilar uses as part of the land development process is a public purpose and provides for the public health and general welfare.

Sec. 25C-10-2. Purpose.

- (1) The purpose of this chapter is to preserve and enhance the City's natural environment. This is accomplished through tree preservation, protection, and planting of trees and other landscape material, and the provision of natural and/or planted buffers between dissimilar uses. The chapter is intended to further the City's policy that all development will achieve upon project completion a uniform standard related to tree coverage, landscaping and maintenance.
- (2) Benefits derived from tree protection and replacement include:
 - (a) Improved control of soil erosion;
 - (b) Moderation of storm water runoff, and improved water quality;
 - (c) Enhanced habitat for desirable wildlife;
 - (d) Reduction of noise and glare;
 - (e) Climate moderation and reduction of the heat island effect;
 - (f) Interception of airborne particulate matter, and the reduction of some air pollutants;
 - (g) Aesthetics, scenic amenity; and
 - (h) Increased property value.

ARTICLE II. TREE ADVISORY BOARD

Sec. 25C-10-20. Purpose.

The tree advisory board (the board) is hereby created for the purpose of establishing and giving direction to the tree management aspects of the City-wide beautification plan and programs of the City.

Sec. 25C-10-21. Membership.

The board shall consist of five (5) members, all of whom shall be citizens of Troup County and appointed by the mayor and council for the terms hereinafter specified. One (1) member shall be either an elected official of the City or an employee of the City with consideration to be given to appointment of a representative from the professional landscaping industry, a representative active in garden club activities, and a general community representative.

Sec. 25C-10-22. Term of office.

The members of the board other than the elected or employed member of the City, will be appointed to serve staggered terms, one (1) member to serve for one (1) year, the second for two (2) years, the third for three (3) years and the fourth for four (4) years. After the expiration of the initial terms, all future terms shall be for staggered appointments of four (4) years or until their successors are appointed and qualified. The elected or employed member shall be appointed annually.

Sec. 25C-10-23. Duties and responsibilities.

- (1) The tree advisory board (the board) will be responsible for directing attention to the planting, care, preservation, replanting, pruning, removal and disposition of trees, shrubs, bushes, and other vegetation in parks, along streets and rights-of-way, and in all other public places within the City.
- (2) The board is further authorized and encouraged to recommend annually the establishment of Arbor Day, to recommend to the mayor and council the day annually fixed for such celebration and to recognize the same with the appropriate planting of a tree or such other action as may be deemed appropriate.
- (3) The board shall be authorized to review provisions of the code of the City as it pertains to the maintenance of trees and the tree management programs of the City and make such recommendations to the mayor and council as they may deem appropriate for action by that body.
- (4) The maintenance of the City's tree species list shall be the responsibility of the tree advisory board.

Sec. 25C-10-24. Organization and operation.

The board will have the right to adopt such rules and regulations for its internal operation as it may deem appropriate, including but not limited to, the fixing of an annual meeting at least once each calendar year and such other special meetings as the board may deem appropriate; provided however, that no action taken by the tree advisory board shall have any legal effect or

be binding upon the mayor and council of the City or the City unless or until the same has been approved, confirmed or ratified by the mayor and council.

ARTICLE III. TREE PRESERVATION

Sec. 25C-10-30. Applicability.

The terms and provisions of this article shall apply to any tree removal or land disturbance on real property within the City limits of LaGrange, except as exempted in other paragraphs in this article. No development or land disturbance permit shall be issued by the City without it being determined that the proposed development is in conformance with the provisions of these regulations.

Sec. 25C-10-31. Exemptions.

The following activities shall be exempted from the provisions of this article; provided, however, that in cases where these exemptions would provide for the removal of one (1) or more specimen trees as defined by this chapter, all reasonable efforts shall be made to preserve said specimen trees:

- (1) The removal of trees from any lot which contains or is zoned and platted for purposes of constructing a detached, single-family dwelling or two-family dwelling, provided that the property maintains the minimum number of trees required by the UDO or two (2) trees, whichever is greater.
- (2) The removal of trees from horticultural properties such as farms, nurseries or orchards and timber harvesting subject to section 25C-10-34. This exception shall not be interpreted to include the removal of trees incidental to the development of land.
- (3) The removal of trees by a utility company within dedicated utility easements, where necessary to install, remove, repair, or maintain utilities within said easements.
- (4) The removal of trees on public rights-of-way by or on behalf of any federal, state, county, municipal, or other governmental agency with jurisdiction.
- (5) The removal of trees, other than specimen 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.
- (6) The removal of any tree that is diseased, dying, or which has become or threatens to become a danger to human life or property, upon the advice and written finding of the Georgia Forestry Commission, or a certified arborist.
- (7) The removal of trees less than three (3) inches at breast height, unless a development permit is required.

- (8) The removal of trees within the limits of a valid land disturbance permit issued prior to the effective date of this article, provided that all time constraints relating to the permit issued shall be observed. In no event shall any grandfathered project be extended for a greater time period than 24 months from the date of enactment of this article.

Sec. 25C-10-32. Approval for non-development activity (activity which does not require a building permit, etc.).

- (1) Except for routine or seasonal pruning or transplanting of trees, and except as exempted, no person shall remove any trees for non-development activity without first obtaining an approval letter from the Community Development Department. The request for an approval letter shall be submitted to the Community Development Director in the form of a brief written narrative stating the reason for the proposed tree removal and either a site sketch or photograph of the tree(s) proposed to be removed, identifying such tree(s) by size and species.
- (2) Within 10 working days of receipt of a complete request, the Director shall issue a letter either approving or denying the request. If the request is approved, the Director will inform the applicant if replanting is required.
- (3) The following situations shall be approved by the Director:
 - (a) The removal of dead, substantially injured, damaged or diseased trees;
 - (b) The removal of any non-specimen tree, provided the applicable minimum tree density requirement and minimum landscaping requirements are maintained.

Sec. 25C-10-33. Land disturbance permit for development activity.

- (1) Land disturbing activities, including tree removal, shall not commence until such activities have been authorized by issuance of an approved land disturbance permit.
- (2) Prior to issuance of a land disturbance permit, a landscape plan, which shall include a tree preservation/replacement plan, shall be required.

Sec. 25C-10-34. Timber harvesting; speculative tree removal in anticipation of industrial development.

- (1) Timber harvesting not incidental to development shall be permitted on any lot within the City subject to the following requirements:
 - (a) A 50-foot buffer of vegetation shall be maintained to no less than 55 TDU/acre along all public rights-of-way, except for authorized access crossings, and along all property lines adjoining a residential use.

- (b) Written notice shall first be filed with the Director, five (5) days in advance of said harvesting or removal, including a map of the area which identifies the location of the site to be harvested, the main points of ingress and egress and the required buffer.
 - (c) No development of the property shall be permitted that would require the cutting of trees preserved for a period of three (3) years following the timber harvesting.
 - (d) No stump removal or grading is allowed.
- (2) Speculative tree removal associated with anticipated industrial development shall be approved through the land disturbance permitting process and shall comply with the minimum tree density requirements established in this chapter. Speculative tree removal shall be allowed exclusively in the CP-GI and CP-HI zoning district.

Sec. 25C-10-35. Minimum tree density requirements.

- (1) Tree density standards. A basic requirement of this chapter is that all applicable sites, with the exception of sites within the DT-MX zoning district, shall maintain or exceed a minimum tree density as follows:
- (a) New development.
 - (i) Subdivisions including all residential dwelling uses except for multi-family dwelling uses: Six (6) tree density units per acre calculated based on the defined limits of construction of roads, utilities, detention ponds, etc. The minimum tree density shall be met in common areas of the subdivision, including, but not limited to, areas such as parks, active and passive recreation areas, and subdivision entrances.
 - (ii) Individual lots for residential dwelling uses except for multi-family dwelling uses: A minimum of two (2) trees per lot with a minimum of one (1) such tree located within the front yard. Prior to final plat approval, the Director shall confirm that the trees required by the applicable zoning district have been provided.
 - (iii) For all industrial uses: Three (3) tree density units per acre.
 - (iv) All other uses: Six (6) tree density units per acre.
 - (b) Redevelopment. Redevelopment of multi-family dwelling uses and nonresidential uses shall require compliance with the tree density standard for new development in subsection (a) above. For the purposes of this section, redevelopment is defined as one (1) or more of the following:
 - (i) Demolition of an existing building and rebuilding on the site;
 - (ii) Expansion of the gross square feet of the impervious surface on the site by more than 50 percent.
 - (c) Expansions and additions to multi-family dwellings and nonresidential uses. When expansion of a site equals no more than 50 percent of the pre-existing impervious surface gross square footage, the tree density standard shall be required and calculated based on the amount of disturbed area for the expansion. Expansion by more than 50

percent of the existing impervious surface gross square feet shall be considered redevelopment and subject to the requirements of subsection (1)(b) above.

- (2) The term "unit" is not synonymous with "tree." The density requirement must be met whether or not a site had trees prior to development and may be achieved by counting existing trees to be preserved, planting new trees in accordance with the minimum standards of this chapter, or some combination of the two (2) as represented by the formula:

$$SDF = EDF + RDF$$

Where:

SDF (site density factor) = The minimum tree density required to be maintained on a developed site shall be three (3) units per acre for all industrial uses and (six (6) units per acre for all other uses.

EDF (existing density factor) = Density of existing trees to be preserved on a site.

RDF (replacement density factor) = Density of new trees to be planted on a site.

- (3) The site density factor (SDF) is calculated by multiplying the number of site acres by three (3) for industrial uses and six (6) for all other uses.

Example:

A 3.5 acre commercial site has a SDF of $3.5 \times 6 = 21$

- (4) The existing density factor (EDF) is calculated by converting the diameter of individual trees to density factor units. This is done using Table A below. Only trees included on the City's approved tree list can be counted in determining the EDF of the site, unless the City authorizes the use of substitute trees subject to the approval of the tree board.

Table A. Credit for Existing Trees (EDF) Conversion from Tree DBH in Inches to Tree Density Units for Trees Remaining on Site							
DBH	Units	DBH	Units	DBH	Units	DBH	Units
3"	0.1	15"	1.2	27"	4.0	39"	8.3
4"	0.1	16"	1.4	28"	4.3	40"	8.7
5"	0.2	17"	1.6	29"	4.6	41"	9.2
6"	0.2	18"	1.8	30"	4.9	42"	9.6
7"	0.3	19"	2.0	31"	5.2	43"	10.1

8"	0.4	20"	2.2	32"	5.6	44"	10.6
9"	0.5	21"	2.4	33"	5.9	45"	11.0
10"	0.6	22"	2.6	34"	6.3	46"	11.5
11"	0.7	23"	2.9	35"	6.7	47"	12.0
12"	0.8	24"	3.1	36"	7.1	48"	12.6
13"	0.9	25"	3.4	37"	7.5	49"	13.1
14"	1.1	26"	3.7	38"	7.9	50"	13.6

Note: DBH is rounded to the nearest inch (0.5 and higher is rounded up to next inch, 0.4 and lower is rounded down).

Example:

A total of 12 trees will remain on the three and one-half (3½) acre site. The tree inventory is as follows:

7—12" DBH maples

3—18" DBH pines

1—21" DBH oak

1—24" DBH oak

Converting DBH to density units, the EDF is determined as shown in the following table:

Scientific Name	Common Name	DBH	Units	X	Number of Trees	Total
Acer barbatum	Florida Maple	12"	0.8	X	7	= 5.6
Pinus palustris	Longleaf Pine	18"	1.8	X	3	= 5.4
Quercus alba	White Oak	21"	2.4	X	1	= 2.4
Quercus falcate	Southern Red Oak	24"	3.1	X	1	= 3.1
						16.5

(5) Calculate the replacement density factor (RDF) by subtracting the EDF from the SDF.

Example: $RDF = 21 - 16.5 = 4.5$.

The density factor credit for each caliper size of replacement (new) trees is shown in Table B.

Any number or combination of transplantable size trees can be used so long as their total density factor units will equal or exceed the RDF and their species is selected from the City approved tree list.

If it has been determined by the Director that the property in question is completely barren of trees and has been for more than 10 years (i.e. pasture land), then the unit value for each replacement tree planted will be doubled.

Table B — Credit for Replacement Trees (RDF) Conversion from Tree Caliper in Inches to Tree Density Units for Proposed Replacement Trees			
Caliper	Units	Caliper	Units
1.5"	0.4	8"	1.3
2"	0.5	9"	1.5
3"	0.6	10"	1.7
4"	0.7	11"	1.9
5"	0.9	12"	2.1
6"	1.0	13"	2.3
7"	1.2	14"	2.5

Note: For the purposes of this chapter, tree calipers are measured at one and one-half (1½) feet above the ground or at any point below that for new trees or multi-trunked species, but in no case less than six (6) inches from the ground.

(6) Buffer exclusion. Existing trees proposed to be retained and new trees proposed to be planted in order to meet the buffer requirements of this article or conditions of zoning, special use or variance approval shall not be considered in fulfilling the requirements of this article and do not count towards meeting the tree density requirement. As such, properties

containing required buffers may exclude the land area contained in those buffers from the total acreage of the property in calculating the site density factor of this article.

- (7) Easement exclusion. Properties possessing natural gas, petroleum or electric power transmission easements, or sanitary sewer main (greater than eight (8) inches in diameter) or water main (greater than 16 inches in diameter) distribution easements, may exclude the land area contained in said easement from the total acreage of the property in fulfilling the tree density standard of this article provided that no improvements (e.g. parking lots, tennis courts, driveways, stormwater detention facilities, etc.) are proposed within the easement. If any improvements are proposed within the easement, then the land area so utilized within the easement for the improvement, plus an additional 10 feet of land area surrounding the improvements, shall be used to fulfill the tree density standard of this article.
- (8) Lake and pond exclusion. Properties with an existing lake or pond may exclude the land area contained in the lake or pond from the total acreage of the property in calculating the site density factor.

Sec. 25C-10-36. Specimen trees.

- (1) Some trees on a site warrant special consideration and encouragement for preservation. These trees are referred to as specimen trees. The following criteria are used by the City to identify specimen trees. Both the size and condition must be met for a tree to qualify.
 - (a) Overstory trees such as oaks hickories, or other large hardwoods, and softwood trees such as pines and cedars, must be at least 24 inches in diameter at breast height to be considered a specimen tree.
 - (b) Small native flowering trees must be at least 12 inches in diameter at breast height to be considered a specimen tree.
 - (c) Condition criteria.
 - (i) Life expectancy of greater than 15 years.
 - (ii) Relatively sound and solid trunk with no extensive decay.
 - (iii) No major insect or pathological problems.
 - (iv) No major pruning deficiencies, i.e. topping.
 - (v) At least 75 percent of the critical root zone in a natural, undisturbed state.
 - (vi) A species on the City's approved tree list.
- (2) It is required that all reasonable efforts be made to save specimen trees. Reasonable efforts shall include, but not be limited to, alternate building design, building location, parking area layout, parking area location, reduction in parking area to the minimum required, water retention location and the like.
- (3) In order to encourage the preservation of specimen trees and the incorporation of these trees into the design of projects, additional density credit will be given for specimen trees

which are successfully saved by a design feature specifically designated for such purpose. Credit for any specimen tree thus saved would be two (2) times the assignment value shown in Table A in section 25C-10-36(4).

- (4) If a specimen tree must be removed, it shall be replaced by a species with potential for comparable size and quality. Species selection is subject to approval of the Director or City Arborist. Tree replacement in recompense for specimen tree removal shall be in addition to the minimum required tree density.
- (5) Except as exempted, no specimen tree may be removed without prior written approval from the Director. Any specimen tree which is removed without the appropriate review and approval of the Community Development Director must be replaced by trees with a minimum caliper size of five (5) inches per tree with a total density equal to three (3) times the unit value of the tree removed. In addition, the City may issue a citation for the removal of a specimen tree without the appropriate City review and approval. Size alone will determine whether a tree was of specimen quality if the tree is removed without approval.
- (6) In the event any specimen tree is damaged during construction or as a result of construction and does not survive more than 60 months following completion of development, the owner of the property shall be required to replace said tree or trees with replacement trees (three (3) inch minimum caliper) having an inch for inch replacement of the specimen tree removed on the site.
- (7) The Director or City Arborist may identify and require the preservation of a tree stand if it contains one (1) or more specimen tree and the trees are interlocked with other members of the stand in such a manner as to imperil the individual tree if other members of the stand were to be removed.
- (8) In order to facilitate specimen tree preservation, a reduction to the dimensional requirements of this chapter may be an appropriate remedy to preserve a specimen tree. Where, in the opinion of the Director, dimensional reductions would enable a site and building design to be accomplished while saving one (1) or more specimen trees, and where the objectives of tree protection would outweigh the purposes of the chapter regulations that would be varied, the Director may grant a reduction instead of proposing to remove one (1) or more specimen trees. A determination by the Director that reductions to the dimensional requirements of this chapter would not be appropriate may support a finding by the Director in favor of granting approval to remove one (1) or more specimen trees.

Sec. 25C-10-37. Phased projects.

Where development is going to occur in increments (by design or by implication), density calculations must be based on a site area defined by an established or estimated phase line and existing trees to be counted toward meeting the density requirements should be within the phase line.

Sec. 25C-10-38. Standards for tree protection during construction.

In the tree save area, protective measures shall be applied to the aboveground portion of a tree and to roots within the critical root zone, as follows:

- (1) Damage prohibited. No person shall:
 - (a) Cut, carve, transplant, or otherwise damage or remove any tree;
 - (b) Attach any rope, wire, nails, advertising posters, or other contrivance to any trees;
 - (c) Allow any gaseous, liquid or solid substance which is harmful to trees (such as concrete washout, fuels, lubricants, herbicides, paint, etc.) to come in contact with them; or
 - (d) Set a fire or permit any fire to burn when such fire or the heat of the fire will injure any portion of any tree.
- (2) Fence required. During excavation, filling, construction or demolition operations, each tree or stand of trees shall be protected against damage to bark, roots and low-hanging branches with a fence enclosing the critical root zone (four (4) feet high, two (2) inch by four (4) inch posts; with double one (1) inch by four (4) inch rails, plastic construction area fencing, or 12-gauge two (2) inch by four (4) inch wire mesh). "Tree save area" signs shall be posted on all sides of the fenced area. All tree protection fencing shall be installed prior to any clearing, grubbing or grading. Tree protection must remain in functioning condition until the certificate of occupancy is issued. Failure to comply with and/or maintain approved tree protection measures may result in a stop work order issued by the Community Development Department.
- (3) Compaction prohibited. All building materials, vehicles, construction equipment, dirt, debris or other objects likely to cause soil compaction or aboveground damage shall be kept outside the critical root zone. Where a limited amount of encroachment is unavoidable and is approved by the Building Official, the critical root zone shall first be mulched with a four (4) inch layer of processed pine bark or wood chips or a six (6) inch layer of pine straw.
- (4) Grade changes prohibited. Grade changes prohibited. There shall be no raising or lowering of the ground level within the critical root zone. Stripping of topsoil in the critical root zone shall not be permitted. Where necessary the use of moderate fill is permitted only with prior installation of an aeration system approved by the Building Official. Deposition of sediment in the critical root zone shall be prevented by placement of sediment barriers, which shall be backed by two (2) inch by four (4) inch wire mesh.
- (5) Ditches, trenches prohibited. No person shall excavate any ditch, tunnel or trench within the critical root zone. Where such encroachment is unavoidable and is approved by the Building Official, tunneling rather than trenching shall be used. For installation of underground irrigation, radial trenching may be permitted.
- (6) Paving prohibited. No person shall pave with concrete, asphalt or other impervious material within the critical root zone.

Sec. 25C-10-39. Tree preservation/replacement plan specifications.

- (1) A tree preservation/replacement plan shall be submitted as a separate sheet as part of an application for a land disturbance permit and shall be prepared and sealed by a registered landscape architect, certified arborist, registered surveyor, or registered engineer for any development requiring issuance of a land disturbance permit unless otherwise exempted. When an application for a preliminary plat is made, the applicant shall be required to submit a tree preservation plan.
- (2) Tree preservation/replacement plan requirements.
 - (a) Tree survey. The tree survey shall be a to-scale map or site plan that has been prepared and sealed by a registered landscape architect or certified arborist and registered surveyor. The tree survey shall include the following minimum requirements:
 - (i) All specimen trees are to be located and labeled with their size and species. Their critical root zone (CRZ) shall be delineated. They shall also be labeled in a way to determine if they are intended for removal or preservation.
 - (ii) All other trees that are to be counted toward meeting tree density unit requirements of this article must be shown on the survey and inventoried by size and species. Only trees with a DBH measurement of three (3) inches or greater are to be identified as eligible for tree density unit compliance purposes.
 - (iii) Sampling methods (i.e. a plot-sample survey) may be used to determine tree densities for large forested areas with a minimum size of three (3) acres or greater. A plot sample is defined as an area measuring 100 feet by 100 feet, for a minimum size of 10,000 square feet. The sample must be taken in a portion of the site that is representative of its cover-type. The tree protection plan must delineate all ground cover types and provide a general description of the types of trees present within the tree protection area (i.e. hardwoods, pine/hardwood mix, etc.). Sampling and/or inventory methods as well as the sampling site must be approved by the City. Trees in any buffer areas need not be inventoried.
 - (b) Definition of spatial limits.
 - (i) Limits of land disturbance, clearing, grading and trenching;
 - (ii) Tree protection zones;
 - (iii) Areas of proposed landscaping and tree plantings;
 - (iv) Indication of staging areas for parking, material storage, concrete washout, debris burn, and other areas where tree protection may be affected;
 - (v) Locations of existing and proposed structures, additions to existing structures, paving, driveways, cut and fill areas, detention areas, utilities, easements, etc.;
 - (vi) Phase lines or limits of construction;
 - (vii) Locations of any boring sites for underground utilities;
 - (viii) Locations of any state waters and the limits of any proposed disturbance in a water quality buffer zone.

- (c) Detail drawings of tree protection measures (where applicable):
- (i) Protective tree fencing;
 - (ii) Erosion control fencing;
 - (iii) Tree protection signs;
 - (iv) Transplanting specifications;
 - (v) Tree wells and aeration systems;
 - (vi) Staking specifications; and
 - (vii) Other applicable drawings.
- (d) Name, address, and phone number of owner of record and applicant as well as 24-hour emergency contact phone number.
- (e) Procedures and schedules for the implementation, installation and maintenance of tree protection measures.
- (f) A summary table of the number of existing trees to remain by diameter to the nearest inch at four and one-half (4½) feet above ground and the new trees to be planted shall be shown along with the calculations showing the tree density for the site.
- (g) A planting schedule showing the type (common and botanical names), size and quantity of trees to be planted, tree density units per tree and any special planting notes.
- (h) The locations of all trees and other landscape materials to be planted on the site to meet density requirements and minimum landscaping requirements as applicable.
- (i) Total acreage of the site and total acreage exclusive of all buffer areas and utility easements as described in subsections 25C-10-35(6) and (7) respectively.
- (j) The following notes:

UNDERSTORY TREES TO BE A MINIMUM OF SIX FEET (6') IN HEIGHT AT TIME OF PLANTING. OVERSTORY AND MID-CANOPY TREES TO BE A MINIMUM OF EIGHT FEET (8') IN HEIGHT AT TIME OF PLANTING.

ALL BUFFERS AND TREE SAVE AREAS SHALL BE CLEARLY IDENTIFIED BY FENCING AND SIGNAGE PRIOR TO COMMENCEMENT OF ANY LAND DISTURBANCE.

ALL TREE PROTECTION DEVICES MUST BE INSTALLED AND INSPECTED PRIOR TO ANY CLEARING, GRUBBING OR GRADING. CALL THE CITY INSPECTOR FOR AN INSPECTION.

THE DENSITY REQUIREMENTS SHOWN ON THE TREE PRESERVATION/REPLACEMENT PLAN(S) MUST BE VERIFIED PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY OR ACCEPTANCE OF THE PROJECT.

REPLACEMENT TREES MUST BE FREE FROM INJURY, PESTS, DISEASE, NUTRITIONAL DISORDERS OR ROOT DEFECTS, AND MUST BE OF GOOD VIGOR IN ORDER TO ASSURE A REASONABLE EXPECTATION OF SURVIVABILITY.

PLANT MATERIAL QUALITY SHALL MEET THE AMERICAN STANDARD FOR NURSERY STOCK.

A MAINTENANCE INSPECTION OF TREES WILL BE PERFORMED AFTER TWO FULL GROWING SEASONS FROM THE DATE OF THE FINAL CONSTRUCTION INSPECTION. PROJECT OWNERS AT THE TIME OF THE MAINTENANCE INSPECTION ARE RESPONSIBLE FOR ORDINANCE COMPLIANCE.

- (3) The tree preservation/replacement plan shall be shown on a copy of a preliminary plat, concept plan or site plan, with the exception of a permit to conduct selective harvest, as appropriate to the proposed development, drawn to the same scale as the other plan documents prepared for a land disturbance permit application on the property, and shall cover the same area. The plan may be combined with a required buffer and landscape plan for the project.
- (4) Clearing, grading, grubbing and development activities shall conform in all respects with the approved tree preservation and/or replacement plan. Any revisions to the proposed development of a property, and any changes reflected in a subsequently submitted permit application, shall be shown on a revised tree preservation and/or replacement plan and shall be approved as a part of the new or revised permit prior to the commencement of such changed activities.

Sec. 25C-10-40. Trees on public property.

- (1) The planting, removal or pruning of trees on City property by anyone other than the City shall require a permit.
- (2) Any such permit shall be granted only for the purpose of the installation of a driveway curb cut or the installation of City owned utility connections or other purpose which, in the opinion of the Director is of an emergency or unavoidable nature; and then only in instances in which the installations cannot physically or economically be made in an alternate location.
- (3) When a permit shall authorize the removal of a nonhazardous tree from public property, the adjacent owner obtaining such permit will be required to replace the tree removed with a suitable and comparable tree at such adjacent owner's expense. Such replacement may be on the property of such adjacent owner but in that event, such replacement will not constitute a part of the minimum requirements for such adjacent property under the provisions of section 25C-10-35. Any time a permit for the cutting, pruning, or removal of a tree is denied by the Director, the applicant will have the right to appeal such decision to a meeting of the mayor and council of the City held within 30 days of the date of such denial.
- (4) All plantings and re-plantings accomplished pursuant to the provisions of this section shall be done in accordance with specifications therefor provided by the City and on file with the Department of Community Development of the City which specifications shall include but

shall not be limited to a list of species of trees acceptable for planting on public property and the method of planting for each such species of trees.

Sec. 25C-10-41. Tree species list.

The table below denotes those species of trees which may be incorporated for full credit towards the minimum tree density requirements and which are approved for planting to meet the landscape requirements of this chapter. Tree replacement and/or landscape plans that contain at least 10 new trees must incorporate a mixture of tree types such that no single species accounts for more than 30 percent of all newly planted trees and at least 35 percent of all newly planted trees are overstory trees as designated in the table below. Pine trees can be used for screening and buffer areas only.

Key: O = Overstory; M = Mid-Canopy; U = Understory

* denotes trees suitable for wetter sites

Scientific Name	Common Name	Minimum Root Zone Area (s.f.)	Minimum Root Zone Dimension (ft.)	Trees Suitable for Buffer Planting
Acer barbatum (M)	Florida Maple	200	10	
Acer buergeranum (M)	Trident Maple	200	10	X
Acer palmatum (U)	Japanese Maple	100	5	
Acer rubrum (M)*	Red Maple	200	10	X
Amelanchier arborea (U)	Serviceberry	100	5	X
Betula nigra (M)	River Birch	200	10	X
Carya cordiformis (O)	Bitternut Hickory	400	15	
Carya glabra (O)	Pignut Hickory	400	15	
Carya ovate (O)	Shagbark Hickory	400	15	

<i>Carya tomentosa</i> (O)	Mockernut Hickory	400	15	
<i>Chionanthus retusus</i> (M)	Chinese Fringe Tree	200	10	
<i>Chionanthus virginicus</i> (U)	Fringe Tree	100	5	
<i>Fagus grandiflora</i> (O)	American Beech	400	15	X
<i>Fraxinus Americana</i> (O)	White Ash	400	15	
<i>Fraxinus pennsylvanica</i> (O)	Green Ash	400	15	
<i>Ilex opaca</i> (M)	American Holly	200	10	X
<i>Juniperus virginiana</i> (M)	Easter Red Cedar	200	10	X
<i>Lagerstroemia spp</i> (U)	Crapemyrtle	100	5	
<i>Liriodendron tulipifera</i> (O)	Yellow Poplar	400	15	
<i>Magnolia grandiflora</i> (O)	Southern Magnolia	400	15	X
<i>Magnolia x loebneri</i> (M)	Merrill Magnolia	200	10	
<i>Magnolia soulangiana</i> (U)	Saucer Magnolia	100	5	
<i>Metasequoia Glyptostro-boides</i> (O)	Dawn Redwood	400	15	X
<i>Nyssa sylvatica</i> (M)*	Black Gum	400	15	
<i>Pinus echinata</i> (O)	Shortleaf Pine	400	15	X

Pinus palustris (O)	Longleaf Pine	400	15	X
Pinus taeda (O)	Loblolly Pine	400	15	X
Pinus virginiana (M)	Virginia Pine	200	10	X
Pistacia chinensis (M)	Chinese Pistache	200	10	
Quercus alba (O)	White Oak	400	15	
Quercus coccinea (O)	Scarlet Oak	400	15	
Quercus falcate (O)	Southern Red Oak	400	15	
Quercus lyrata (O)	Overcup Oak	400	15	
Quercus michauxii (O)	Swamp Chestnut Oak	400	15	
Quercus nigra (O)	Water Oak	400	15	
Quercus nuttalli (O)	Nuttal Oak	400	15	
Quercus phellos (O)	Willow Oak	400	15	
Quercus prinus (O)	Chestnut Oak	400	15	
Quercus rubra (O)	Northern Red Oak	400	15	
Quercus shumardii (O)	Shumard Oak	400	15	
Quercus stellata (O)	Post Oak	400	15	
Taxodium distichum (O)*	Bald Cypress	400	15	X
Ulmus alata (M)	Winged Elm	200	10	
Ulmus Americana (O)	American Elm	400	15	

Ulmus parvifolia (O)	Chinese Elm	400	15	
Cercis canadensis (U)	Redbud, Eastern	100	5	X
Platanus occidentalis (O)	Sycamore, American	400	15	
Cornus florida (U)	Dogwood, Flowering	100	5	X

Sec. 25C-10-42. Dangerous trees; required removal; City authority.

- (1) Any dead or diseased tree or limb located on private property within the City which is likely to fall on or across a public way and thus damage persons or property shall be removed by the owner. Removal shall be accomplished by the owner within 30 days after receiving notice of the dangerous tree or limb condition as defined herein.
- (2) Any owner who willfully violates this code section shall, upon conviction, be guilty of a misdemeanor punishable in accord with section 1-1-9 of the Code.
- (3) Upon failure of the owner to remove the dangerous tree or limb as required herein, the City shall have the right, power and authority, but not the obligation, to remove such tree or limb which presents a clear and immediate danger of falling on or across any public way. This City may initiate action to have such tree or limb removed under article III of chapter 10-21 of the Code which allows for the removal of nuisances. In such event, and upon order of the Municipal Court requiring such removal by the City, the court shall issue an execution for the costs incurred, the same to be levied upon and collected in the same manner as provided for the levy, collection, and execution of taxes.

ARTICLE IV. LANDSCAPE REGULATIONS

Sec. 25C-10-50. Generally.

- (1) The requirements of this article shall apply to all multi-family dwelling uses and nonresidential uses, except as otherwise noted.
- (2) The retention of trees is the highest priority and shall take precedence over the removal of trees and replacement with smaller trees. Existing trees shall be retained to the maximum extent possible and may be counted toward meeting the requirements of this article as approved by the Director.
- (3) Trees planted to meet the requirements of this article, with the exception of trees planted in required buffers, may be counted toward the required tree density for the overall site.

However, these minimum landscaping standards must be met even if the site meets the required tree density standard without provision of trees in the required landscaped areas.

- (4) Existing conditions on developed sites not in conformance with the requirements of this article that were otherwise lawful on the effective date of this chapter may continue as a matter of right.
- (5) When multi-family dwelling uses or all other nonresidential uses are redeveloped as defined in section 25-10-35(1)(b), the landscaping requirements of this article apply to the entire site.
- (6) Alternate methods of landscaping may be approved whenever the Community Development Director determines that the alternate method equals or exceeds the standards in this article. Information regarding any such approved alternative landscaping shall be provided to the tree board within (30 days of approval.
- (7) Except as otherwise noted, trees shall meet the following standards and be a species on the City of LaGrange approved tree list.
 - (a) All overstory and mid-canopy trees proposed for planting shall be at least eight (8) feet tall planted and have a trunk of not less than two (2) caliper inches. Multi-stemmed overstory and mid-canopy trees shall count only the largest trunk for caliper.
 - (b) All understory trees proposed for planting shall be at least six (6) feet tall planted and have a main trunk of not less than one and one-half (1½) caliper inches. Multi-stemmed understory trees shall have a minimum of three (3) canes, each with a minimum one (1) inch caliper extending clear at least to a height of four (4) feet.
- (8) Except as otherwise noted, shrubs shall be at least 18 inches tall at planting and a species native or suitable to the region.
- (g) Where overhead power lines are located, a minimum lateral separation shall be provided from the tree to the utility line as follows:
 - (a) Overstory trees (50 feet tall and taller at maturity) must be set back at least 50 feet from overhead utility lines.
 - (b) Mid-canopy trees (25 to 50 feet tall at maturity) must be set back at least 35 feet from overhead utility lines.
 - (c) Understory trees (less than 25 feet tall at maturity) may be located underneath power lines with no separation requirement provided the average mature height of the tree is less than the lowest overhead wire.
- (10) Areas devoted to meeting minimum landscaping standards shall contain no structures, parking areas, patios, stormwater detention facilities, or any other accessory uses except for retaining walls and earthen berms constructed as part of an overall landscape design, sidewalks, driveways required to access the property, and signs otherwise permitted by chapter 25B-45.

Sec. 25C-10-51. Parking lot landscaping.

- (1) Applicability.
 - (a) Generally. This section shall apply to at-grade nonresidential and multi-family parking lots.
 - (b) Car sales lots. Landscaped islands shall not be required within car display areas but shall be required in customer parking areas. Peripheral parking lot landscaping and street frontage landscaping shall be required.
- (2) General requirements.
 - (a) Landscaped areas within and around parking lots must be large enough to provide for the health and continued growth of the vegetation. Curbing shall be provided around all landscaped areas. The curb shall be a minimum six (6) inch high and may contain breaks to help manage storm water runoff, if approved by the development review panel. Trees and shrubs shall be planted a minimum of 30 inches inside the curb to avoid injury from vehicle overhang and to allow clearance for the opening of car doors.
 - (b) Landscape islands and perimeter planting strips shall be well drained and contain suitable soil and natural irrigation characteristics for the planting materials they contain.
 - (c) Landscaping shall not obstruct the view between 24 inches high and 60 inches high on access drives, streets, or parking aisles.
- (3) Interior parking lot landscaping requirements. Parking lots containing 20 or more spaces must provide landscaping as follows:
 - (a) One (1) landscape island with a tree shall be provided within the parking lot for every 20 parking spaces, or portion thereof. Additionally, every parking space shall be located within 70 feet of a landscape island planted with at least one (1) tree.
 - (b) A landscape island shall be located at the end of every parking aisle between the last parking space and an adjacent travel aisle or driveway.
 - (c) For single-loaded parking aisles, the island shall be no less than 200 square feet in area and planted with one (1) mid-canopy tree. For double-loaded parking aisles, the island shall be no less than 400 square feet in area and planted with one (1) overstory or two (2) mid-canopy trees. Where additional trees are proposed, an additional 100 square feet of planting area within the island shall be provided for each additional tree.
 - (d) Ground areas shall be sodded, seeded or hydroseeded with grass and/or planted with groundcover species, and/or provided with other landscaping material, or any combination thereof. No plant materials with the exception of trees shall exceed three (3) feet in height. When "other landscaping material" is used it shall be clearly noted. "Other landscaping materials" must be approved by the Director.
 - (e) Peripheral parking lot landscaping requirements. Parking lots containing five (5) or more spaces shall provide landscaping in a five (5) foot landscape strip adjacent to side and rear property lines which are not adjacent to a street right-of-way as follows:

- (a) One (1) tree for each 50 linear feet of strip length, or portion thereof, shall be provided.
- (b) One (1) shrub for each 50 linear feet of strip length, or portion thereof, shall be provided.
- (c) Clumping is permitted provided that adequate spacing is allowed for future growth and there is no gap greater than 50 feet.
- (d) The remaining ground cover shall be sodded, seeded or hydroseeded with grass, and/or planted with groundcover species and/or provided with other landscaping material, or any combination thereof.
- (e) In the event the side or rear property line abuts a residential zone, buffering requirements per section 25C-10-53 shall govern.

Sec. 25C-10-52. Screening.

(1) Generally.

- (a) Screening options below should not be used to produce monotonous, linear designs. If a long stretch of screening is required, options should be combined or alternated, or plant materials should be varied.
- (b) In no case shall trash removal, loading, or delivery activities hinder or obstruct the free movement of vehicles, and pedestrians over a street, sidewalk, or alley.

(2) Screening requirements. In an effort to properly screen views of trash containment areas the following criteria has been established:

- (a) All trash containment devices, including waste grease containers, compactors and dumpsters, shall be located and designed so as not to be visible from the view of adjacent streets and properties.
- (b) All trash containment areas shall be enclosed so as not to be seen from off-site.
- (c) The enclosure shall be a minimum of eight (8) feet in height or two (2) feet taller than the highest point of the waste grease containers, compactors or dumpsters, whichever is greater.
- (d) The enclosure shall be constructed of material that is opaque and compatible with the design, materials and color selections used on the principal building. The building materials shall be masonry with metal framing. Where the interior of the dumpster enclosure will be visible from within or off-site, all unfinished surfaces on the interior of the dumpster enclosure shall be painted or stained black or dark brown.
- (e) The enclosure shall contain gates for access and security, which must be maintained in good working order and kept closed when the dumpster is not being used.
- (f) Trash containment areas shall be placed in the rear or side yard and shall be located a minimum of five (5) feet from property lines.

- (g) Access to trash containment areas shall be provided via a paved, dust-free surface.
 - (h) Trash removal activities within 150 feet of residential uses shall only be permitted Monday through Friday from 7:00 a.m.—10:00 p.m. and on Saturdays from 9:00 a.m.—9:00 p.m.
 - (i) Temporary construction trash and recycling dumpsters, which are not enclosed, shall be permitted up until such time as the certificate of occupancy is issued.
- (3) Heating, ventilation, air conditioning and other mechanical utility equipment, which is located on, beside or adjacent to any building or development, shall be fully screened from view from any public right-of-way. The screen shall exceed the height of the equipment, shall not interfere with the operation of the equipment, and shall utilize building materials and design which are compatible with those used for the exterior of the building.
- (4) Loading spaces, loading docks, maintenance areas, and access driveways adjoining these areas shall be screened from adjacent properties and streets. Necessary screening shall be accomplished using one (1) or a combination of the following methods:
- (a) Six (6) foot high sight-tight fence or wall; or
 - (b) Minimum two (2) foot high berm, densely planted with vegetation to achieve a screen with an ultimate height of at least six (6) feet; or
 - (c) Six (6) foot high evergreen screen (trees or shrubs, minimum six (6) feet high at planting, minimum nine (9) feet on center, double staggered row).
- (5) Outdoor storage areas shall be screened from adjacent properties and streets using one (1) or a combination of the following methods:
- (a) Six (6) foot high sight-tight fence or wall; or
 - (b) Minimum two (2) foot high berm, densely planted with vegetation to achieve a screen with an ultimate height of at least six (6) feet; or
 - (c) Six (6) foot high evergreen screen (trees or shrubs, minimum six (6) feet high at planting, minimum nine (9) feet on center, double staggered row).
- (6) Storm water detention and retention facilities shall be screened from view from any public right-of-way. The visual screen shall comply with the standards listed below.
- (a) The visual screen shall be a minimum of 36 inches in height within 24 months after planting.
 - (b) The visual screen may be formed through creation of a planted hedge, wall, earthen berm or combination thereof.
 - (c) When using an earthen berm, the slope shall not exceed three (3) to one (1) with a maximum crown width of two (2) feet. The berm shall be planted with turf or other landscaping materials.
 - (d) The visual screen may be included in a required perimeter planting strip.

- (e) Visual screens in all zoning districts except for CP-GI and CP-HI zoning districts shall be prohibited from utilizing fencing elements when located in front or side yards. Fencing, where permitted, shall be regulated by the fencing standards of section 25B-15-5.
- (f) Storm water detention and retention facilities shall be located no closer than 15 feet to a property line.
- (g) Visual screening areas shall be permitted to be interrupted by necessary maintenance access areas. Such areas shall be minimized and shall be located to reduce their visibility from a public right-of-way.

Sec. 25C-10-53. Buffers.

- (1) Generally. Buffers shall be required along-side and rear property lines which separate uncomplimentary uses in accordance with the table below or as a condition of zoning, special permit, or variance approval. Buffers are intended to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas. Where noted for residential dwelling uses, the buffer requirement applies at the time of subdivision platting. If a buffer was not required at the time of subdivision platting, existing platted individual lots for single-family and two-family residential dwelling uses are not required to provide a buffer. Areas used to satisfy buffer requirements may also include areas similarly used to satisfy the yard and open space requirements of this code.
- (2) Undisturbed buffers. Where required, undisturbed buffers must remain undisturbed and actively protected in perpetuity. Existing vegetation shall be used to meet the buffer requirement if it provides the same level of obscurity as the planted buffer requirements of this section. When existing vegetation is sparse, supplemental plantings may be required to provide a 100 percent opaque year-round visual screen.
- (3) Minimum required buffers. Buffers shall be required according to the following table:

Adjacent Parcel Zoning	Zoning of Parcel to be developed, redeveloped or expanded					
	CP districts	DT-MX	CR districts, AC districts	TN-MR, TN-MX	TN-R	ES-SR, SU-R
ES-R and SU-R	Type D	None	Type C	Type B	Type A	None
SD-MH*	Type D	None	Type C	Type B	10 feet	Type A
TN-R	Type D	None	Type C	Type A	None	Type A

TN-MR and TN-MX	Type D	None	Type C	None	None	Type A
CR and AC districts	Type B	None	None	Type A	None	Type B
DT-MX and CP districts	None	None	None	None	None	Type A

*SD-MH developments shall comply with section 25-35-70(g).

(4) Planted buffer types defined. There shall be four (4) different buffer types as follows:

Buffer Type	Minimum Buffer Width	Tree Requirement	Shrub Requirement	Minimum Number of Planting Rows
Type A	10 feet	1 tree/200 sq. ft.	1 shrub 50 sq. ft.	1 rows
Type B	20 feet	1 tree/250 sq. ft.	1 shrub/75 sq. ft.	2 rows
Type C	30 feet	1 tree/300 sq. ft.	1 shrub/100 sq. ft.	3 rows
Type D	50 feet	1 tree/350 sq. ft.	1 shrub/150 sq. ft.	4 rows

(5) Planted buffer standards.

- (a) Required buffer plantings allow for a mix of overstory, mid-canopy, understory and evergreen trees, and large shrubs which are adaptable to the region. The mix is designed to create a buffer which will give a satisfactory screen at least six (6) feet in height within two (2) to three (3) years of planting, under normal maintenance, while allowing room for the various plants to grow.
- (b) Deciduous trees shall be at least eight (8) feet tall and a minimum caliper of two (2) inches at planting. Understory trees are required to fulfill between no less than 20 percent and no more than 30 percent of the required number of trees. Additionally, evergreen trees are required to fulfill at least 50 percent of the required trees planted in buffers, shall be at least six (6) feet tall at planting, and shall be a species which will achieve a height of at least 20 feet at maturity. Trees shall be distributed along the entire length of the buffer.
- (c) Shrubs shall be a minimum of three (3) feet in height at the time of planting and shall be a species that will achieve a height of at least 10 feet at maturity. Shrubs shall be planted not closer than six (6) feet on center, not closer than six (6) feet to planted trees, and not

within the drip line of existing trees. Shrubs shall be distributed along the entire length of the buffer.

- (d) Buffer plantings shall be guaranteed for the lifetime of the development. Necessary trimming and maintenance shall be performed by the owner of the property on which the buffer is planted to maintain the health of the plant materials, to provide an aesthetically pleasing appearance, and to ensure that the buffer serves the purpose for which it is intended.
 - (e) Trees planted to meet the buffer requirements shall be selected from those noted in section 25C-10-41 as suitable for buffer planting. Trees shall be varied so that no one (1) species makes up more than 33 percent of the trees planted in the required buffer.
 - (f) Shrubs planted to meet the buffer requirement shall be selected from the following list:
 - Southern Wax Myrtle (*Myrica cerifera*)* — Evergreen;
 - Mountain-Laurel (*Kalmia latifolia*)* — Evergreen;
 - Piedmont Rhododendron (*Rhododendron minus*)* — Evergreen;
 - Crape Myrtle (*Lagerstroemia indica*) — Deciduous;
 - Japanese Camellia (*Camellia japonica*) — Evergreen;
 - Sasanqua Camellia (*Camellia sasanqua*) — Evergreen;
 - Oakleaf Hydrangea (*Hydrangea quercifolia*)* — Deciduous;
 - Yaupon Holly (*Ilex Vomitoria*) — Evergreen;
- * Shrubs noted with an asterisk are desirable natives.

(6) Structural buffers.

- (a) Non-vegetative materials utilized to satisfy the screening requirement of this article, in addition to the use of existing vegetation and/or supplemental plantings, may consist of walls, fences, earthen berms or any combination thereof.
- (b) If walls or fences are to be utilized, their placement and installation shall be such so as to cause minimal disturbance of existing vegetation and located so as to provide an effective visual screen.
- (c) Non-vegetative screenings do not take the place of required vegetative buffers but are only intended to supplement planted buffers. Vegetative material shall be provided between the non-vegetative screen and the adjacent property.
- (d) Non-vegetative materials shall be maintained by the owner of the property where the buffer is located. Fences used in buffers must be made of rot-resistant material or protected from deterioration with water-proofing material. The following fence and wall materials are permitted for use in a required buffer: wood, brick, stone, wrought iron, iron, and powder coated aluminum.

(7) Disturbance or encroachments.

- (a) Buffers shall contain no driveways, parking areas, patios, storm water detention facilities, or any other structure or accessory uses except for approved structural buffers.
- (b) Underground utilities may be permitted to cross a buffer if the screening standards of this article will be subsequently achieved to the satisfaction of the Community Development Director.
- (c) Supplemental plantings or re-plantings, or authorized structural buffer devices shall be authorized to encroach into a buffer provided there is minimal disturbance of any significant existing vegetation.
- (d) Land disturbance is authorized in areas of a buffer that are devoid of significant vegetation provided that the final grade and re-plantings of vegetation meet the screening requirements contained herein.
- (e) Dying, diseased, noxious (including non-native, invasive vegetation), or dead vegetation may be removed from a buffer provided minimal disturbance occurs and written authorization has been given by the Community Development Director or his designee. Vegetation thus removed shall be replaced where necessary to meet the screening requirements contained herein.
- (f) Protection during land-disturbing activities. During authorized land-disturbing activities, buffers shall be clearly demarcated and protected prior to commencement of, and during, construction in accordance with the approved tree preservation plan.
- (g) Modification or waiver. The board of planning and zoning appeals may modify or waive the buffer requirements when it can be demonstrated by the property owner that the specific buffer is not needed for the protection of surrounding areas because of intervening streets, roadways, drainage ways, or other factors such as natural growth of sufficient height and density to serve the same purpose as the required screening buffer.

ARTICLE V. COMPLIANCE

Sec. 25C-10-60. Artificial materials prohibited.

All artificial plants, trees, shrubs, grass or other vegetation shall be prohibited from fulfilling the requirements of this chapter.

Sec. 25C-10-61. Inspections.

- (1) Pre-construction inspection. Prior to the issuance of any land disturbance permit, the City must inspect all tree protection devices for compliance with approved plans. Land disturbance permits will not be issued until tree protection fencing has been installed correctly.
- (2) Construction inspection. During construction, the City will periodically inspect all projects to assure the adequacy of tree protection fencing. Failure to adhere to the provisions of this chapter will constitute noncompliance.
- (3) Final inspection. Prior to the release of the project for final platting or certificate of occupancy, or other form of acceptance, the City shall inspect for compliance with all requirements. In the event required landscaping has not been installed, the developer may provide a performance security subject to the requirements of section 25C-10-62.
- (4) Maintenance inspection. Two (2) years after the installation of required landscaping, the City shall conduct a maintenance inspection. Trees preserved to meet the required tree density standard which are dead or near death at the time of the maintenance inspection must be replaced if there is evidence that the demise of such trees was due to construction injury. Any trees planted to meet the required site density factor which are dead or near death must be replaced. Trees required to be replaced by this inspection must be planted within 30 days of receipt of notification by the current owner(s).

Sec. 25C-10-61. Performance security.

When planting stock availability is low or weather conditions are not appropriate for planting new trees, the project owner may postpone planting for up to six (6) months, provided that performance security is posted with the City of LaGrange in accordance with the following criteria:

- (1) Security shall be in an approved form submitted to the Community Development Department with appropriate documentation of stock availability and weather conditions.

- (2) Security shall be in an amount equal to 110 percent of the cost of materials, installation, and guarantee, as demonstrated by a signed contract between the owner and a landscape contractor and approval by the Director.
- (3) The City of LaGrange will use the performance security at the time of expiration if the planting requirements have not been fulfilled, or if the owner has not requested an extension. Funds received from the performance security will be used to bring the project into compliance. One (1) six (6) month extension is permitted with documented justification.

Sec. 25C-10-62. Continuing maintenance.

- (1) The owner, occupant, tenant, and respective agent of each, if any, shall be jointly and severally responsible for the perpetual maintenance and protection of buffers and landscape plantings required by this article. Landscaped areas shall be kept free from refuse and debris. Planting beds shall be mulched to prevent weed growth and maintain soil moisture. Plant materials shall be pruned as required to maintain good health and character. Turf areas shall be mowed. All roadways, curbs, and sidewalks shall be edged when necessary in order to prevent encroachment from adjacent grassed areas.
- (2) Trees which are used to meet the tree density requirements shall be maintained. It is the responsibility of the property owner to water, fertilize, and prune trees. The property owner shall, at all times, maintain the required tree density and meet the minimum landscaping standards established in this chapter.
- (3) The City is hereby authorized to order diseased, infested, dying, dead or damaged landscaping required herein to be replaced.
- (4) Buffers that, over a period of time, lose their screening ability shall be planted to meet the requirements of this article.
- (5) Replacement trees and landscaping shall be in accordance with the applicable provisions of this article.

Sec. 25C-10-63. Alternative compliance.

- (1) The intent of this chapter is to ensure that a minimum density of trees is maintained on all developed sites with the exception of an individual single-family dwelling or two-family dwelling lot. Occasionally, this intent cannot be met because a project site will not bear the required density of trees. In this case, the Director may approve a contribution to the City's tree replacement fund.
- (2) The following standards have been established for administering these contributions:
 - (a) The Director must review and approve all requests for alternative compliance.

- (b) In no instance shall more than 75 percent of the required site density be met through alternative compliance.
- (c) As many trees as can reasonably be expected to survive must be planted on the site in question. This may require planting fewer trees of a larger caliper than the minimum required caliper.
- (d) No permit shall be issued until the required contribution has been made to the tree replacement fund.
- (e) The tree replacement fund shall be used for purchasing, planting and maintaining trees on public property. Funds may be used to purchase forested greenspace or conducting courses on tree management and similar topics. Funds may also be used for the creation of landscape plans involving the planting of trees and landscape material on public property.
- (f) The City of LaGrange Tree Replacement Fund will be administered by the City of LaGrange Community Development Department with disbursements of tree replacement funds initiated by the Community Development Director and approved by the City Manager. A report shall be prepared by the Community Development Director and submitted to the City Manager showing amounts collected, amounts spent, and the type and location of trees planted. The annual audit prepared by an independent auditor shall suffice to meet this requirement.

Sec. 25C-10-64. City compliance.

The City will in all instances undertake to comply with the provisions of this article. However, due to the overwhelming requirements of public convenience and necessity and emergencies created in conjunction with the operation of utility services, the provisions of this chapter shall not apply to the City or to the cutting, planting, or removal of trees on public property owned by the City.

ARTICLE VI. ADMINISTRATION AND ENFORCEMENT

Sec. 25C-10-70. Permitting agency.

The Department of Community Development is hereby designated as the agency for the issuance of permits pursuant to the provisions of this chapter.

Sec. 25C-10-71. Appeals.

- (1) Any person adversely affected by a decision of the Director in the administration, enforcement or interpretation of any of the terms or provisions of this chapter may appeal such decision to the board of planning and zoning appeals. Such appeal shall

be made by filing written notice thereof with the Community Development Director within 10 business days following the decision being appealed.

- (2) Any person aggrieved by an action of the board of planning and zoning appeals as it relates to this chapter may appeal within 30 days to superior court by writ of certiorari.

Sec. 25C-10-72. Variances.

Any request for variances from the minimum requirements of this chapter must be made to the Department of Community Development. Upon receipt of a request for variance, the Director will investigate the request and will report the request for variance to the board of planning and zoning appeals with a recommendation that the variance be granted or denied. The board of planning and zoning appeals shall have the authority to grant or deny the requested variance notwithstanding the recommendation of the Department of Community Development and shall so decide within 60 days from the variance request. Any appeal from the decision of the board of planning and zoning appeals shall be to the mayor and council and shall be filed with the City Clerk within 10 days of the decision of the board. The mayor and council shall decide any such appeal within 60 days.

Sec. 25C-10-73. Enforcement.

- (1) It shall be the responsibility of the Director to enforce this chapter. The Director shall have the authority to revoke or suspend any clearing, clearing and grubbing, grading, development, or building permit or to withhold issuance of a certificate of occupancy, and shall have the authority to suspend all work on a site or any portion thereof, where tree removal or damage occurs in violation of this chapter or the provisions of the approved tree preservation and/or replacement plan for the site.
- (2) Nothing in this article shall be deemed to impose any liability upon the City, or upon any of its officers or employees, nor to relieve the owner or occupant of any private property from the duty to keep trees and shrubs upon private property, or under his control, in a safe condition.
- (3) Nothing in this chapter is meant to restrict or limit the emergency powers of the governing authority in the event of emergency or natural disaster where life or property may be threatened.

Sec. 25C-10-74. Violation and penalty.

Any person, firm or corporation violating any provisions of this chapter shall upon conviction be punished as described in section 1-1-6 of the Code of the City of LaGrange. Each day a violation occurs shall be considered a separate and distinct violation. Each tree removed or killed in violation of this chapter shall be considered a separate offense.

The owner of any property where any violation exists, and any builder, contractor or agent who may have assisted in the commission of such violation, may be charged with a separate offense.

CHAPTER 25C-15. SUBDIVISIONS

ARTICLE. IN GENERAL

Sec. 25C-15-1. Purpose and intent.

It is the purpose and intent of this chapter to provide for:

- (1) The harmonious development of the City;
- (2) Coordination of roads, stormwater management facilities, and other rights-of-way within subdivisions with other existing, planned or platted roads and rights-of-way, or with other features of the City, or with the Comprehensive Plan, area master plan, or with any road plan approved by the mayor and council as a part of the Comprehensive Plan for the City;
- (3) Adequate open space and areas for traffic, access, recreation, light and air, environmental and historic preservation, by dedication, or otherwise;
- (4) Dedication and reservation of land for roads, sidewalks, pedestrian and bicycle paths, stormwater management, for schools and other public buildings and for parks, playgrounds, and other public purposes;
- (5) The conservation of or production of adequate recreation, transportation, water, drainage, and sanitary facilities;
- (6) The preservation of natural streams and other waterways;
- (7) The avoidance of traffic congestion;
- (8) The avoidance of such scattered or premature subdivision or development of land as would involve danger or injury or adverse effects to health, safety, or welfare by reason of the lack of water supply, drainage, recreation, transportation, or other public services and facilities or necessitate an excessive expenditure of public funds for the supply of such services and facilities;
- (9) Conformity of resubdivided lots which generally or substantially conform to the character of lots within the existing subdivision with respect to area, frontage, shape, and alignment of existing lots and streets within the same block, subdivision, or neighborhood;
- (10) Control of subdivision or building (except for agricultural purposes) in floodplain areas of streams and drainage courses, other environmentally sensitive areas, and on unsafe land areas;
- (11) Preservation (and afforestation) of outstanding cultural features and historic sites or structures;
- (12) Other benefits to the health, comfort, safety, or welfare of the present and future population of the City; and

- (13) Preservation of forests, significant trees, and environmentally sensitive areas.

Sec. 25C-15-2. Applicability.

This chapter shall govern all subdivisions of land within the City.

ARTICLE II. SUBMISSION OF PLANS

Sec. 25C-15-10. Conceptual Plans.

Subdivision applicants/developers are encouraged to develop and submit optional conceptual plans in a manner coordinated with DRP members. This can be accomplished through contacting the Director of Community Development to establish a concept planning meeting. Sketch plans of the project concept are encouraged. Multiple meetings may be needed and are welcomed. Concept plan checklists are available through the Department of Community Development.

During this meeting developer applicants will be provided with an overview of the process and requirements for the plan review process.

Sec. 25C-15-11. Preliminary subdivision plan required.

- (1) Every proposed plan for subdivision or resubdivision shall be submitted to the Department of Community Development for tentative or conditional approval in the form of a preliminary subdivision plan prior to the submission of a final subdivision plat for recording, unless such plan complies with the provisions for minor subdivisions as defined in this section and does not modify, extend or impact rights-of-way, public facilities or public infrastructure. The plan shall show graphically all facts necessary to enable the DRP to determine whether the proposed layout is satisfactory in promoting the public health, safety, and welfare, and complies with applicable standards, ordinances, and laws necessary for approval. The DRP shall have a reasonable time, not to exceed 120 days from the date of receipt of a complete preliminary subdivision plan application, for the review of same and action thereon, unless otherwise agreed upon by the applicant. The applicant is encouraged to submit a concept plan concerning those major aspects of the submission on which the decision of the City is requested prior to preparation and submission of a preliminary plan. The concept plan shall be in accordance with the concept plan check list and shall include any information required by the City.
- (2) DRP action and meetings will not be initiated until all aspects of the required preliminary plat/development plan submittal checklist are deemed complete by the

Community Development Department. All preliminary plan applications shall include the following information:

- (a) Three (3) copies of a preliminary site plan (may be multiple sheets) drawn on 18" x 24" paper at a scale of one (1) inch equals 50 feet. All preliminary plats are to be submitted in hard copy and in digital format as may be required by the Director of Community Development. Preliminary site plans shall depict all existing conditions, proposed changes and improvements and include the following information:
 - (i) Tract boundary lines, right-of-way lines of existing and proposed streets, existing and proposed easements, existing and proposed property lines, bearings or deflection angles, radii, arcs, and central angles of all curves, all drawn to accurate scale;
 - (ii) Existing identified monuments to establish existing property boundaries;
 - (iii) Name and right-of-way width for each existing street;
 - (iv) Proposed lot layout, streets, paved areas, sidewalks, building setbacks, easements for utilities;
 - (v) Designated thoroughfare design standards located in Article IV of this chapter.
 - (vi) Independent sheets depicting current boundaries, infrastructure and uses without proposed subdivision or improvements reflecting existing conditions, all shown to accurate scale;
 - (vii) Current zoning and proposed zoning amendments;
 - (viii) Lot number for proposed new parcels and lot number, tax map number and street number for all existing and retained lots;
 - (ix) All sheets shall have affixed in large print the words "PRELIMINARY PLAT;"
 - (x) The cover sheet for preliminary plats shall have a signature line for the Director associated with the following statement: "This plat approved for development with conditions as noted." A line shall also be established for the date of approval by the Director.
- (b) Two (2) copies of previous plat;
- (c) Two (2) drawings that inventory all hardwood trees in excess of 12 inches in diameter, all wetlands, all watercourses and impoundments, and floodplain limits;
- (d) Two (2) copies of the erosion and sedimentation control plan;
- (e) Two (2) copies of the stormwater management plan;
- (f) Five (5) copies (as required in a format outlined in this chapter) of the utility development plan (water, sewer, gas, electric, telecommunications);
- (g) Transportation plan showing the interconnection of the subdivision and its relationship to all adjoining properties;

- (h) Required fees;
- (i) Project narrative to include:
 - (i) Who and what the project will serve;
 - (ii) Contact information for project engineer;
 - (iii) Anticipated start dates and projected completion dates;
 - (iv) Narrative describing utility deployment plans, main sizes, location of connection to existing service, location of proposed new lines, operating description of capacities of utility components such as water lines, sewer collection lines, lift stations and other information as may be required by the DRP;
 - (v) A transportation impact analysis including projected additional traffic to be generated by the project, and analysis of existing traffic counts at the location of proposed connection to existing roads, a description of proposed traffic calming techniques to be intergraded [integrated] into the project, statistical analysis of sight distances as relates to entrance and exits at intersections including factors such as topography, vegetative obstructions, curves, etc.;
 - (vi) A description of public use areas and components to be used to develop the public space, including operating and maintenance procedures; and
 - (vii) Application must be signed by owner, developer and surveyor (licensed in Georgia with stamped affixed).
- (3) Applicants may proceed with development upon execution of the authorization line of the preliminary plat by the Director of Community Development and upon obtaining all necessary permits and paying all required fees.

Sec. 25C-15-12. Approval or disapproval of subdivision preliminary plan; deferral of pending applications.

- (1) A pending application for subdivision preliminary plan approval may be deferred until the earlier of either:
 - (a) The final disposition by the mayor and council of the pending Zoning Map or text amendment, master plan amendment, transportation plan amendment, zoning and planning study, capital improvements program, or project or amendment thereto; or
 - (b) In the discretion of the DRP, the elimination of any conflicts between the pending application for subdivision plan approval and the pending Zoning Map or text amendment, master plan amendment, transportation plan amendment, zoning and planning study, or capital improvements program or project; or
 - (c) 12 months from the effective date of the decision postponing or deferring the application.

- (2) For the purposes of this section, the terms "pendency" or "pending" shall mean:
- (a) For the purposes of Zoning Map or text amendment, master plan and transportation plan amendments: From and after public release of a staff draft of the amendment until final action thereon by the mayor and council.
 - (b) For the purposes of zoning and planning study: From and after direction by resolution of the mayor and council or the board of planning and zoning appeals to City staff to undertake such study until such time as the study is completed and released by City staff to the requesting agency and said agency has concluded its review, including further instructions to staff, if any.
 - (c) For the purposes of capital improvements program or project: From and after publication of any proposed capital improvements program, project or an amendment thereto until final action thereon by the mayor and council.
- (3) The provisions of this section shall also apply to any application for resubdivision but shall not apply to the processing and approval of correction plats, or plats filed to reflect the imposition of public taking or the platting of easements, rights-of-way, or other minor property restrictions.

Sec. 25C-15-13. Factors to be considered in approving preliminary subdivision plan.

- (1) The DRP, in studying the preliminary subdivision plan, will take into consideration the requirements of the community and the best use of the land being subdivided. Particular attention will be given to width, arrangement, and location of street surface drainage, lot sizes, and arrangement, as well as any Comprehensive Plan requirements such as land use, density, phasing, access, parks, school sites, boulevards, and main highways. Adequate street connections will be required to insure free access to adjoining subdivisions and lands. In the case of new subdivisions, the street profile plans may be required before approval is given to the preliminary subdivision plan.
- (2) A preliminary plan of subdivision must not be approved unless the DRP determines that public facilities will be adequate to support and service the area of the proposed subdivision. The applicant shall, at the request of the DRP, submit sufficient information and data as may be required by the DRP on the proposed subdivision to demonstrate the expected impact on and use of public facilities by possible uses of said subdivision, surrounding land uses, and on the environment. Public facilities and services, greenspace and public use area to be examined for adequacy will include roads, sewerage and water service, schools, police stations, and firehouses. The DRP has the authority to require the submission of third party, independent studies and analysis from the developer/applicant for use in rendering decisions and establishing conditions.
- (3) The preliminary subdivision plan must be in compliance with the UDO, and the environmental standards of the City applicable to development and any

requirements of other governmental agencies with authority over the development of the property or involved in the provision of private or public facilities to serve the property, or in relation to the impact of the property on the environment, prior to being approved by the DRP.

- (4) The DRP may reject a subdivision of a tract of land or part of a tract if the size, shape, or other characteristics of the property, as submitted, prevent approval of a plan which will meet standards established by these regulations and require all or larger parts of a tract or additional tracts to be platted to meet this chapter, the Zoning Ordinance, or other ordinances or regulations.
- (5) The DRP may require, as a condition of approval, among other conditions of approval, that the applicant execute agreements or covenants or post bonds, letters of credit or other financial security instruments to ensure completion of improvements proposed or required as part of subdivision or site plan approval. The DRP may also require dedication, construction, or payments in lieu thereof for the provision of public facilities and improvements reasonably related to the demands created by subdivision and development thereof.

Sec. 25C-15-14. Same – Effect of preliminary approval; filing copy.

The approval of the preliminary plat shall not be deemed final acceptance but rather an expression of approval of the layout as submitted on the preliminary plat; such approval shall not be noted on the preliminary plat. Eight (8) copies of the preliminary plat shall be retained by the City. In addition to eight (8) hard copies of the preliminary plat and five (5) copies of the utility design plans, preliminary plats and utility design plans shall be submitted in a digital format and medium as prescribed by the Director of Community Development. Failure to submit the required documents in digital format shall result in an assessment for digitalization of said plans by the City. In the event of topographical, geographical or other warranting conditions, the DRP shall have the authority to require and/or authorize modification of the proposed location and/or installation of underground utilities, layout, configuration, street features or other components of the proposed subdivision.

Sec. 25C-15-15. Final plat approval before acceptance by City, etc.

- (1) Any owner of land within the City desiring to subdivide land shall submit to the City a final plat of the subdivision which shall conform to the minimum requirements set forth in this chapter and other ordinances of said City. No plat of a subdivision lying within the City, or any part thereof, shall be filed or recorded in the records of the clerk of the superior court and no subdivider may proceed with improvements or sale of lots in a subdivision until such subdivision and improvements have been approved by the Director and such approval is entered in writing on the final plat of said subdivision. Moreover, no such plat shall be so recorded until the developer shall have

submitted accurate "as built" drawings of all public improvements to be dedicated to the City, including easements, which drawings shall be certified by a registered surveyor licensed by the state. The City may refuse City utilities, refuse to accept rights-of-way, and refuse to issue construction permits to any person failing to comply with this section. Any person, firm or corporation initiating work in violation of this chapter shall be subject to the penalties as set forth in section 1-1-5 of this Code. The City shall not accept any alley, road, roadway, street, avenue, or thoroughfare built, improved, hard-surfaced or paved in violation of the thoroughfare design standards in Article IV of this chapter. The City shall not accept any easement or right-of-way that does not comply with the conditions, requirements or stipulations set by the City in reviewing the proposed plans for subdivision. The subdivider, following the approval of the preliminary subdivision plan and all proposed improvements, shall file with the Department of Community Development an application, applicable fees, and copies of the final subdivision plat in conformance with the checklist for such, as provided by the Department of Community Development.

- (2) Prior to acceptance of public ways and infrastructure proposed to be dedicated to the City within the subdivision (to include roadways, water, sewer, storm sewer, lift stations, curb, gutter, sidewalks and public use areas) the developer shall provide to the City a written warranty as to said improvements in a form acceptable to the City. Said warranty shall require developer to repair or replace as necessary defective public way or infrastructure for a minimum of two (2) years from the date said improvements are accepted by City, plus an additional one (1) year warranty for each additional planned phase of the approved subdivision.

Sec. 25C-15-16. Submitting, minimum improvements.

- (1) The final plat shall be submitted to the Department of Community Development in triplicate, and unless this is done within one (1) year of the tentative approval of the preliminary plat, such tentative approval shall lapse.
- (2) The sale of lots shall be contingent upon at least a minimum of public improvements being within the dedicated streets of the subdivision as follows:
 - (a) Streets. All streets shall be completed as per the approved plans and the applicable thoroughfare design standards. The person contracting with the subdivider to install the above-named improvements must be competent, qualified and licensed, and must submit a performance and payment bond countersigned by a City insurance agent to execute the type of work to be performed.
 - (b) Utility lines. All subdivisions shall have all gas, water, sewer, electric lines, telecommunications lines and cable TV lines installed underground, and these improvements shall be of types, sizes and constructed of materials and to specifications set forth by the DRP. All taps or cut-ins to water, gas or sewer

mains shall be installed before any paving is laid. All taps or cut-ins to water, gas and sewer mains shall be installed to service each lot, parcel, tract or building site shown on the final plat of a subdivision, unless otherwise authorized in writing by the Director of Utilities. The person contracting with the subdivider to install the above-named utility improvements must be competent, qualified and licensed, and must submit a performance and payment bond countersigned by a City insurance agent to execute the type of work to be performed. The design for utilities to be installed shall be approved by the Director of Utilities. All locations for underground installations shall be staked throughout the entire project, and locations of underground utilities shall be approved by the Director of Utilities and/or the Director of Public Services or their designated agent(s) prior to any excavation or trenching activities. Locations and modifications of excavation or trenching for the utility locations may be authorized in the field but shall be followed up with appropriate modification to "as-built" drawings. Such authorization may only be given by the Director of Public Services and/or the Director of Utilities. No sewer, gas, water piping, electric conduit, telecommunications lines, conduit or cable TV conduit or lines shall be covered or concealed until tested, inspected and approved by the Director of Utilities. When an applicant has complied with the requirements of this section and a certificate is issued by the Director of Utilities and Director of Public Services testifying that the payments for utilities have been made, the DRP shall consider approval of the final plat.

Sec. 25C-15-17. Specification; information.

The final plat shall be drawn on tracing cloth or film on sheets 18 inches by 24 inches and shall be at a scale of one (1) to 50 feet. Where necessary, the plat may be several sheets accompanied by an index showing the entire subdivision. All plats and supporting information shall also be submitted in digital format as may be required by the Director of Community Development. The final plat shall show all the following:

- (1) Primary control points shall be tied to land lot corners, street intersections or, where possible, the plane coordinate system of North America (Georgia horizontal control).
- (2) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way and property lines or residential lots and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves.
- (3) Name and right-of-way width of each street or other right-of-way.
- (4) Location, dimensions and purpose of any easements.
- (5) Number to identify each lot or site.
- (6) Purpose for which sites, other than residential lots, are dedicated or reserved.
- (7) Minimum building setback lines on all lots and other sites.

- (8) Location and description of monuments.
- (9) Names of recent owners of adjoining unplatted land.
- (10) Reference to recorded subdivision plats of adjoining platted land by record name, date and number.
- (11) Certification by surveyor certifying to accuracy of survey and plat.
- (12) Certification of title showing that applicant is the landowner.
- (13) Statements by owner, dedicating streets, rights-of-way and sites for public uses.
- (14) Title, scale, north points and date.
- (15) Certificate of approval by the Director of Community Development on behalf of the DRP.
- (16) Blank certificate for recording by the clerk for the superior court.

The name of any such street shown on the final subdivision plat shall not be effective until that name is adopted by the mayor and council as provided in section 15-5-6 of this Code.

Sec. 25C-15-18. Time for approval, disapproval; appeal.

- (1) The DRP must either approve or disapprove the final plat within 120 days after submission of the plat. If the plat is disapproved, the grounds for disapproval shall be stated in writing and transmitted to the subdivider.
- (2) Decisions of the DRP regarding plat approvals or variance requests may be appealed upon written request to the construction board of adjustment within 30 days after written notification of the decision by the DRP has been transmitted by the Director to the applicant. No variance or authorization shall be granted by the construction board of adjustment until such time as it has received a report on the record and findings of the DRP at a public hearing. Said hearing shall be scheduled and heard by the construction board of adjustment not later than 45 days after receipt of the appeal request. At the public hearing, the DRP shall make a full report of findings to the construction board of adjustment as to actions taken, requirements made, and conditions that have been set relative to the development. The applicant shall likewise be allowed to present its argument on appeal to the construction board of adjustment.
- (3) Any applicant aggrieved by the decision of the construction board of adjustment may seek judicial review by filing for a writ of certiorari in the Superior Court of Troup County within 30 days of the decision.

Sec. 25C-15-19. Filing copies.

Upon approval of the plat, the subdivider shall submit to the City eight (8) copies of the final plat and three (3) copies of the "as built" plans which shall be retained by the City.

ARTICLE III. OTHER REQUIREMENTS

Sec. 25C-15-25. Agency review procedure.

- (1) Conceptual, preliminary and final plans and or plats shall be received by the Department of Community Development at the office as may be designated by the Director. Upon receipt the Director or his designated agent shall disseminate application and plan information received from the applicant to the development review panel.
- (2) DRI's shall be submitted for review by appropriate outside agencies between the submission of the conceptual plan and no later than the submission of the preliminary plat and associated documentation. DRI submissions are to be coordinated with the Director. No action shall be taken with regards to the submission of subdivision plans until such time as any required DRI process is completed.

Sec. 25C-15-26. Conformity to City plan.

- (1) All proposed subdivisions shall conform to all applicable regulations of the Zoning Ordinance.
- (2) The subdivision shall conform to the Comprehensive Plan unless the DRP finds that events have occurred to render the master plan recommendation no longer relevant.
- (3) The subdivision shall conform to the approved preliminary plat. Where the DRP sets conditions for its approval of any preliminary plat, such conditions, including, but not limited to public exactions, bonding, compatibility, and public facilities or environmental requirements shall apply equally to the approved plan of subdivision.

Sec. 25C-15-27. Relation to adjoining street system.

Proposed new streets shall extend existing streets or their projections at the same or greater width, but in no case less than the minimum required width, unless variations are deemed necessary by the DRP for reasons of topography or design. Connection to existing streets shall be required by the DRP to create connectivity and traffic circulation. Half streets along the boundary of land proposed for subdivision will not be permitted. Traffic management features that provide for traffic calming shall be required at the discretion of the DRP.

Sec. 25C-15-28. Roads and streets; plats and plan requirements.

All roads shall be designed in accordance with standards set by the City. In the design of streets, a developer shall comply with the thoroughfare design standard in Article IV of this chapter, and shall also incorporate the following guidelines:

- (1) Master plan roads. Subdivision plats shall include roads and streets shown on the transportation element of the master plan of streets and highways or parts of such adopted plans, or in accordance with the plans of the state highway administration as to state roads and access thereto. Any such streets, roads or highways shown must include either full width dedication of right-of-way or, if authorized by the DRP, a recordable agreement to dedicate at no cost to the public.
- (2) Continuation of roads. The proposed plan shall provide for continuation of any existing roads or streets (constructed or recorded), sidewalks, pedestrian and bicycle paths in accordance with adopted highway plans unless otherwise determined by the DRP.
- (3) Future subdivisions. A tract proposed for subdivision into parcels larger than normal building plots intended for future subdivision rather than immediate development shall be divided so as to allow for future opening of streets and such further logical subdivisions as can be foreseen.
- (4) Residential secondary streets. Residential secondary streets shall be planned to discourage their use by non-local traffic.
- (5) Alleys. Non-residential uses shall provide a service and delivery plan proposed for all uses. Provisions for alleys along the rear of residential lots is encouraged, except where, in the opinion of the DRP, such alleys are not required. The use of alleys will be assessed by the DRP in conjunction with the applicable thoroughfare design standards during the application review process. The DRP reserves the right to require that alleys be developed and maintained as private property and that the developer provide a method and/or structure to finance the maintenance of alleys. All private alleys shall include a municipal easement giving the right of passage for the delivery of service, the right to install, operate and maintain water, gas, electric, and telecommunications and stormwater management facilities in the alleyway.
- (6) Residential street. Where a subdivision abuts or contains an existing or proposed street, access to such street shall be a primary consideration and the DRP may require either of several provisions for that access, such as: (1) parallel streets with lots backing to the streets, where appropriate, together with screen planting strips contained in a non-access easement along the rear lot lines; two (2) parallel streets with short cul-de-sacs having terminal lots backing to the streets, or such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

- (7) Private residential streets. If absolutely necessary in a subdivision, private residential streets shall be built to structural standards for Residential Streets provided in Article IV of this chapter.
- (8) Railroad crossings. A subdivision plat involving new or existing streets crossing railroad tracks shall provide adequate right-of-way, including approach right-of-way and slope easements for construction of underpass or overpass unless otherwise determined by the DRP.
- (9) Dead end streets. Dead end streets (cul-de-sacs) are discouraged and are considered detrimental to the general good of the community. However, short cul-de-sacs of less than 250 feet in total length may be approved by the DRP provided that said cul-de-sac does not discharge traffic to a major arterial, collector street, or avenue thoroughfare, as such are defined within the thoroughfare design standards. Lots that front upon a cul-de-sac shall have a minimum lot frontage of 40 feet. Cul-de-sac squares (a planted area around which traffic can circle) may be mandated by the DRP when dead end streets are authorized by the DRP. The DRP shall have the right to require the dedication of adequately sized right-of-way to facilitate connection to adjoining property and/or future streets.
- (10) Storm drainage. In connection with the street improvement program in every new subdivision, the subdivider shall do such grading and provide such drainage ponds and structures and storm sewers as may be required by the City, in accordance with specifications of the DRP.
- (11) Subdivider or developer responsibility. The subdivider or developer shall be responsible for the dedication of land and/or construction of public streets, parks, and recreation, public transit, and school areas and facilities, and other publicly owned areas and facilities required to meet the demands of the proposed project or pay a required fee in lieu to the City, as the DRP shall determine to meet such demands of the project.

Sec. 25C-15-29. Street names.

The naming of streets shall be at the sole discretion of the mayor and council. Developer/applicants may suggest names. However, names that appear confusing, sound similar when spoken, are spelled similarly, may cause offense, or use words or names associated with existing names in the City's street system are discouraged in the interest of public safety, service delivery, and use by the general public. Proposed streets obviously in alignment with existing and named streets shall bear the names of existing streets. In no case shall the name of the proposed streets duplicate other existing street names, irrespective of the suffix used.

Sec. 25C-15-30. Street improvements.

- (1) Street improvements in subdivisions shall be required as set forth in the applicable thoroughfare design standards in Article IV of this chapter.
- (2) The City may participate in the paving, curbing and guttering of Avenue thoroughfares to the extent of one-third (1/3) of the cost thereof, if the mayor and council deem such participation advisable. No such participation by the City shall be considered, unless prior to such improvement, the owner of such subdivision and the owners of lots abutting the thoroughfares to be improved in such subdivision shall petition the mayor and council for such participation as is required by section 15-5-26.
- (3) The streets in a subdivision or development in the City shall not become public streets until such time as they are constructed, inspected and improved as herein required and then only after acceptance by the DRP.
- (4) Any such streets referred to in subsection (3), while construction is in progress, shall be barricaded so as to prevent traffic thereon and shall be clearly marked to indicate that the street is under construction and not open for travel.
- (5) The barricades and markings referred to in subsection (4) shall remain and be maintained by the subdivider or developer until construction is completed and until such street is accepted as a public street by the City.

Sec. 25C-15-31. Blocks.

Blocks shall not be more than 600 feet in length. Private drives or streets that are built according to the Thoroughfare standards of Sec. 25C-15-40 shall be permitted to be utilized to meet the requirements of this section.

Sec. 25C-15-32. Lot arrangement.

- (1) Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. However, the development review panel may authorize lot configurations and layouts of different configurations, sizes and layouts at the panel's discretion as may be deemed in the best interest of the City. Each lot shall only front upon a thoroughfare designated in the Street Thoroughfare Table in Article IV of this chapter with the exception of alleys which shall not be permitted. Such thoroughfares shall be connected with the public street system unless an alternative width and configuration is authorized by the Director, or unless otherwise required by the applicable zoning classification.
- (2) Flag lots.
 - (a) Flag lots are strongly discouraged, however, subdivisions designed with one (1) or more flag lots may be approved where conditions of hardship make standard design or frontage impossible or impractical due to the configuration of the lot to be subdivided. Private thoroughfares are a preferred solution.

- (b) The Director shall have due cause to deny any plat that proposes any flag lot, when a reasonable alternative to such lot pattern is available.
- (c) If permitted, no flag lot shall be allowed to be platted that has a "panhandle" portion (i.e., the narrow portion of the lot, designed for access rather than designed for building) that is more than 400 feet in length.
- (d) If permitted, no flag lot shall abut another flag lot in any subdivision.
- (e) If permitted, the Director shall have authority to determine the most feasible application of the requirements for yards, buffers, and setbacks pertaining to the zoning district for such lot.

Sec. 25C-15-33. Minimum lot size.

- (1) Within the City (or the subdivision limits of the City, as now or hereafter designated by applicable law or ordinance), the size and shape of residential lots shall be such as the DRP deems appropriate for the type of building development contemplated, and as required by the applicable zoning classification.
- (2) If a residential lot shall otherwise meet the requirements of the applicable zoning classification, a lot may be created with the following considerations:
 - (a) If the owner of such lot shall have the right of ingress and egress thereon to a public street which right is recorded in the public land records of Troup County;
 - (b) If, in the opinion of the DRP, such private street is paved, developed, has adequate width and is built to specifications deemed sufficient by the DRP to handle the traffic contemplated for such private street; and
 - (c) If easements will be provided for installation and maintenance of City services. The City shall not, however, be obligated to maintain or repair any such private street.

Sec. 25C-15-34. Public use and services areas.

- (1) Public uses. Where a park, neighborhood recreational open space, school site or other area for public use shown on an official map or on a plan accepted by the Director of Public Services is located in whole or in part on the proposed subdivision, such Director shall seek to secure the reservation of the necessary land for such use.
- (2) Easements for utilities. Easements for utilities shall be as stipulated by the DRP.
- (3) Dedication to public use. There shall be no reserve strips except those which are conveyed to the City.

Sec. 25C-15-35. Variances.

- (1) Where a subdivider can show that, due to topographical or other conditions peculiar to the site, strict compliance with these regulations may result in excessive hardship or practical difficulties, certain variances may be authorized by the DRP provided that the public interest is secured, and the variance will not nullify the intent of this chapter, the Comprehensive Plan or the Zoning Ordinance.
- (2) Decisions of the DRP regarding variance requests may be appealed upon written request to the construction board of adjustment in accord with section 25C-15-18.

Sec. 25C-15-36. Sidewalks.

- (1) Sidewalks and streetscapes are to be provided in conformity with the thoroughfare design standards in Article IV of this chapter. Any required sidewalk system within the subdivision must connect to any existing City sidewalk system adjacent to the subdivision development.
- (2) Redevelopment of any individual single-family detached dwelling lot shall be exempt from the landscape zone and sidewalk requirements of Article IV.
- (3) Sidewalks shall be unobstructed for a minimum height of eight feet.
- (4) Sidewalks shall be designed to meet the construction standards of section 350-7, Sidewalk and Bikeway Construction Standards.
- (5) Where newly constructed sidewalks abut narrower existing adjacent sidewalks, the newly constructed sidewalk shall provide an adequate transitional clear zone width for the purposes of providing a safe facilitation of pedestrian traffic flow between the adjacent sidewalks, as approved by the Director after review by the Public Services Director.
- (6) Sidewalks shall be broom-finished concrete with four (4) inch trowel edge along edge and joints.

Sec. 25C-15-37. Greenspace.

A minimum of 40 percent of the total tract area of any major subdivision shall be provided as greenspace for all developments submitted as residential dwelling uses, but not including multi-family residential dwelling uses. Calculations of greenspace shall be submitted with the application for subdivision and, in addition to the elements of open space listed in section 25B-20-5, shall be permitted to include all yards, buffers, and landscape zones required elsewhere by the UDO. The greenspace requirement of this section shall not be required of minor subdivision developments.

Sec. 25C-15-38. Reserved.

Sec. 25C-15-38. Landscaping plan requirements.

For subdivision plans which include 20 or more subdivided lots, there shall be required a streetscape design plan containing not less than the following:

- (1) A subdivision decorative entrance of bedded plants or low growth shrubs and monument sign identifying the community, said facilities to be maintained by the homeowners association or developer designee.
- (2) Street lighting to be designed and installed at distances and locations required by the DRP. A subdividor may upgrade to a more decorative lighting pole than is required by City specifications but such must be installed to standards established by City.

Sec. 25C-15-39. Description of thoroughfare types.

The following thoroughfare types are those that are permitted to be constructed as part of new development within the City.

- (1) Footpath. A paved or unpaved pedestrian way. Paths should connect directly to sidewalks when present.
- (2) Multiuse Trail. A shared-use facility for pedestrians and non-motorized vehicles.
- (3) Bike Lanes. Bike lanes are not thoroughfares but are permitted to be built as part of the following thoroughfares: Rural Roads, Residential Streets, Non-residential Streets, Residential Avenues, and Non-residential Avenues.
- (4) Lane. A vehicular access way that is rural in character. Lanes are unpaved or lightly paved, and do not require curb and gutters.
- (5) Alley. A narrow vehicular access way to the rear of lots providing service areas, parking access and utility easements. Commercial alleys must be paved, residential alleys are recommended as paved.
- (6) Road. A local, slow movement thoroughfare suitable for rural and low-density districts. Roads are rural in character, without curbs. Roads are paved.
- (7) Residential Street. A slow to medium movement thoroughfare, paved with curb and gutter, suitable for residential areas.
- (8) Non-residential Street. A slow to medium movement thoroughfare, paved with curb and gutter, suitable for non-residential areas.
- (9) Residential Avenue. A medium movement thoroughfare that connects residential areas to County and State thoroughfares, paved with curb and gutter, suitable for residential areas.
- (10) Non-residential Avenue. A medium movement thoroughfare that connects non-residential areas to County and State thoroughfares, paved with curb and gutter, suitable for non-residential areas.
- (11) County and State routes. Thoroughfares owned and managed by Troup County or the Georgia Department of Transportation.

Sec. 25C-15-40. Thoroughfare specifications.

The following Thoroughfare Tables state the dimensional requirements for each thoroughfare type.

Bike/Ped Thoroughfares Table

Thoroughfare Elements	Width	Buffer From Street	Markings	Streetscape
Footpath	6' minimum 15' maximum	N/A	Not required	Not required
Multi-use trail	8' minimum 15' maximum	N/A	Not required	Not required
Bike lane - protected	5' minimum	5' minimum	Stencil	Not required
Bike lane – paved shoulder	5' minimum	2'8" minimum	Optional stencil	Not required

Street Thoroughfares Table

Thoroughfare Elements	Lane	Alley	Road	Residential Street	Non-residential Street	Residential Avenue	Non-residential Avenue
Design Speed (max)	10 MPH	10 MPH	35 MPH	25 MPH	25 MPH	30 MPH	30 MPH
Number of Travel Lanes	1 or 2	1 or 2	2	2	2	4	6
Pavement Width (min/max)	8'/24'	10'/20'	20'/24'	20'/50'	20'/50'	40'/85'	60'/115'
Right-of-Way Width (min/max)	8'/24'	10'/20'	30'/40'	30'/50'	30'/50'	60'/105'	80'/135'
Parking Lane Allowance	Not allowed	Not allowed	Not allowed	Yes on both sides	Yes on both sides	Yes on both sides	Yes on both sides
Curb Requirement	No	No	No	Yes	Yes	Yes	Yes
Street Tree Zone Requirement (min) ¹	No	No	No	5' on both sides	5' on both sides	5' on both sides	5' on both sides
Sidewalk Requirement (min) ²	No	No	No	5' on both sides	5' on both sides	5' on both sides	5' on both sides

(1) Street tree zones shall meet the following additional regulations:

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

- (b) All newly planted trees planted within the street tree zone shall be selected from section 25C-10-41 Tree Species List and shall be approved by the Director.
 - (c) Trees shall be planted a minimum of three (3) inches in caliper measured 36 inches above ground, shall be a minimum of 12 feet in height, shall have a minimum mature height of 40 feet, and shall be limbed up to a minimum height of seven (7) feet. Trees shall have a minimum planting area of 32 square feet.
 - (d) The remaining ground area of the street tree zone shall be sodded, seeded, or hydroseeded with grass, and/or planted with groundcover species and/or provided with other landscaping material, or any combination thereof and shall be approved by the Director.
- (2) Sidewalks shall meet the additional regulations for landscape zones provided in section 25C-15-36.
 - (3) Thoroughfares incorporating on-street parking lanes shall provide a minimum of nine (9) feet for such on-street parking lane areas.
 - (4) The requirements of this section shall not apply to thoroughfares owned and maintained by the County or State.

ARTICLE V. HILLSIDE SUBDIVISIONS

Sec. 25C-15-50. Hillside subdivision regulations, purpose.

The purpose of this article is to regulate hillsides in a manner different from regulation of flat terrain. This article establishes provisions for developing, preserving and protecting hillsides and ridgelines with the intent of protecting the public health, safety and welfare by:

- (1) Minimizing use of slopes subject to instability, erosion, or drainage problems;
- (2) Minimizing the unnecessary alteration of and disruption to the natural topography and landscape;
- (3) Discouraging mass grading of large pads and excessive terracing;
- (4) Providing safe circulation of vehicular and pedestrian traffic to and within the hillside areas and providing access for emergency vehicles necessary to serve hillside areas;
- (5) Encouraging innovative grading techniques which respond to the hillside terrain and natural contours of the land;
- (6) Minimizing impacts on existing trees and vegetation which reduce erosion, stabilize steep hillsides, enhance visual quality, protect water quality and preserve critical watershed recharge areas;
- (7) Preserving native plant materials, natural hydrology and areas of visual significance.

Sec. 25C-15-51. Applicability.

This article applies to all new major residential subdivisions of at least five (5) acres in which the average slope on the lot(s) before grading is 25 percent as determined by the following calculation:

$$S = .00229IL / A$$

Where .00229 is the conversion factor for square feet; "S" is the average percent of slope; "I" is the contour interval in feet; "L" is the summation of length of the contour lines in scale feet; and "A" is the area of the parcel in acres.

Sec. 25C-15-52. Exemptions.

The following shall be exempted from the requirements of this article:

- (1) Mining activities permitted by the Georgia Department of Natural Resources under the Surface Mining Act.
- (2) Land disturbing activities conducted for City transportation and water/sewer improvement projects.

- (3) Land disturbing activities conducted by 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.

Sec. 25C-15-53. Application requirements and procedures.

In addition to all other requirements of this chapter, applicants shall submit a site analysis, prepared by a licensed professional engineer, surveyor or landscape architect. This analysis shall provide the basis for assessing the opportunities and constraints of the site for development and shall be in the form of a design standards handbook incorporating both textual and graphical representations of the requested action. At a minimum, a site analysis shall indicate:

- (1) Major topographic conditions including ridgelines, ravines, canyons and knolls;
- (2) Preliminary soil conditions including soil type, erodibility and permeability;
- (3) Significant surface hydrological conditions including natural drainage courses, perennial streams, floodplains, wetlands and ponding area;
- (4) The location and types of all trees at least 24 inches DBH;
- (5) A slope analysis submitted on a topographic map with contour intervals of two (2) feet. This analysis shall indicate the location and amount of land included within the following slope categories, tabulated in acres:

0—25%

25—35%

Greater than 35%

Sec. 25C-15-54. Site development standards.

This section sets forth development standards to address the physical and technical conditions unique to hillside and ridgeline property. In case of conflict between the provisions of this subsection and those of any other portion of the City Code, the provisions of this section shall prevail unless otherwise determined by the Director.

- (1) The character and profile of the hillside shall be preserved by using existing disturbed areas for building envelopes rather than undisturbed areas.
- (2) Stable and sufficiently usable areas of land for development shall be provided for each lot.
- (3) Split-pad and stepped foundations shall be used where appropriate.
- (4) The use of basements, decks and small patios shall be encouraged to reduce the amount of grading.

- (5) Structures shall be designed to blend into the natural character of the hillside by reducing the visual bulk through landscaping, terraced building forms and height variations.
- (6) A series of smaller, visually distinct roofs, specifically pitched, gabled and hipped roofs, shall be encouraged to reflect the visual diversity of the natural hillsides.
- (7) Cut or fill slopes shall be designed such that they are visible from the residence on the property in which they are located. This will encourage property owners to stabilize, maintain and treat slopes to prevent erosion.
- (8) Building envelopes, disturbed areas and areas to remain undisturbed for each created lot shall be shown on the preliminary and final plats.
- (9) Safe and adequate access from public streets without requiring massive grading or substantial vegetation removal shall be required for each created lot.
- (10) The maximum slope on any driveway portion shall be 10 percent.
- (11) The following standards are intended to minimize the visual effect of excessive fencing and retaining walls in hillside and ridgeline development:
 - (a) Multiple retaining walls shall be separated horizontally by a distance equal to at least the height of the lower retaining wall and include appropriate landscaping between walls and;
 - (b) A series of smaller retaining walls shall be encouraged rather than one (1) large, uninterrupted wall.

Sec. 25C-15-55. Grading standards.

The following standards are intended to preserve the natural topographic features, foster resource preservation and minimize degradation of the visual character of hillsides:

- (1) Grading shall relate to the natural topography with the natural topography maintained to the greatest extent possible. Mass grading in areas of 35 percent or greater slope shall be avoided unless associated with necessary access or utilities as approved by the Director;
- (2) Where alteration to the natural topography is necessary, it shall be contoured to provide a smooth and gradual transition of grading and natural slopes, while maintaining the basic character of the terrain;
- (3) Repetitive padding or terracing of a series of lots ("stair stepping" up a slope) shall not be permitted. Creation of a single large pad or terrace (especially creating a single pad or terrace for an entire lot) shall be an exception to typical design to deal with circumstances that cannot be managed with other techniques. Typical design shall utilize full split pads (separate level for a down-slope lower story), a split foundation

(adapting a single story to a slope), setting the building into a cut in the hillside, or a combination of techniques;

- (4) Cut and fill slopes shall be no more than one and one-half (1½) times natural grade (e.g. increased from 10 percent to 15 percent) and shall be no steeper than 3:1 (33 percent); and
- (5) Grading shall create varying gradients and smooth transitions between the gradients in order to avoid a "manufactured" appearance.

Sec. 25C-15-56. Vegetation preservation and planting standards.

This section sets forth development standards to ensure maximum preservation and restoration of existing trees and vegetation on hillsides and ridgelines, reduce damage from sediment and runoff, improve wildlife habitat, and retain the desirable qualities of hillsides.

- (1) Existing native trees and vegetation shall be retained and integrated into the site development plan to the maximum extent feasible so as to maintain the natural surface drainage system, protect and preserve ecological communities, and enhance the natural scenic and visual quality.
- (2) Where existing trees or plants have been removed from hillside or ridgeline properties, the following standards apply:
 - (a) Existing vegetation shall not be destroyed, removed or disturbed more than 15 days before grading is scheduled to begin; and
 - (b) All graded or disturbed area, exposed slopes and areas of soil or land from disturbance not designated for development shall be re-vegetated and replanted immediately after grading in order to mitigate adverse visual impacts, improve soil conditions, minimize erosion and stabilize necessary cut and fill slopes with plant roots.
- (3) Man-made slopes, other than dam slopes, that are steeper than four (4) to one (1), more than eight (8) feet in height and 20 feet in length (in plan view) shall be planted with trees. Trees shall be selected from the City approved tree list and shall be planted at a rate of one (1) tree for every 600 square feet of slope area. These trees shall be planted in a natural design (i.e. not in a row, but clumped and staggered), shall be a mixture of two (2) inch, three (3) inch and four (4) inch caliper trees and shall be in addition to other provisions for trees as required elsewhere in the City Code.

CHAPTER 25C-20. ON-SITE SEWAGE MANAGEMENT SYSTEM MAINTENANCE

Sec. 25C-20-1. On-site sewage management systems; malfunctioning systems.

- (1) For the purposes of this chapter, on-site sewage management system is defined as a sewage management system other than a publicly owned and maintained sewage treatment system serving one (1) or more buildings, manufactured homes, recreational vehicles, residences, or other facilities designed or used for human occupancy or congregation. The term on-site sewage management system shall include, without limitation, conventional and chamber septic tank systems, privies and environmental and alternative on-site management systems that are designed to be physically incapable of a surface discharge of effluent that may be approved by the state division of health.
- (2) An on-site sewage management system shall be deemed to be a malfunction system if sewage is allowed to discharge or flow from it onto the property, into any storm drain, stream, water body, gutter, street, roadway or public place, or if sewage discharges from the system to the surface or subsurface of any property so as to create a nuisance or a condition detrimental to public health.
- (3) All property owners with septic systems or other approved on-site sewage management system shall be responsible for correcting the malfunctioning of such systems within 60 days from receipt of written notification thereof.
- (4) Any person, firm or corporation who shall violate the provisions of this code section shall, upon conviction in municipal court, be punished as provided in section 1-1-6 of this Code.

CHAPTER 25C-25. FLOOD DAMAGE PREVENTION

ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Sec. 25C-25-1. Statutory authorization.

Article IX, section II of the Constitution of the State of Georgia and O.C.G.A. § 36-1-20(a) have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the mayor and council of the City of LaGrange, Georgia, ordains the following.

Sec. 25C-25-2. Findings of fact.

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

Sec. 25C-25-3. Statement of purpose.

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

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

ARTICLE II. GENERAL PROVISIONS

Sec. 25C-25-10. Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of LaGrange, Georgia.

Sec. 25C-25-11. Basis for area of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its flood insurance study (FIS), dated July 3, 2012, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this chapter.

For those land areas acquired by a municipality through annexation, the current effective FIS dated July 3, 2012, with accompanying maps and other supporting data and any revision thereto, for Troup County are hereby adopted by reference.

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.

The repository for public inspection of the flood insurance study (FIS), accompanying maps and other supporting data is located at: 200 Ridley Avenue, LaGrange, Georgia 30240.

Sec. 25C-25-12. Establishment of development permit.

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

Sec. 25C-25-13. Compliance.

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

Sec. 25C-25-14. Abrogation and greater restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 25C-25-15. Interpretation.

In the interpretation and application of this chapter all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 25C-25-16. Warning and disclaimer of liability.

The degree of flood protection required by this chapter 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 chapter 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 chapter shall not create liability on the part of City of LaGrange or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

Sec. 25C-25-17. Penalties for violation.

Failure to comply with the provisions of this chapter 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 chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$1,000 or imprisoned for not more than 60 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of LaGrange from taking such other lawful actions as is necessary to prevent or remedy any violation.

ARTICLE III. ADMINISTRATION

Sec. 25C-25-20. Designation of chapter administrator.

The Building Official is hereby appointed to administer and implement the provisions of this chapter.

Sec. 25C-25-21. Permit procedures

Application for a development permit shall be made to the Building Official on forms furnished by the community prior to any development activities, and may include, but not be limited to the following: plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

- (1) Application stage.
 - (a) Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
 - (b) Elevation in relation to mean sea level to which any non-residential structure will be 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 section 25C-25-31(2);
 - (d) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development;
- (2) Construction stage. 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.
- (3) Any work undertaken prior to submission of these certifications shall be at the permit holder's risk. The Building Official shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

Sec. 25C-25-21. Duties and responsibilities of the administrator.

Duties of the Building Official shall include, but shall not be limited to:

- (1) Review proposed development to assure that the permit requirements of this chapter have been satisfied.
- (2) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act

Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.

- (3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- (4) When base flood elevation data or floodway data have not been provided in accordance with section 25C-25-11, then the Building Official 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 article V.
- (5) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with section 25C-25-21(2).
- (6) 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 section 25C-25-21(2).
- (7) When flood-proofing is utilized for a structure, the Building Official shall obtain certification of design criteria from a registered professional engineer or architect in accordance with section 25C-25-21(1)(c) and section 25C-25-31(2) or section 25C-25-33(2).
- (8) Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.
- (9) Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (10) For any altered or relocated watercourse, submit engineering data/analysis within six (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.
- (11) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Official 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 chapter.
- (12) All records pertaining to the provisions of this chapter shall be maintained in the office of the Building Official and shall be open for public inspection.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 25C-25-30. General standards.

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

- (1) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- (3) New construction and substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- (4) Elevated buildings. All new construction and substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
 - (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (i) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of all openings shall be no higher than one (1) foot above grade; and
 - (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both direction;
 - (b) So as not to violate the lowest floor criteria of this chapter, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and
 - (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (5) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (6) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

- (7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and
- (10) Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this chapter, shall be undertaken only if the non-conformity is not furthered, extended or replaced.

Sec. 25C-25-31. Specific standards.

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

- (1) New construction and/or substantial improvements. Where base flood elevation data are available, new construction and/or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with standards of section 25C-25-30(4).
 - (a) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above one (1) foot above the base flood elevation.
- (2) 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 one (1) foot above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above and shall provide such certification to the official as set forth above and in section 25C-25-30(6).
- (3) Standards for manufactured homes and recreational vehicles. Where base flood elevation data are available:
 - (a) All manufactured homes placed and/or substantially improved on: (1) individual lots or parcels, (2) in new and/or substantially improved manufactured home parks or subdivisions, (3) in expansions to existing manufactured home parks or

- subdivisions, or (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred substantial damage as the result of a flood, must have the lowest floor including basement, elevated no lower than one (1) foot above the base flood elevation.
- (b) Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
 - (i) The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation, or
 - (ii) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.
 - (c) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Ref. section 25C-25-316) above)
 - (d) All recreational vehicles placed on sites must either:
 - (i) Be on the site for fewer than 180 consecutive days;
 - (ii) Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
 - (iii) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of subsection (3), above.
- (4) Floodway. Located within areas of special flood hazard established in section 25C-25-11, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:
- (a) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
 - (b) Only if subsection (4)(a) above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of article V.

Sec. 25C-25-32. Building standards for streams without established base flood elevations and/or floodway (A-zones).

Located within the areas of special flood hazard established in section 25C-25-11, where streams exist but no base flood data have been provided (A-zones), or where base flood data have been provided but a floodway has not been delineated, the following provisions apply:

- (1) When base flood elevation data or floodway data have not been provided in accordance with section 25C-25-11, then the Building Official 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 article V. Only if data are not available from these sources, then the following provisions (subsection (2) and (3)) shall apply:
 - (a) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or 20 feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in more than a one (1) 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 (3) feet above the highest adjacent grade at the building site. (Note: Require the lowest floor to be elevated one (1) foot above the estimated base flood elevation in A-zone areas where a limited detail study has been completed). Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of section 25C-25-30(4).
 - (c) 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 (3) feet above the highest adjacent grade at the building site.

The Building Official shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

Sec. 25C-25-33. Standards for areas of special flood hazard (zones AE) with established base flood elevations without designated floodways.

Located within the areas of special flood hazard established in section 25C-25-11, where streams with base flood elevations are provided but no floodways have been designated, (zones AE) the following provisions apply:

- (1) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- (2) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with section 25C-25-31.

Sec. 25C-25-34. Standards for areas of shallow flooding (AO zones).

Areas of special flood hazard established in section 25C-25-11, may include designated AO shallow flooding areas. These areas have base flood depths of one (1) to three (3) feet above ground, with no clearly defined channel. The following provisions apply:

- (1) All new construction and substantial improvements of residential and 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 (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of section 25C-25-30(4), elevated buildings.

The Building Official shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

- (2) New construction or the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one (1) foot, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above and shall provide such certification to the official as set forth above and as required in section 25C-25-31(1) and section 25C-25-31(2).
- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

Sec. 25C-25-35. Standards for subdivisions.

- (1) All subdivision and/or development proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision and/or development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (3) All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (4) For subdivisions and/or developments greater than 50 lots or five (5) acres, whichever is less, base flood elevation data shall be provided for subdivision and all other proposed development, including manufactured home parks and subdivisions. Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable. Upon completion of the project, the developer is responsible for submitting the as-built data to FEMA in order to obtain the final LOMR.

Sec. 25C-25-36. Standards for critical facilities.

- (1) Critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain.
- (2) All ingress and egress from any critical facility must be protected to the 500-year flood elevation.

ARTICLE VI. VARIANCE PROCEDURES

Sec. 25C-25-40. Procedures.

- (1) The construction board of adjustment and appeals as established by the City of LaGrange shall hear and decide requests for appeals or variance from the requirements of this chapter.
- (2) The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Building Official in the enforcement or administration of this chapter.
- (3) Any person aggrieved by the decision of the construction board of adjustment and appeals may appeal such decision to the Superior Court of Troup County, as provided in O.C.G.A. § 5-4-1.
- (4) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

- (5) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (6) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (7) In reviewing such requests, the construction board of adjustment and appeals shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this ordinance.

Sec. 25C-25-41. Conditions for variances.

- (1) A variance shall be issued only when there is:
 - (a) A finding of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship; and
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (2) The provisions of this chapter are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of an historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
- (3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.
- (4) The Building Official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- (5) Upon consideration of the factors listed above and the purposes of this chapter, the construction board of adjustment and appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

CHAPTER 25C-30. STORMWATER MANAGEMENT

Sec. 25C-30-1. Applicability; exceptions.

- (1) All applicants proposing development, redevelopment or construction in the City shall prepare a stormwater management plan. No final proposed development or redevelopment shall be approved, and no building permit shall be issued until and unless the stormwater management plan has been reviewed and approved by the Department of Community Development, except as provided in this section.
- (2) The following development activities are exempt from the provisions of this chapter and the requirement of providing a stormwater management plan:
 - (a) Undeveloped land.
 - (b) Agricultural land management.
 - (c) Single-family dwelling residential developments of three (3) acres or less and four (4) or fewer single-family dwelling units, provided that post-development conditions of the development result in less than 40 percent of the land area of the development being covered by impervious surface.
 - (d) Commercial and industrial developments that create an impervious surface less than 20,000 square feet.
 - (e) Redevelopment that includes the creation, addition or replacement of impervious surface resulting in a total impervious surface of less than 20,000 square feet.
- (3) Variance from requirements:
 - (a) The stormwater management committee of the City may grant a variance from the requirements of this chapter if based on documentation certified by a Georgia registered professional engineer the proposed development activity will not:
 - (i) Change the rate or volume of runoff significantly;
 - (ii) Have a significant, negative impact on any wetland, watercourse, or water body; or
 - (iii) Contribute to degradation of water quality.On project completion the professional engineer must certify that the as-built conditions conform to the variance conditions.
 - (b) Application for variance shall be filed with the Department of Community Development and shall be accompanied by two (2) copies of the proposed development. All applications for variances shall be immediately referred to the stormwater management committee within 45 days.
- (4) Anyone aggrieved by or who disagrees with a decision of the stormwater management committee or Director of Community Development with regard to the

suspension, revocation, variance, modification or grant of a stormwater management plan shall have the right to appeal such decision to the mayor and council. Decision of the mayor and council on any such appeal shall be final, subject to the right of judicial review by filing for a writ of certiorari in the Superior Court of Troup County within 30 days of the decision.

Sec. 25C-30-2. Plan generally, criteria.

- (1) Stormwater design manual. The Department of Community Development will utilize the policy, criteria and information including technical specifications and standards in the latest edition of the Georgia Stormwater Management Manual (GSMM) and any relevant local addenda to provide primary guidance for the proper implementation of the requirements of this ordinance.

The Stormwater Management Committee may grant approval of alternative methods of stormwater detention based on appropriate engineering studies that would provide for better performance in accordance with City storm water management practices.

- (2) Stormwater concept plan and consultation meeting. Before any stormwater management permit application is submitted, the land owner or developer shall meet with Community Development for a consultation meeting on a concept plan for the post-development stormwater management system to be utilized in the proposed land development project. This consultation meeting shall take place at the time of the preliminary plan of the development or other early step in the planning process. The purpose of this meeting is to discuss the post-development stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential ideas for stormwater management designs before the formal site design engineering is commenced.

To accomplish this goal the following information should be included in the concept plan which shall be submitted in advance of the meeting:

- (a) Existing conditions/proposed site plans. Existing conditions and proposed site layout sketch plans, which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys (when available); boundaries of existing predominant vegetation and proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas and other impervious surfaces.
- (b) Natural resources inventory. A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains,

stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.

- (c) Stormwater management system concept plan. A written or graphic concept plan of the proposed post-development stormwater management system including: preliminary selection and location of proposed structural stormwater controls; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings.
- (3) Review and approval authority.
- (a) A stormwater management plan or application for a variance or waiver under this chapter shall be submitted to the Department of Community Development by the developer for review and approval for any proposed development or redevelopment, unless otherwise exempted. The stormwater management plan shall contain supporting computations, drawings, and sufficient information describing the manner, location, and type of measures which will be employed to conduct stormwater runoff from the site. The Department of Community Development will review the plan to determine the compliance with the requirements of this chapter prior to approval. The plan shall serve the basis for all subsequent construction and maintenance activities.
 - (b) Notification of approval or reasons for the disapproval or modification shall be issued within 10 regular business days after submission of the completed stormwater plan. The stormwater management plan shall not be considered authorized for implementation without the inclusion of a dated approval stamp by the Department of Community Development.
- (4) Stormwater management plan; minimum requirements. The stormwater management plan shall be prepared under the supervision of, and certified by, a Georgia registered professional engineer or landscape architect, who must verify that the design of all stormwater management facilities and practices meet the minimum stormwater management standards and requirements outlined in the Georgia Stormwater Management Manual. The plan shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed development or redevelopment on water resources, and the effectiveness and acceptability of measures proposed for stormwater runoff. The plan shall consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The developer shall certify on the drawings that all clearing, grading, drainage, construction and development shall be conducted in strict accordance with the plan. The plan shall include all of the information required in the stormwater

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

- (a) Common address and legal description of site.
- (b) Vicinity map showing the site location relative to surrounding landmarks, highway intersections, rivers and streams; delineation of property lines and deed record names of adjacent property owners.
- (c) Existing conditions hydrologic analysis. The existing condition hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map (scale not less than one (1) inch equals 50 feet) of existing site conditions with the drainage basin boundaries indicated; acreage, soil types and land cover of areas for each subbasin affected by the project; all perennial and intermittent streams and other surface water features; all existing stormwater conveyances and structural control facilities; direction of flow and exits from the site; analysis of runoff provided by off-site areas upstream of the project site; and methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. For redevelopment sites, predevelopment conditions shall be modeled using the established guidelines for the portion of the site undergoing land development activities.

Post-development hydrologic analysis. The post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of developed site conditions with the post-development drainage basin boundaries indicated; total area of post-development impervious surfaces and other land cover areas for each subbasin affected by the project; calculations for determining the runoff volumes that should be addressed for each subbasin for the development project to meet the post-development stormwater management performance criteria in section 25C-30-3(2); location and boundaries of proposed natural feature protection and conservation areas; documentation and calculations for any applicable site design credits that are being utilized; methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. If the land development activity on a redevelopment site constitutes more than 50 percent of the site area for the entire site, then the performance criteria in section 25C-30-3 must be met for the stormwater runoff from the entire site.

- (d) Stormwater management system. The description, scaled drawings and design calculations for the pre- and proposed post-development stormwater management system, which shall include: A map and/or drawing or sketch of the stormwater management facilities, including the location of nonstructural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage

volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes; a narrative describing how the selected structural stormwater controls will be appropriate and effective; cross-section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria; a hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs); documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in section 25C-30-3(2); drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catch basins, channels, swales and areas of overland flow; and where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local greenspace protection plan.

- (e) Post-development downstream analysis. A downstream peak flow analysis which includes the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report shall address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the project area is 10 percent of the total basin area. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes. The analysis shall be in accordance with the stormwater design manual.
- (f) Construction-phase erosion and sedimentation control plan. An erosion and sedimentation control plan in accordance with the Georgia Erosion and Sedimentation Control Act, the "LaGrange Soil Erosion, Sedimentation and Pollution Control Ordinance" or NPDES permit for construction activities. The plan shall also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls.
- (g) Landscaping and open space plan. A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and practices. The landscaping plan must also include: tree saving plan; the arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan; information necessary to construct the landscaping elements shown on the plan drawings; descriptions and standards for the methods, materials and

vegetation that are to be used in the construction; density of plantings; descriptions of the stabilization and management techniques used to establish vegetation; and a description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.

- (h) Operations and maintenance plan. Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved. These plans will identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan shall include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.
 - (i) Maintenance access easements. The applicant must ensure access from public right-of-way to stormwater management facilities and practices requiring regular maintenance at the site for the purpose of inspection and repair by securing all the maintenance access easements needed on a permanent basis. Such access shall be sufficient for all necessary equipment for maintenance activities. Upon final inspection and approval, a plat or document indicating that such easements exist shall be recorded and shall remain in effect even with the transfer of title of the property.
 - (j) Inspection and maintenance agreements. The applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice in accordance section 25C-30-2(4).
 - (k) Evidence of acquisition of applicable local and non-local permits. The applicant shall certify and provide documentation to the Department of Community Development that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan.
- (5) Stormwater management inspection and maintenance agreements. Prior to the issuance of any permit of occupancy for a land development activity requiring a stormwater management facility, the applicant or owner of the site must execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, that shall be binding on all subsequent owners of the site. A preliminary inspection and maintenance agreement, if applicable, must be approved by the City prior to plan approval. The final approved and executed Stormwater Facility Maintenance Agreement must be recorded in the deed records before a permit of occupancy will be issued. Responsibility for the operation and maintenance of the

stormwater management facility or practice shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. Multi-phased projects that are to be permitted by individual phases that utilize stormwater facilities from the previous phase and/or add new stormwater facilities for the subsequent phase may amend, upon approval by the City, the original approved stormwater management inspection and maintenance agreement to reflect the new phase being permitted. The City may also seek bonds or other securities to guarantee construction or maintenance obligations for the subsequent phases being permitted. A copy of the Stormwater Facility Maintenance Agreement is available from the Department of Community Development. The inspection and maintenance agreement shall consist of the following:

- (a) Responsible person(s). The inspection and maintenance agreement shall identify by name or official title the person(s) responsible for carrying out the inspection and maintenance. These arrangements shall designate for each portion of the site, the person to be permanently responsible for its inspection and maintenance.
- (b) Schedule. As part of the inspection and maintenance agreement, a schedule shall be developed for routine inspection and maintenance to ensure proper function of the stormwater management facility or practice.
- (c) Plans for annual inspections. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance events and shall also include remedies for the default thereof.

In addition to enforcing the terms of the inspection and maintenance agreement, the Department of Community Development may also enforce all of the provisions for ongoing inspection and maintenance in section 25C-30-6 of this article.

- (6) Performance and maintenance bonds. The posting of bonds or other security to guarantee performance of construction and/or maintenance obligations hereunder shall be required for all above ground stormwater retention facilities.

Sec. 25C-30-3. Completed plan; additional requirements.

- (1) Conformance. In addition to the minimum requirements, the stormwater management plan must conform to the following:
 - (a) When required by the Department of Community Development, provide a soils investigation for all sites proposed as ponds or impoundments or for stormwater detention/retention. Locate all soil borings on the site plan.

- (b) Provide a construction schedule for both temporary and permanent facilities. Reference the schedule to other development activities such as clearing, rough grading, construction, final grading, and vegetation establishment.
- (c) Provide a cost estimate for construction of stormwater management facilities. Provide a separate estimate of the annual cost for maintenance of the proposed facilities.
- (d) Joint construction. Upon written request by the developer, the City staff shall determine if the development and construction projects in an area are small enough, or that engineering and economic factors make offsite retention or other drainage facilities more practical and may authorize the joint construction of these facilities to serve two (2) or more properties by two (2) or more developers. Where offsite stormwater facilities serving two (2) or more properties are approved for construction, no use of land or occupancy of buildings within the properties served by these facilities shall be permitted until completion of the retention and drainage structures, except upon approval by the Department of Community Development.
- (e) Temporary storage of runoff. The following requirements shall apply to the installation, development and maintenance of all detention facilities designed for temporary storage of stormwater runoff:
 - (i) Permanent fencing at least six (6) feet in height shall be required around all detention facilities. This fencing shall be designed, installed and maintained to allow the freeflow of runoff and sediment into the facility. The fence shall include a gate of sufficient size to permit entrance of equipment necessary to allow periodic maintenance activities.
 - (ii) Facilities shall be located on tracts of land with sufficient area around the perimeter to provide access for maintenance purposes. The access for maintenance shall provide at least 10 feet of width clearance from above ground obstructions including trees, headwalls, weirs, or other structures.
- (2) Post-development stormwater management performance criteria. The following performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this chapter:
 - (a) Water quality. All stormwater runoff generated from a site shall be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:
 - (i) It is sized to treat the prescribed water quality treatment volume from the site, as defined in the Georgia Stormwater Management Manual;
 - (ii) Appropriate structural stormwater controls or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the Georgia Stormwater Management Manual; and

- (iii) Runoff from hotspot land uses and activities identified by the City are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices and pollution prevention practices.
- (b) Stream channel protection. Protection of stream channels from bank and bed erosion and degradation shall be provided by using all of the following three (3) approaches:
 - (i) Preservation restoration and/or reforestation (with native vegetation) of the applicable stream buffer;
 - (ii) 24-hour extended detention storage of the one (1) year, 24-hour return frequency storm event; this requirement may be adjusted or waived by the City for sites that discharge directly into larger streams, rivers, wetlands, or lakes, or to a manmade channel or conveyance system where the reduction in these flows will not have an impact on upstream or downstream streambank or channel integrity; and
 - (iii) Erosion prevention measures such as energy dissipation and velocity control.
- (c) Overbank flooding protection. Downstream overbank flood and property protection shall be provided by controlling (attenuating) the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour return frequency storm event. If control of the one (1) year, 24-hour storm under subsection (2)(b)(ii) is exempted, then peak discharge rate attenuation of the two (2) year through the 25-year return frequency storm event must be provided. This requirement may be adjusted or waived by the City for sites where the post-development downstream analysis shows that uncontrolled post-development conditions will not increase downstream peak flows, or that meeting the requirement will cause greater peak flow downstream impacts than the uncontrolled post-development conditions.
- (d) Extreme flooding protection. Extreme flood and public safety protection shall be provided by controlling and safely conveying the 100-year, 24-hour return frequency storm event such that flooding is not exacerbated. This requirement may be adjusted or waived by the City for sites where the post-development downstream analysis shows that uncontrolled post-development conditions will not increase downstream peak flows, or that meeting the requirement will cause greater peak flow downstream impacts than the uncontrolled post-development conditions.
- (e) Structural stormwater controls. All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the Georgia Stormwater Management Manual. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the Georgia Stormwater Management

Manual, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the City before being included in the design of a stormwater management system. In addition, if hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the minimum control requirements, the City may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased nonpoint source pollution loads created on the site in question.

Applicants shall consult the Georgia Stormwater Management Manual for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

- (f) Stormwater credits for nonstructural measures. The use of one (1) or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under subsection (2)(a). The applicant may, if approved by the City, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements which identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the Georgia Stormwater Management Manual.
- (g) Drainage system guidelines. Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters shall be provided when necessary for the protection of public right-of-way and private properties adjoining project sites and/or public right-of-ways. Stormwater conveyance facilities that are designed to carry runoff from more than one (1) parcel, existing or proposed, shall meet the following requirements:
 - (i) Methods to calculate stormwater flows shall be in accordance with the stormwater design manual;
 - (ii) All culverts, pipe systems and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the stormwater design manual; and
 - (iii) Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the stormwater design manual.

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

Sec. 25C-30-4. Inspection and enforcement.

- (1) Inspection.
 - (a) The Department of Community Development shall determine whether the development is proceeding in accordance with the approved stormwater management plan. Periodic inspection of the development site shall be made to ensure that the stormwater management plan is properly implemented.
 - (b) The Department of Community Development shall be permitted to enter upon all properties for the purpose of inspection, observation, and management in accordance with the provisions of this chapter.
- (2) Final inspection and as-built certification of stormwater management facilities. Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant is responsible for certifying that the completed project is in accordance with the approved stormwater management plan. All applicants are required to submit actual "as built" plans for any stormwater management facilities or practices after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a professional engineer licensed in the State of Georgia that the as-built conditions regarding storage and outflow meet the requirements of this chapter. A final inspection by the City is required before the release of any performance securities can occur.
- (3) Enforcement. If work performed does not conform to the provisions of the approved stormwater management plan, a stop work order applicable to all construction activity, except that necessary for correction of the violation, shall be served upon the owner. Upon correction of the violation the stop work order shall be voided and construction may resume.

Sec. 25C-30-5. Maintenance responsibility during construction.

- (1) It shall be the responsibility of the developer to maintain all facilities required by the stormwater management plan during construction. The developer shall be responsible for removing temporary structures or facilities upon completion of the final stormwater facility. The developer and all subsequent owners shall also be responsible for maintaining the permanent facilities identified by the stormwater management plan to remain after construction is complete.
- (2) Should an owner fail to maintain the stormwater management facilities in a state of service intended by the stormwater management plan, then the Department of

Community Development shall notify the owner in writing of the deficiencies and specific minimum maintenance requirements to remedy such deficiencies.

- (3) If the owner fails to perform the required maintenance work within a reasonable period of time (30 days maximum) then the owner shall be in violation of the provisions of this section.

Sec. 25C-30-6. Ongoing inspection and maintenance of stormwater facilities and practices.

- (1) Long-term maintenance inspection of stormwater facilities and practices. Stormwater management facilities and practices included in a stormwater management plan which are subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and this chapter.

A stormwater management facility or practice shall be inspected on a periodic basis by the responsible person in accordance with the approved inspection and maintenance agreement. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the City shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the person specified in the inspection and maintenance agreement. The notice shall specify the measures needed to comply with the agreement and the plan and shall specify the time within which such measures shall be completed. If the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the City may correct the violation as provided in subsection (4) below.

Inspection programs by the City may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices.

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

- (3) Records of maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the City.
- (4) Failure to maintain. If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the City, after 30 days' written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. The City may assess the owner(s) of the facility for the cost of repair work which shall be a lien on the property and may be placed on the ad valorem tax bill for such property and collected in the ordinary manner for such taxes.

Sec. 25C-30-7. Violations; penalties.

Any person violating this chapter or any part thereof, including failing to stop work upon order, shall be liable for a civil penalty of not less than \$1,000 per day, by a sentence of imprisonment not exceeding 60 days in jail or both fine and jail or work alternative. Each separate interval of 24 hours, or every day, such violations shall be continued, committed or existing, shall constitute a new and separate offense and be punished, as aforesaid, for each separate period of violation.

Sec. 25C-30-8. Liability.

- (1) Review by City personnel of stormwater management plans does not relieve the designer, owner and contractor from compliance with federal and state law or locally adopted codes and ordinances. The approval of a stormwater management plan merely authorizes the construction of facilities designed and certified by a Georgia registered engineer.
- (2) Neither the approval of a plan under the provisions of this chapter nor the compliance with the provisions of this chapter shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor shall it impose any liability upon the City for damage to any person or property.

CHAPTER 25C-35. SOIL EROSION, SEDIMENTATION, AND POLLUTION CONTROL

Sec. 25C-35-1. Title.

This chapter will be known as "LaGrange Soil Erosion, Sedimentation and Pollution Control Ordinance."

Sec. 25C-35-2. Exemptions.

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

- (1) Surface mining, as the same is defined in O.C.G.A. § 12-4-72, "The Georgia Surface Mining Act of 1968";
- (2) Granite quarrying and land clearing for such quarrying;
- (3) Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
- (4) The construction of single-family residences, when such construction disturbs less than one (1) acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. § 12-7-6 and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of O.C.G.A. § 12-7-6(b) 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 subsections 25-30-4(c)(15) and (16) of this chapter, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three (3) years after completion of such forestry practices;
- (7) Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;
- (8) Any project involving less than one (1) acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "state waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one (1) acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the local issuing authority from regulating any such project which is not specifically exempted by paragraphs (1), (2), (3), (4), (5), (6), (7), (9) or (10) of this section;
- (9) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the department of transportation, the Georgia Highway Authority, or the state road and tollway authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the department of transportation or the state road and tollway authority which disturb one (1) or more contiguous acres of land shall be subject to provisions of O.C.G.A. § 12-7-7.1; except where the department of transportation, the 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.

Sec. 25C-35-3. Minimum requirements for erosion, sedimentation and pollution control using best management practices.

- (1) General provisions. Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the chapter and the NPDES general permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this chapter shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of subsections (2) and (3) of this code section. 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 chapter and the NPDES general permit.
- (2) Minimum requirements/BMPs.
- (a) Best management practices as set forth in subsections (b) and (c) of this code section 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 subsection (b) below or any substantially similar terms contained in a permit for the discharge of storm water issued pursuant to subsection (f) of O.C.G.A. § 12-5-30, the "Georgia Water Quality Control Act". As

used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6(b).

- (b) A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local issuing authority or of any state general permit issued by the Division pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act," for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than 10 nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single-family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five (5) acres.
 - (c) Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to Code section 12-5-30(f), the "Georgia Water Quality Control Act," for each day on which such failure occurs.
 - (d) The Director may require, in accordance with regulations adopted by the board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.
 - (e) The LIA may set more stringent buffer requirements than stated in subsections (c)(15), (16) and (17), in light of O.C.G.A. § 12-7-6(c).
- (3) The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. § 12-7-1 et seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:
- (a) Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
 - (b) Cut-fill operations must be kept to a minimum;

- (c) Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
- (d) Whenever feasible, natural vegetation shall be retained, protected and supplemented;
- (e) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
- (f) Disturbed soil shall be stabilized as quickly as practicable;
- (g) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
- (h) Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
- (i) To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1 et seq.;
- (j) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
- (k) Cuts and fills may not endanger adjoining property;
- (l) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
- (m) Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
- (n) Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in subsection (2)(b) of this section;
- (o) Except as provided in subsections (p) and (q) of this subsection, there is established a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. § 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or where bulkheads and sea walls are installed to prevent shoreline erosion on Lake Oconee and Lake Sinclair; or

along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: 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:

- (i) No land disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his 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
 - (ii) The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (A) stream crossings for water lines; or (B) stream crossings for sewer lines.
- (p) There is established a 50-foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act," except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25-foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project

plans and specifications and are implemented. The following requirements shall apply to such buffer:

- (i) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his 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
 - (ii) The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (A) stream crossings for water lines; or (B) stream crossings for sewer lines.
- (q) There is established a 25-foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, as determined in accordance with Chapter 5 of Title 12 of this title, the "Coastal Marshlands Protection Act of 1970." And the rules and regulations promulgated thereunder, 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 an alteration within the buffer area has been authorized pursuant to O.C.G.A. § 12-5-286, for maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, where a drainage structure or roadway drainage structure is constructed or maintained; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, on the landward side of any currently serviceable shoreline stabilization structure, or for the maintenance of any manmade storm-water detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that adequate erosion

control measures are incorporated into the project plans and specifications and such measures are fully implemented. For the purposes of this paragraph maintenance shall be defined as actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope or size of the original design and serviceable shall be defined as usable in its current state or with minor maintenance but not so degraded as to essentially require reconstruction.

- (i) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his 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
- (ii) The buffer shall not apply to crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer, provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented;
- (iii) The buffer shall not apply to any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014, and prior to December 31, 2015; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented or any lot for which the preliminary plat has been approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines have been extended to such lot prior to the effective date of this Act and if the requirement to maintain a 25 foot buffer would consume at least 18 percent of the high ground of the platted lot otherwise available for development; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented; and
- (iv) Activities where the area within the buffer is not more than 500 square feet or that have a "minor buffer impact" as defined in [EPD Rule] 391-3-

7-.01(r), provided that the total area of buffer impacts is less than 5,000 square feet are deemed to have an approved buffer variance by rule. Bank stabilization structures are not eligible for coverage under the variance by rule and notification shall be made to the division at least 14 days prior to the commencement of land-disturbing activities.

- (4) Nothing contained in O.C.G.A. § 12-7-1 et seq. shall prevent any local issuing authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in subsections (2) and (3) of this code section.
- (5) The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this chapter or the terms of the permit.

Sec. 25C-35-4. Application/permit process.

- (1) General. The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The local issuing authority shall review the tract to be developed and the area surrounding it. They shall consult the Zoning Ordinance, storm water management ordinance, subdivision ordinance, flood damage prevention ordinance, this chapter, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the local issuing authority. However, the owner and/or operator are the only parties who may obtain a permit.
- (2) Application requirements.
 - (a) No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the City of LaGrange without first obtaining a permit from the City to perform such activity and providing a copy of notice of intent submitted to EPD if applicable.
 - (b) The application for a permit shall be submitted to the Department of Community Development and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in subsection (3) of this code section. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land-disturbing activity proposed will be carried out in such a manner that the provisions of subsections (2) and (3) of this code section will be met. Applications for a permit will not be accepted unless accompanied by three (3) copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.10.

- (c) Immediately upon receipt of an application and plan for a permit, the local issuing authority shall refer the application and plan to the district for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The district shall approve or disapprove a plan within 35 days of receipt. Failure of the district to act within 35 days shall be considered an approval of the pending plan. The results of the district review shall be forwarded to the local issuing authority. No permit will be issued unless the plan has been approved by the district, and any variances required by subsections 25C-35-3(3)(o) through (q) have been obtained, all fees have been paid, and bonding, if required as per subsection (2)(f) of this code section, 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.
- (d) If a permit applicant has had two (2) or more violations of previous permits, this chapter section, or the Erosion and Sedimentation Act, as amended, within three (3) years prior to the date of filing the application under consideration, the local issuing authority may deny the permit application.
- (e) 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 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the local issuing authority with respect to alleged permit violations.

(3) Plan requirements.

- (a) Plans must be prepared to meet the minimum requirements as contained in section 25C-35-3(2) and (3) of this chapter, 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 chapter. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed

permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and state laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land-disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the commission and in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.

- (b) Data required for site plan shall include all the information required from the appropriate erosion, sedimentation and pollution control plan review checklist established by the commission as of January 1 of the year in which the land-disturbing activity was permitted.

(4) Permits.

- (a) Permits shall be issued or denied as soon as practicable but, in any event, not later than 45 days after receipt by the local issuing authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.
- (b) No permit shall be issued by the local issuing authority unless the erosion, sedimentation and pollution control plan has been approved by the district and the local issuing authority has affirmatively determined that the plan is in compliance with this chapter, any variances required by subsection 25C-35-4(3)(o), (p) and (q) are obtained, bonding requirements, if necessary, as per subsection (2)(f) of this section are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the local issuing authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
- (c) Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of the ordinance from which this chapter is derived, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.
- (d) If the tract is to be developed in phases, then a separate permit shall be required for each phase.
- (e) The permit may be suspended, revoked, or modified by the local issuing authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this chapter. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

- (f) The LIA may reject a permit application if the applicant has had two (2) or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three (3) years prior to the date of the application, in light of O.C.G.A. § 12-7-7(f)(1).

Sec. 25C-35-5. Inspection and enforcement.

- (1) Representatives of the Department of Community Development will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the local issuing authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this chapter, 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 chapter.
- (2) The local issuing authority must amend its ordinances to the extent appropriate within 12 months of any amendments to the Erosion and Sedimentation Act of 1975.
- (3) The City shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this chapter, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- (4) No person shall refuse entry or access to any authorized representative or agent of the City, the commission, the district, or division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

Sec. 25C-35-5. Penalties and incentives.

- (1) Failure to obtain a permit for land-disturbing activity. If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this

chapter without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the local issuing authority.

(2) Stop-work orders.

- (a) For the first and second violations of the provisions of this chapter, the Director or the local issuing authority shall issue a written warning to the violator. The violator shall have five (5) days to correct the violation. If the violation is not corrected within five (5) days, the Director or the local issuing authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the local issuing authority shall issue an immediate stop-work order in lieu of a warning;
- (b) For a third and each subsequent violation, the Director or the local issuing authority shall issue an immediate stop-work order;
- (c) All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred;
- (d) When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the local issuing authority or by the Director or his or her designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the local issuing authority or by the Director or his or her designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

- (3) Bond forfeiture. If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this chapter and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one (1) under the provisions of subsection 25C-35-4(2)(f). The local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

- (4) Monetary penalties. Any person who violates any provisions of this chapter, or any permit condition or limitation established pursuant to this chapter, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this chapter shall be liable for a civil penalty not to exceed \$2,500 per day. For the purpose of enforcing the provisions of this chapter, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this chapter under county ordinances approved under this chapter shall be authorized to impose penalties for such violations not to exceed \$2,500 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Sec. 25C-35-6. Education and certification.

- (1) Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.
- (2) For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one (1) person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.
- (3) Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this chapter.
- (4) If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of O.C.G.A. § 12-7-19(b)(1), then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in O.C.G.A. § 12-7-19(b)(4) and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

Sec. 25C-35-7. Administrative appeal judicial review.

- (1) Administrative remedies. The suspension, revocation, modification or grant with condition of a permit by the local issuing authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the Department of Community Development within 15 days after receipt by the local issuing authority of written notice of appeal.
- (2) Judicial review. Any person, aggrieved by a decision or order of the local issuing authority, after exhausting his administrative remedies, shall have the right to appeal denovo to the Superior Court of Troup County.

Sec. 25C-35-8. Effectivity, validity and liability.

- (1) Neither the approval of a plan under the provisions of this chapter, nor the compliance with provisions of this chapter shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the local issuing authority or district for damage to any person or property.
- (2) The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this chapter or the terms of the permit.
- (3) No provision of this chapter 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.

TITLE 25D. RULES OF INTERPRETATION AND DEFINITIONS

CHAPTER 25D-1. RULES OF INTERPRETATION AND DEFINITIONS

Section 25D-1-1. Rules of interpretation.

- (1) For the purpose of this Unified Development Ordinance (UDO), the following interpretations shall apply:
- (a) All words used in the present tense include the future tense.
 - (b) All words in the plural number include the singular number, and all words in the singular number, include the plural number, unless the natural construction of the wording indicates otherwise.
 - (c) The word "shall" is mandatory and not discretionary.
 - (d) The word "constructed" includes the words "erected," "built," "altered," "rebuilt," and "repaired."
 - (e) The phrase "used for" as applied to any land or building shall include the phrases "arranged for," "designed for," "intended for," "maintained for" or "occupied for."
 - (f) The term "UDO" shall mean "UDO and amendments."
 - (g) For the purpose of interpreting this UDO, certain words or terms are herein defined. Except as defined herein, all other words used in this UDO shall be defined in accordance with the American Planning Association (APA) A Planners Dictionary published April 1, 2004, as interpreted by the Director. For terms not found in A Planners Dictionary, words used shall be defined in accordance with Merriam-Webster's Collegiate Dictionary, 11th Edition, as interpreted by the Director.

Sec. 25D-1-2. Definitions.

For the purpose of interpreting this UDO, certain words and terms used herein shall be defined as follows and may be referenced in other titles of this UDO:

A

AC districts. The zoning districts of AC-MR and AC-MX of this UDO that are the "Activity Center" character area zoning districts (See Chapter 25B-5).

Accessory equipment (*telecommunications*). Any equipment serving or being used in conjunction with a wireless facility or wireless support structure and includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets, and storage sheds, shelters, or similar structures.

Accessory structure. A structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the primary structure.

Accessory use(s). The uses allowed per the provisions of section 25B-25-1(2), and section 25B-25-1(1)(c).

Accessory use (*sign*). A sign use which is authorized by virtue of a business operation on a particular site, which shall not require, by implication or otherwise, that the content of any such sign be in any way connected to said business operation.

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.

Adult day care center. A facility, whether operated for profit or not, that undertakes through its ownership or management to provide for less than 24-hour per day, basic adult day care or adult day health services to three (3) or more adults, not related by blood or marriage, who require basic services. Includes any establishment that regularly provides adult custodial services.

Adult entertainment. See Title 30, Chapter 30-21, of the City Code.

Agribusiness. An industry engaged in the producing operations of a farm, the manufacture and distribution of farm equipment and supplies, and the processing, storage, and distribution of farm commodities.

Agricultural land management practices. The methods and procedures used in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.

Agricultural use(s). The uses listed as Agricultural uses in section 25B-25-1, Table of Permitted and Prohibited Uses.

Airport. The LaGrange-Callaway Airport.

Airport elevation. The highest point of an airport's usable landing area measured in feet from sea level, which is 693.40 feet for the LaGrange-Callaway Airport.

Alcoholic beverages, packaged, retail sales. See Title 30, Chapter 30-20, of the City Code.

All weather surface: A maintained crushed rock, gravel, asphalt, cement or other material which will shed water in such a manner as to provide a firm surface for the

driving or parking of passenger vehicles. Compacted earth, grass or any biodegradable material is not an all weather surface. If gravel driveways are installed, then gravel must be applied at a rate of 400 pounds per square yard and a minimum thickness consistent with the entire length of the driveway of four (4) inches, applied upon a geotextile fabric or membrane approved by the building official. In addition, any surface composed of loose material shall be required to contain the entire dimension of the drive area with a minimum edging system of four (4) inches. Loose aggregate material shall not be allowed on any portion of public access. After the date of installation, the gravel on the driveway must be maintained to the minimum standards set forth in this paragraph for so long as improvement exists on the property that requires such driveway. All gravel driveways must comply with section 815 of the Georgia Department of Transportation Standard Specifications for the Construction of Roads and Bridges, as now or hereafter amended.

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

Alternative tower structure (*telecommunications*). Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that are compatible with the natural setting and surrounding structures and effectively camouflage or conceal the presence of antennas or towers.

Animated sign. Any sign which all or any part thereof visibly moves, imitates movement, or changes appearance in any fashion whatsoever. For purpose of this UDO, the transition of a message on a changing sign shall not be considered "animation."

Antenna (*telecommunications*). Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communication services.

Applicable codes (*Title 25C*). Means (a) any optional housing or abatement standard provided in Chapter 2 of Title 8 of the O.C.G.A. as adopted by ordinance or operation of law, or other property maintenance standards as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property; (b) any fire or life safety code as provided for in Chapter 2 of Title 25 of the O.C.G.A.; and (c) any building codes adopted by local ordinance prior to October 1, 1991, or the minimum standard codes provided in O.C.G.A. Chapter 2 of Title 8 after October 1 provided that such building or minimum standard codes for real property improvements shall be deemed to mean those building or minimum standard codes in existence at the time such real property improvements were constructed unless otherwise provided by law.

Applicant. Any person or governmental agency that executes the necessary forms to procure official approval of a project or a permit as regulated by the UDO.

Application (*telecommunications*). A formal request submitted to the local governing authority to construct, collocate, or modify a wireless support structure or a wireless facility.

Approach surface. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope as set forth in section 25-35-97. The perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach, departure, transitional, horizontal, and conical zones. These zones are defined as set forth in section 25-35-96.

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 (1) to three (3) 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 (1) 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 section 25-25-6.

Assisted living facility. A personal care home as defined in this UDO, but having 25 or more beds and which offers a range of accommodations from independent residential housing options to housing options with personal services. A residential use, which could otherwise be classified as multifamily, is to be considered an Assisted Living Facility if it is registered with or licensed by the State of Georgia as an assisted living home. Any facility licensed by the State of Georgia as a facility offering a contract to provide an individual of retirement status, other than an individual related by consanguinity or affinity to the provider furnishing the care, with board and lodging, licensed nursing facility care and medical or other health related services is a subtype of assisted living facility to be described as a Continuing Care Retirement Community (CCRC). The inclusion of skilled nursing care in a CCRC under a certificate of need issued by the State of Georgia shall be considered part of the assisted living facility and shall not be deemed to be a separate use. Any dwelling, facility or structure which for any reason is not required to be licensed by the State of Georgia as an assisted living home, or fails to be licensed by or registered with the State of Georgia as an assisted living home but, which through its ownership or management undertakes for a fee or accepts a grant or utilizes its own funding to provide or arrange for the provision of housing, food service, and one (1) or more personal services for any person and which also provides beds for 25 or more persons, who are not related to the owner or administrator by blood, marriage or adoption, shall also be considered an assisted living facility for the purpose of this definition. This definition shall apply without regard to whether any fee charged is paid by the individual to whom the services are provided or by another person, the source of the grant, or the funding source for the operational costs and without regard to whether

the facility is operated for profit or not for profit. Personal services include but are not limited to individual assistance with or supervision of self-administered medication, and essential activities of daily living such as bathing, grooming, dressing and toileting. For the purposes of this ordinance, a "child caring institution" or "group-care facility" as defined in O.C.G.A. § 49-5-3, as amended, with 25 or more beds shall also be considered an assisted living facility.

Awning sign. A sign imposed, mounted or painted upon an awning.

B

Banner. Any sign of lightweight fabric or similar material that is intended to be hung either with a frame or without a frame. Neither flags nor canopy signs are considered banners.

Base flood. The flood having a one (1) 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 (1) percent chance of equaling or exceeding that level in any given year.

Basement. That portion of a building having 50 percent or more of its exterior wall height below grade. A basement is not counted as a story for the purpose of height regulation. The entire wall area of each basement wall will be calculated and 50 percent or more of the cumulative area must be below grade.

Basement (*floodplain*). That portion of a building having its floor sub grade (below ground level) on all sides.

Beacon. Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source; also, any light with one (1) or more beams that rotate or move.

Bed and breakfast. An owner-occupied single-family dwelling where, for compensation, overnight lodging or overnight lodging and a breakfast meal is provided to guests, pursuant to a permit issued in accordance with applicable State law.

Berm. An earthen ledge or shoulder along the edge of a road or sidewalk.

Best management practices (BMP's). A wide range of management procedures, schedules of activities, prohibitions on practices and other management practices which have been demonstrated to effectively control the quality and/or quantity of stormwater runoff and which are compatible with the planned land use. For purposes of administering the soil erosion provisions of this UDO, this term shall mean 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.

Block. A piece or parcel of land entirely surrounded by public highways, streets (or private streets built to public standards), or thoroughfares, other than alleys. In cases where the platting is incomplete or disconnected, the UDO Administrator may determine the outline of the block.

Block face. The side of a block located between two (2) intersecting streets or thoroughfares.

Board (*soil erosion*). The board of natural resources.

Board of planning and zoning appeals. As used herein, the term shall mean the board of planning and zoning appeals as established in Article VIII, chapter 25-35, as amended.

Boardinghouse. A building where, for compensation, lodging and/or meals are provided for three (3) or more persons but not more than 10 persons.

Brewpub. Any eating establishment in which malt beverages are manufactured, subject to the barrel production limitation and such other rules and restrictions as are defined under Georgia law.

Buffer. Land area which separates land use areas from one another through screening and distance, to shield or block noise, light, glare, visual or other conditions, and/or to minimize physical passage to nonsimilar areas, and/or reduce air pollution, dust, dirt and litter. For the purposes of this UDO, the term buffer shall not include a state waters buffer defined as "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." For purposes of administering the soil erosion provisions of the UDO, this term shall mean 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.

Building. Any structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure of persons, animals or personal property.

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

Building façade. A building wall fronting a thoroughfare that constitutes any side of a structure or building.

Building façade, primary. The building facade representing the "front" of the building, complete with the primary pedestrian entrance.

Building, height of. The vertical distance measured from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof.

Building, nameplate. A small plaque, usually made of metal or wood, affixed flush to an exterior wall near the main entrance to a building.

Building, principal. A building in which is conducted the principal use of the lot on which building is situated.

Building Official. The building official of the City, as created under section 25-1-3 of the Code of the City of LaGrange.

Building restriction line or Building line. The line beyond which the foundation wall or any enclosed porch, vestibule, or other enclosed portion shall not project.

Building setback line: A line establishing the minimum allowable distance between the closest point of the building and the street right-of-way line when measured perpendicularly thereto.

Building sign. A sign that in any manner is fastened to, projects from, or is placed or painted upon the exterior wall, canopy, awning or marquee of a building. The term "building sign" includes but is not limited to the following:

- (1) Awning sign.
- (2) Canopy sign.
- (3) Mansard sign.
- (4) Marquee sign.
- (5) Parapet sign.
- (6) Projecting sign.
- (7) Under-canopy sign.
- (8) Wall sign.

Business or professional office. Including, but not limited to lawyer, accountant, auditor, bookkeeper, engineer, architect, sales office, travel agency, interior decorator or security system sales.

C

Caliper. A standard of trunk measurement for replacement trees. Caliper inches are measured at the height of six (6) inches above the ground for trees up to and including four (4) inch caliper and 12 inches above the ground for trees larger than four (4) inches

caliper. If the tree forks between ground level and six (6) inches above ground level, then the tree shall be considered a multi-trunked tree. Caliper for multi-trunked trees shall be determined by measuring each trunk six (6) inches above the fork and calculating the average caliper of the two (2) largest trunks.

Canopy sign. A sign affixed to, superimposed upon, or painted on any canopy, such that the sign is mounted in such a manner that a continuous face with the canopy is formed. Includes any permanent roof-like structure projecting from the wall surface of a building or structure, generally located at or below the roof line and designed to provide shelter from the elements, or a freestanding roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements. A canopy shall include all structures commonly known as awnings.

Cargo container. A pre-fabricated, reusable box-like shipping receptacle, with or without wheels, having a volume of 64 cubic feet or more, designed and constructed to permit lifting with its contents intact, and intended primarily for intermodal transportation; also, a semi-trailer, which shall be defined as any vehicle, with or without motive power and with or without wheels, having a volume of 64 cubic feet or more and designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Carport. A roofed structure for the storage of vehicles with no more than two (2) walls.

Cellar. That portion of a building between floor and ceiling which is wholly below grade or having more than ½ of its height below grade. A cellar is not counted as a story for the purpose of height regulation.

Certificate of appropriateness. A document approving a proposal to make a material change in appearance of a designated historic property or of a structure, site or work of art located within the designated historic district, which document must be obtained from the LaGrange Historic Preservation Commission before such material change may be undertaken.

Certified arborist. An International Society of Arboriculture (ISA) Certified Arborist, or an American Society of Consulting Arborists (ASCA) Registered Consulting Arborist.

Certified personnel (*soil erosion*). A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

Changeable copy sign. A sign or portion thereof with characters, letters, or illustrations that can be manually changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than once a day shall be considered a changing sign for purposes of this UDO.

Changing sign. A sign that is capable of changing the visible display of words, numbers, symbols, graphics and/or position or format of word messages or other displays when

such changes are actuated by any type of remote control or automatic mechanism rather than manually. Changing signs shall include mechanically operated devices which change the message through rotation of any type of panel and signs which are illuminated partially or entirely by a matrix of electronic lamps, movable discs, movable panels, light apertures, the use of light emitting diodes, back lighting, or any other light source that is electronically changed. Any changing sign that includes both mechanical and electronic elements shall be regulated as an electronically changing sign. A sign that changes no more frequently than once every 24 hours shall not be considered a changing sign.

City. The City of LaGrange.

Clear-cutting. The felling of essentially all merchantable trees from a property.

Clearing. The removal of vegetation from a property, whether by cutting or other means.

Clinic. A clinic is an establishment where patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians or dentists practicing together.

Closing. Causing a dwelling, building, or structure to be vacated and secured against unauthorized entry.

Coastal marshlands (*soil erosion*). Shall have the same meaning as in O.C.G.A. § 12-5-282.

College, university, and professional schools. An institution of higher learning that includes seminaries, and related professional offices and businesses.

Collocate or collocation. The placement or installation of new wireless facilities on previously approved and constructed wireless support structures, including monopoles and towers, both self-supporting and guyed, in a manner that negates the need to construct a new freestanding wireless support structure. Such term includes the placement of accessory equipment within an existing equipment compound.

Commercial use(s). The uses listed as Commercial uses in section 25B-25-1, Table of Permitted and Prohibited Uses.

Commercial vehicle. Any vehicle used to transport goods or passengers for the profit of an individual or business. Examples include box trucks, semi-trucks, trailers, and travel trailers.

Commission (*soil erosion*). The Georgia Soil and Water Conservation Commission (GSWCC).

Complete application (*telecommunications*). An application containing all documents, information, and fees specifically enumerated in or required by the local governing authority's regulations, ordinances, and forms pertaining to the location, construction, collocation, modification, or operation of wireless facilities.

Comprehensive Plan. The Comprehensive Plan of the City of LaGrange as adopted by the mayor and council pursuant to O.C.G.A. § 36-70-1 et.seq.

Comprehensive Plan character area map. The map entitled Character Area Map and contained within the Comprehensive Plan.

Commercial sign. A sign which identifies, advertises or directs attention to a business, or is intended to induce the purchase of goods, property, or service, including without limitation, any sign naming a brand of goods or service and real estate signs.

Commissary. An approved catering establishment, restaurant, or other approved place in which food, containers or supplies are kept, handled, prepared, packaged or stored.

Conceptual plan. A rough sketch hand drawing, developed in planning sessions with the DRP and developer.

Conditioned floors. The enclosed conditioned space on all floors of a building, as measured at the floor level of the exterior surfaces of exterior walls enclosing the conditioned space. Conditioned floor area includes all conditioned and indirectly conditioned space on all floors. It includes lofts and mezzanines but does not include covered walkways, open roofed-over areas, porches, pipe trenches, exterior terraces or steps, chimneys, roof overhangs, garages or parking structures. Unheated basements or closets for central gas forced air furnaces are also not included, unless shown to be indirectly conditioned.

Conical surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one (1) for a horizontal distance of 4,000 feet.

Conservation area. Land, either adjacent to a stream or within a stream valley, shown as a park or conservation area and designated as such on the Comprehensive Plan for the City, or which contain natural features or wildlife considered to be of significant value, or is necessary to provide natural buffers between different forms of development, and established for the purpose of providing adequate open space for light, air, and recreation; for the preservation and creation of wooded areas; for the protection of game; for protection against erosion; for the control of drainage; for the general benefit and protection of properties adjacent to and in vicinity of such streams or stream valleys, or areas containing significant natural environmental or historic features and resources, and for the general welfare.

Construction. The erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building, and shall include the replacement of a malfunctioning, unserviceable, or obsolete faucet, showerhead, toilet, or urinal in an existing building.

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 definition of Consumer Fireworks shall have the same meaning as set forth in O.C.G.A. § 25-10-1 and NFPA 1124 should that definition differ from the definition of this section.

Consumer fireworks retail sales facility. As set forth in O.C.G.A. § 25-10-1 and NFPA 1124 (National Fire Protection Association Standard 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 Edition).

Consumer fireworks retail sales stand. As set forth in O.C.G.A. § 25-10-1 and NFPA 1124 (National Fire Protection Association Standard 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 Edition).

Copy (*sign*). The permanent or removable wording or graphics placed on, painted upon, or bonded to the display surface of a sign.

CP districts. The zoning districts of CP-GB, CP-GI, and CP-HI of this UDO that are the "Campus" place-type zoning districts (See Chapter 25B-5).

CPESC (*soil erosion*). Certified professional in erosion and sediment control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.

CR districts. The zoning districts of CR-MR and CR-MX of this UDO that are the "Corridor" place-type zoning districts (See Chapter 25B-5).

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, assisted living facilities, nursing homes, continuing care retirement communities and assisted living facilities 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.

Critical root zone (CRZ). The minimum area beneath a tree that must be left undisturbed in order to preserve a sufficient root mass to give the tree a reasonable chance of survival. The CRZ 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 (1½) times the number of inches of the trunk's diameter. Example: The CRZ radius of a 20-inch diameter tree is 30 feet.

Cul-de-sac. A minor street with only one (1) outlet, with a vehicular turnaround at one (1) end.

Curb cut. Any interruption, or break, in the line of a street curb in order to connect a driveway to a street, or otherwise to provide vehicular access to abutting property.

Cut (*soil erosion*). 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.

D

Day care facility. A facility providing care, protection and supervision of children or adults on a regular basis away from their primary residence. Care is provided to a given individual for less than 24 hours a day. Day care includes the following:

- (1) Adult day care center;
- (2) After-school program;
- (3) Day care center;
- (4) Family day care home (commercial use for three (3) to six (6) children under the age of 18); and
- (5) Nursery school.

Demolition. Demolition means the complete removal of structure or a scope of construction (alteration, addition, renovation or reconstruction) of a structure where only the foundation of the original structure remains.

Departure surface. A clear area at the end of runways that provides for pilots to follow standard departure procedures.

Design professional (*soil erosion*). A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a certified professional in erosion and sediment control (CPESC) with a current certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

Detention. A permanent structure for the temporary storage of runoff and its subsequent gradual discharge.

Developer (may include owner or subdivider). An individual, partnership, syndicate or corporation (or agent of any of the foregoing) that undertakes the activities covered by

this UDO, including the preparation of a subdivision plat showing the layout of streets, blocks, lots, etc., and the public improvements included therein. The term "developer" may also include the terms "owner" or "subdivider."

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.

Development activity. Any alteration of the natural environment which requires the approval of a development or site plan and issuance of a development (land disturbance) permit. Development activity shall also include the selective harvest and clear-cutting of trees from undeveloped land incidental to the development of land but shall in no way be related to ongoing forest management practices unrelated to land disturbance.

Development of regional impact (DRI). Those projects as may fall within the definitions as set by the laws of the State of Georgia and as are required by regulations promulgated by the Georgia Department of Community Affairs

Development review panel (DRP). A panel of City officials, staff members and other government agency representatives assigned to participate in and review plans, applications, documentation and issues associated with the review, approval, conditions and rejection of subdivisions and development plans submitted to the City of LaGrange. The panel shall consist of the Director of Community Development, the Director of Utilities, the Director of Public Services and other City staff members as may be assigned by the City Manager or directors of the departments mentioned herein. The panel shall meet as needed to review plans, specifications and issues associated with proposed developments. The Director of Community Development will be responsible for coordinating meetings, collecting all information, maintaining records, and communicating findings to applicants and developers.

DNR. The Georgia Department of Natural Resources.

Diameter at breast height (DBH). A standard measure of tree size where the widest cross sectional dimension of a tree trunk is measured at a point four and one-half (4½) feet above the ground. If a tree splits into multiple trunks below four and one-half (4½) feet, then the trunk is measured at its most narrow point beneath the split.

Dilapidated or neglected signs. A sign (including sign structure) is dilapidated or neglected if it manifests the following conditions: Rust or holes on or in the sign, or broken, missing, loose or bent parts, faded or flaking paint, or non-operative or partially operative illuminating components.

Director. The Director of Community Development, referred to as the Director, or their designee.

Director (*soil erosion*). The Director of the Environmental Protection Division or an authorized representative.

Directory sign. A sign, distinguished from a project entrance sign, which is allowed on a premise with more than one (1) tenant or occupant of a building. It may be freestanding

or a building (wall) sign. Such signs are not usually visible from the public street right-of-way of a development which provides initial access to the property, but rather are located within the development, along a driveway, access way, or parking aisle.

Dissolve. A mode of message transition on a changing 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.

District (*soil erosion*). The Roosevelt Soil and Water Conservation District.

Division (*soil erosion*). The environmental protection division (EPD) of the department of natural resources.

Drainage area. The area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridgeline.

Drainage structure (*soil erosion*). A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one (1) place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control, or flood control purposes.

Drip line. A line on the ground established by a vertical plain extending from the tree's outermost branch tips to the ground, i.e., the line enclosing the area directly beneath the tree's crown from which rainfall would drip.

Double-faced sign. A sign structure with two (2) sign faces that are parallel (back-to-back) or that form an angle to one another of no more than 60 degrees, where each sign face is designed to be seen from a different direction.

Drug crime. An act which is a violation of O.C.G.A. Article 2 of Chapter 13 of Title 16, known as the Georgia Controlled Substances Act.

Dwelling. Any building or portion thereof which is designed for or used for residential purposes.

Dwelling, accessory. A detached dwelling unit located on the same lot as the primary dwelling.

Dwellings, Buildings or structures (as used in Article V, Division 1 of Chapter 25C-5).

Any building or structure or part thereof used and occupied for human habitation or commercial, industrial, or business uses, or intended to be so used, and includes any outhouses, improvements, and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design. The term dwellings, buildings or structures shall not mean or include any farm, any building or structure located on a farm, or any agricultural facility or other building or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or other farm products.

Dwelling, multiple-family. A building designed for or occupied exclusively by three (3) or more families.

Dwelling, primary. A dwelling contained within a principal structure.

Dwelling, single-family. A building designed for or occupied exclusively by one (1) family. For the purposes of this UDO, developed land may be classified as a single-family dwelling unit despite the presence of incidental and/or accessory structures associated with residential uses such as garages, carports or small storage buildings, accessory dwellings. Single-family dwelling units shall not include developed land containing structures used primarily for nonresidential purposes, manufactured homes and mobile homes located within manufactured home or mobile home parks where the land is owned by others than the owners of the manufactured homes or mobile homes, or multiple-family residential units that are individually owned but are located on a single parcel of developed land, such as condominiums, cooperatively-owned apartments, and guest lodging.

Dwelling, single-family attached. A single-family dwelling building type designed to accommodate two (2) dwelling units that share a common wall along the lot line between the two (2) lots.

Dwelling, single-family detached. A single-family dwelling building type designed to accommodate one (1) dwelling unit on an individual lot with yards on all sides.

Dwelling, townhome. A type of single dwelling unit connected to similar units.

Dwelling, two-family. A building designed for or occupied exclusively by two families.

Dwelling unit. One (1) or more rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating purposes.

E

Easement. A grant or reservation by the owner of land, for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement, unless otherwise stated in the easement. The usage of the word "easement" for land platting purposes in this UDO means that such an easement area is included within the dimensions and areas of the lots or parcels through which the easement may run and is not to be separated therefrom as in the case of a dedicated right-of-way. An easement area shall include such areas upon, over and under the land area so designated. An easement also shall refer to a property right of access in favor of the City of LaGrange as defined by the laws of the state.

Easement, slope. An easement to permit the creation and maintenance of slopes necessary to stabilize construction or to stabilize lands adjacent to construction.

Elevated building (*flood damage prevention*). A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of 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.

Eligible facilities request. Any request for modification of an existing wireless tower or base station that does not result in a substantial change in the physical dimensions of an eligible support structure and which the applicant asserts is subject to review under section 6409 of the Spectrum Act and involving: collocation of new transmission equipment; removal of transmission equipment; or replacement of transmission equipment.

Eligible support structure (*telecommunications*). Any tower or base station existing at the time an application is filed with the governing authority in which the applicant asserts is subject to review under section 6409 of the Spectrum Act.

Equipment compound. An area surrounding or adjacent to the base of a wireless support structure within which accessory equipment is located.

Erosion (*soil 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 (*soil erosion*). A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protection at least as stringent as the state general permit, best management practices, and requirements in section 20-30-4(c) of this ordinance.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

Extended-stay hotels/motels. A hotel or motel containing 10 or more sleeping rooms used for temporary occupancy of transients and containing cooking facilities in more than 50 percent of the individual rooms.

Exterior architectural features (*historic preservation*). The architectural style, general design and general arrangement of the exterior of a building or other structure, including, but not limited to, the kind or texture of the building materials; the type and style of all windows, doors and signs; and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.

Externally illuminated sign. A sign illuminated only by an artificial light source that is external to, and independent of, the sign structure, and the illumination radiates toward the message area away from the viewer.

F

Façade. See Building façade.

Face (*sign*). That portion of a sign upon which the copy is placed, attached, bonded, or painted.

Fade. A mode of message transition on a changing 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.

Family. A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

- (1) Any number of persons related by blood, marriage, adoption, guardianship, foster or other duly-authorized custodial relationship; or
- (2) A maximum of four (4) unrelated person; or
- (3) Two unrelated persons and any parents or children related to either.

Family day care home. A private residence operated by any person who received therein for pay for supervision and care fewer than 24 hours per day, without transfer of legal custody, three (3) but not more than six (6) children under 18 years of age who are not related to such persons and whose parents or guardians are not residents in the same private residence.

Farm wineries. See Title 30, Chapter 30-20, of the City Code.

FCC. The Federal Communications Commission, or its duly designated and authorized successor agency.

Feather banner. A banner made from lightweight material and attached to a pole that is designed to wave in the wind.

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

Fenestration. A required amount of window and door area as a percentage of the ground floor façade of a building.

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 plat. A finished drawing of a subdivision showing completely and accurately all legal and engineering information and certification necessary for recording.

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 landscape areas), or equivalent permanent stabilization measures as defined in the manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.

Flag (*sign*). Any fabric or bunting containing colors, patterns, words, emblems or logos used as a symbol of a government or other entity or organization.

Flashing sign. A sign, the illumination of which is not kept constant in intensity at all times when in use and which exhibits sudden or marked changes in lighting effects.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; or
- (2) The unusual and rapid accumulation 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 Emergency Management Agency, 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.

Floor area. Floor Area is calculated as follows:

- b. Non-residential uses. The sum of the gross horizontal areas of the several conditioned floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings, but not including:
 - (a) Attic space providing headroom of less than seven (7) feet;
 - (b) Cellar space not used for retailing;
 - (c) Uncovered steps or fire escapes;
 - (d) Accessory water towers or cooling towers;
 - (e) Accessory off-street parking spaces; and
 - (f) Accessory off-street loading berths.
- c. Residential uses. In a dwelling, the gross horizontal areas of the conditioned floors of a dwelling measured from the exterior faces of the exterior walls but not including:
 - (a) Basements;
 - (b) Cellars;
 - (c) Open porches;
 - (d) Balconies; and
 - (e) Decks.
- 2. Accessory Buildings. In accessory buildings and structures the gross horizontal areas of the conditioned floors of an accessory building and other enclosed areas. Floor area shall be measured from the exterior faces of the exterior walls.

Footcandle. A unit of measure for illuminance on a surface that is everywhere one (1) foot from a point source of light of one (1) candle, and equal to one (1) lumen per square foot of area.

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.

Freestanding sign. Any sign (including any associated supporting materials) which is independent from any building and is entirely supported by structures that are permanently placed on or in the ground. The term "freestanding sign" includes but is not limited to the following:

- (1) Monument sign; and
- (2) Pole, pylon or stanchion sign.

Frontage, building. The width in linear feet of the front exterior wall of a particular building in which an establishment is located.

G

Gasoline station. A building, lot, structure, or facility having pumps and storage tanks where fuel, gasoline, oil or other similar products are dispensed, sold or offered for sale at retail only; vehicle repair service is minor and incidental and shall include accessory uses such as car washes and convenience stores.

GDOT. The Georgia Department of Transportation.

Governing authority or body (*telecommunications*). The mayor and council of the City of LaGrange.

Grade or grade plane. The average level of the finished ground surface adjacent to the exterior walls of a building.

Grade, finished. The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Grading. The movement of earth by mechanical means to alter the gross topographic features, including elevation and slope, to prepare a site for final grading and construction of facilities, including structures, parking lots, and roads. This includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

"Grasscrete" or "grasspave". A paving system primarily used for parking that utilizes porous elements which facilitate the drainage of stormwater runoff.

Greenspace. Space that is available for entry and use by the occupants of the building or group of buildings related to a subdivision or development. Greenspace is space so located and treated so as to enhance the overall development and its surroundings through landscape features. Greenspace may include lawns, decorative plantings, sidewalks, walkways, bike paths, children's playgrounds, parks, play fields, passive recreation areas, active recreation areas, golf courses, tennis courts, fountains, swimming pools, accessible wooded areas maintained free of undergrowth, ponds and streams. Greenspace shall not include parking lots, buildings, roofed structures, paved areas, stormwater detention ponds designed for use in wet weather cycles, streets, overgrown inaccessible unmaintained lowlands or woodlands or other feature that represents no value or enhancement of the quality of the living environment for those ultimately using the development.

Ground cover. A category of plants usually ranging from a few inches to a foot or more in height. Some ground covers are excellent for preventing soil erosion; others are helpful in carrying out design patterns.

Ground elevation. The original elevation of the ground surface prior to cutting or filling.

Ground floor. Any building floor located within five (5) vertical feet of the adjacent front yard or sidewalk along the primary façade.

Group living. Residential occupancy of a structure by a group of people that does not meet the definition of family. Generally, group living facilities have a common eating

area for residents, and residents may receive care or training. Group living includes the following:

- (1) Social services;
- (2) Assisted living facility, nursing home;
- (3) Monastery, convent;
- (4) Personal care home; or
- (5) Roominghouse, boardinghouse.

Grubbing. The removal of tree stumps and roots.

H

Halo illumination sign. A sign illumination where the source of light is external and integral to the sign structure; where the resultant illumination radiates toward the viewer, is interrupted by the opaque sign structure, letters, or symbols, and back lights the message area.

Hardwood tree. Any tree that is not needle bearing. This definition is based on colloquialism, and does not necessarily reflect any true qualities of the tree.

Hazard to air navigation. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Height (*airport*). For the purpose of determining the height limits in all zones set forth in this UDO and shown on the Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.

Heliport primary surface. The area of the primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

Highest adjacent grade. The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a building.

Historic district. A geographically definable area, urban or rural, which contains structures, sites, works of art, or a combination thereof which:

- (1) Have special character or special historical or aesthetic interest or value;
- (2) Represent one (1) or more periods or styles of architecture typical of one (1) or more eras in the history of the City, county, state or region; and
- (3) Cause such area, by reason of such factors, to constitute a visibly perceptible section of the City.

Historic property. A structure, site, or work of art, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by

reason of its value to the City, county, state or region for one (1) or more of the following reasons:

- (1) It is an outstanding example of a structure representative of its era;
- (2) It is one of the few remaining examples of a past architectural style;
- (3) It is a place or structure associated with an event or person of historic or cultural significance to the City, county, state or region; or
- (4) It is a site of natural or esthetic interest that is continuing to contribute to the cultural or historical development and heritage of the City, county, state or region.

Historic structure. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior, or
 - (b) Directly by the Secretary of the Interior in states without approved programs.

Home occupation. Any use conducted within a dwelling or in the rear yard of the dwelling by the residents thereof, which is secondary to the use of the dwelling for residence purposes.

Homeless shelter. A building where temporary lodging and meals are provided for the homeless for a period not to exceed 180 consecutive days for any individual, and where a variety of social services are provided which are designed to assist those housed in the facility to obtain permanent housing and to care for themselves.

Horizontal surface (airport). A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

Hospital. A facility for the diagnosis, care and treatment of physical and mental illness, which has in-patient overnight facilities. Supporting functions such as specialized clinics, out-patient care, recuperative care and hospice services shall be considered a part of normal hospital operations. A hospital shall have a staff of qualified doctors, registered nurses and other supporting staff.

Hotel and motel. A building in which separate sleeping rooms are rented which provide sleeping accommodations for a total of more than 15 persons on either a transient or permanent basis, with or without meals, whether designated as a hotel, inn, club, motel or by any other name.

Hotspot. An area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

I

Ice cream truck. A motor vehicle in which ice cream, popsicles, ice sherbets or other frozen desserts of any kind are carried for the purpose of retail sale on the streets of the City.

Illuminated signs. Signs including but not limited to the following:

- (1) Internally illuminated sign;
- (2) Externally illuminated sign;
- (3) Halo illumination sign; and
- (4) Neon sign.

Impervious. The condition of being impenetrable by water.

Impervious surface. A surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and concrete or asphalt surface.

Improvements, public. Any of the following: Publicly owned, operated, or maintained roads and streets, alleys, grading, pavement, curbs and gutters, sidewalks, crosswalks, pedestrian and bicycle paths, public transit facilities, water mains, sanitary sewer lines, water supply and sewage disposal, storm sewer line and drainage structures, curb returns, sidewalk and driveway entrances in rights-of-way, guard rails, retaining walls, sodding, planting, monuments, street lights, storm water management, parks and recreation areas and facilities, publicly owned or operated historic resources, public educational facilities, and public buildings and structures of any nature or kind.

Incidental sign. A small sign, emblem, or decal no larger than two (2) square feet in area. Such signs are normally located on doors, windows, and gas pumps, or in parking lots or loading areas, may be freestanding or building signs, and are generally not readily visible or legible from public rights-of-way.

Industrial use(s). The uses listed as Industrial uses in section 25B-25-1, Table of Permitted and Prohibited Uses.

Industrialized building. Any building or building component which is manufactured in accordance with the Georgia Industrialized Building Act and the rules of the commissioner of community affairs issued pursuant thereto. Each unit must bear a seal of approval issued by the commissioner or must be inspected during the time of manufacture by the building inspector of the City of LaGrange.

Inflatable sign. A sign or similar device that is intended to be expanded by pressurized air or other gas or by mechanical fan for its proper display or support.

Inoperative vehicle. Includes, but is not limited to, any automobile, boat, vehicle, trailer of any kind or type, or contrivance or part thereof, the condition of which is one or more of the following: Wrecked, dismantled, partially dismantled, inoperative, abandoned, discarded; one which does not have a valid license plate attached thereto; or one which has not moved in a period of 90 days.

Inspection and maintenance agreement. A written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

Interested party.

- (1) Owner;
- (2) Those parties having an interest in the property as revealed by a certification of title to the property conducted in accordance with the title standards of the State Bar of Georgia;
- (3) Those parties having filed a notice in accordance with O.C.G.A. § 48-3-9;
- (4) Any other party having an interest in the property whose identity and address are reasonably ascertainable from the records of the City or records maintained in the county courthouse or by the clerk of court. Interested party shall not include the holder of the benefit or burden of any easement or right-of-way whose interest is properly recorded which interest shall remain unaffected; and
- (5) Persons in possession of said property and premises.

Internally illuminated sign. A sign illuminated by an artificial light source from within the sign structure and radiating outward toward the viewer, usually projected through a transparent or translucent sign face.

Interstate sign. A freestanding sign located near an interstate highway that is not more than 75 feet in height and which contains not more than 400 square feet per sign face and for which the applicant must demonstrate to the building official that the sign will be visible to traffic on the interstate highway.

K

Kenel. A building or establishment where the principal service is the boarding of animals.

L

Land disturbance. Clearing, grading or grubbing activities on a site or portion of a site.

Land disturbance permit (LDP). Any permit issued by the City that authorizes clearing, grading or grubbing activities on a site or portion of a site. A LDP may be a clearing, clearing and grubbing, grading or development permit.

Land disturbing activity. Any activity which may result in soil erosion from and the movement of sediments into waters or onto lands within the City, including, but not limited to, clearing, grubbing, dredging, grading, excavating, transporting, and filling of land, but not including agricultural operations as defined in Official Code of Georgia Annotated (O.C.G.A. § 1-3-3).

Landfill, construction and demolition. A disposal facility accepting only waste from 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 nonputrescible wastes which have a low potential for groundwater contamination.

Landfill, general. A method of disposing of waste on land by placing an earthen cover thereon. The term "landfill" shall include construction and demolition landfill, industrial waste landfill, inert landfill, monofill, and municipal solid waste landfill, but shall not include hazardous waste landfill.

Landfill, hazardous waste. A landfill in which hazardous waste is disposed. Hazardous waste means any solid waste defined as hazardous waste and regulations promulgated by the United States Environmental Protection Agency or under the Georgia Hazardous Waste Management Act.

Landfill, industrial waste. A disposal facility accepting solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under the Hazardous Waste Management Act. Such waste includes, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related produced by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing; textile manufacturing; and wastewater treatment.

Landfill, inert. A disposal facility accepting only waste that will not or is not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, curate asphalt, rocks, bricks, yard trimmings, stumps, limbs and leaves.

Landfill, monofill and municipal. A disposal facility where any amount of municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, non-hazardous sludges or small quantity generated hazardous waste, is disposed of by means of placing an approved cover thereon.

Landscaping. Planting of grass or other ground cover and ornamental trees and shrubs for beautification and screening purposes.

Landscape strip. Land area located within the boundary of a lot and required to be set aside and used for landscaping upon which only limited encroachments are authorized.

Larger common plan of development or sale. A contiguous area where multiple separate and distinct construction activities are occurring under one (1) 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.

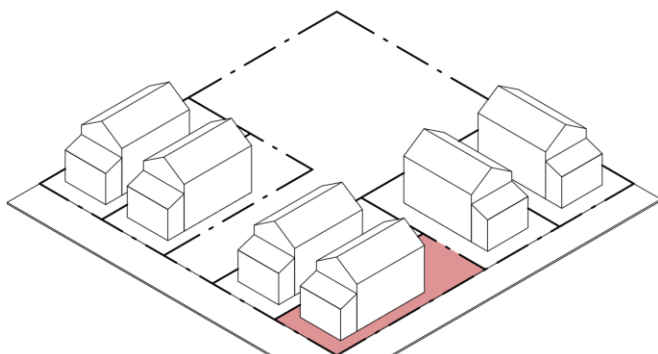
Larger than utility runway. A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

Local issuing authority. The governing authority of any county or municipality which is certified pursuant to O.C.G.A. § 12-7-8(a).

Lot. A tract, plot, or portion of a subdivision or other parcel of land subject of a recorded plat of subdivision intended as a unit for the purpose, whether immediate or future, of transfer or ownership or for building development. The word "lot" includes the words "plot" and "parcel."

Lot, area of. The total horizontal area included within the rear, side, and front or proposed street lines. No alley, street, or other public way, public land, or area dedicated or proposed for public use shall be included in determining the area of the lot.

Lot, corner. A lot abutting two (2) or more streets at their intersection, where the interior angle of the intersection does not exceed 135 degrees and a minimum of 70 degrees. Corner lot must front both abutting streets and provide minimum front yard setback and side street yard setback to each street as provided in the respective zoning district.

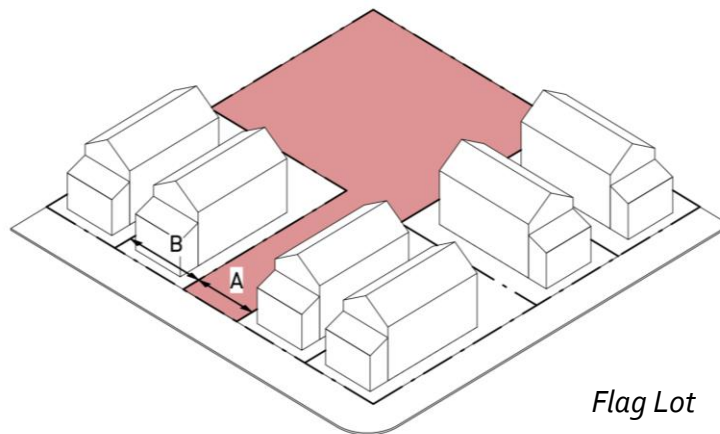


Corner Lot

Lot coverage. A percentage factor which, when multiplied by the total area of any lot, establishes the total area of impervious cover which may be built on said lot. Where used in the zoning ordinance, the term coverage shall mean lot coverage.

Lot, depth of. The mean horizontal distance between the front lot line and the rear lot line.

Lot, flag. An irregularly shaped lot with limited street frontage with a wider portion of the lot located further away from the street frontage.

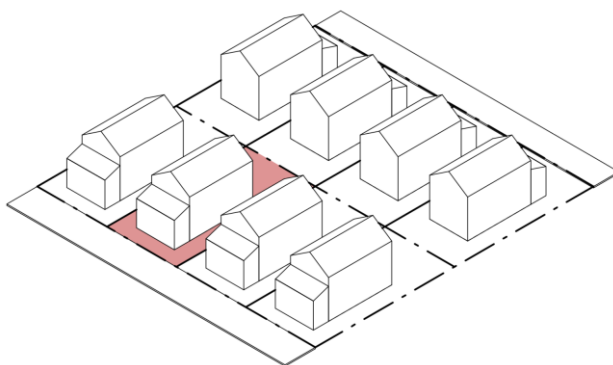


Flag Lot

Lot, front of. The side of a lot which abuts a street. A corner lot must front on both streets and must provide all minimum setbacks and yard area requirements.

Lot frontage. The least permissible width of a lot measured horizontally along the front lot line.

Lot, interior. A lot other than a corner lot with only one (1) frontage on a street other than an alley.



Interior Lot

Lot, lakefront. A lot abutting a US Army Corp body of water and zoned either ES-R, SU-R, or TN-R.

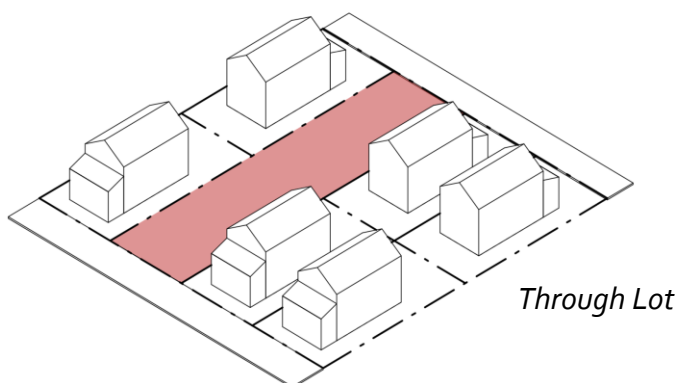
Lot line, front. The line running along the front of the lot and separating it from the street. Also termed the front street line. In a through lot or a corner lot, both lines abutting the streets shall be deemed to be "front lot lines."

Lot line, rear. The line generally opposite or parallel to the front lot line, except in a through lot. If a rear lot line is less than 10 feet long or the lot is pointed at the rear, the rear lot line is assumed to be a line at least 10 feet long, lying wholly within the lot, parallel to the front lot line, or if the front lot line is curved, parallel to the chord of the arc of such front lot line.

Lot lines. The lines bounding a lot, as herein described.

Lot of record. An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed in the official records of the clerk of superior court of Troup County, Georgia.

Lot, through. An interior lot, fronting on two (2) streets, not including alleys.



Lot width. The distance between side lot lines, measured at the building setback line.

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 UDO.

Lumen. A measure of brightness.

Luminaire. A complete lighting system including a lamp and a fixture.

Luminaire height. The height of a luminaire measured as the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

M

Major subdivision. The division, resubdivision or assemblage of a lot, tract or parcel of land that does require the approval of a preliminary plan of subdivision prior to the submittal of a record plat application. Residential subdivisions/ developments of six (6) lots or more are to be considered major subdivisions. All developments of land to support or to be utilized for commercial, industrial and institutional subdivisions shall be considered major subdivisions.

Mansard sign. A sign imposed, mounted or painted upon a mansard and not extending above the top of the mansard.

Manufactured home. A structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width and 40 body feet or more in length or, when erected on a site, is 320 or more square feet and which is built on a permanent chassis and is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein and complies with the standards established under the National Manufactured Home Construction and Safety Awards Act of 1974 (42 U.S.C. section 5401, et seq.).

Manufactured home park. Any premises intended to be leased or sold for the purpose of installing manufactured homes for residential use.

Marquee. A permanent roof-like structure of rigid materials supported by and extending from the façade of a building.

Marquee sign. Any sign painted on or attached flat to the face of a marquee.

Massing. The variation of a building achieved by varying the surface planes of the building with porches, balconies, bay windows, and/or overhangs, and/or stepping-back the buildings from the second floor and above, and/or breaking up the roofline with different elements to create smaller compositions.

Material change (*historic preservation*). A change that will affect only the exterior architectural features of a historic property or of any structure, site, or work of art within a historic district and may include any one (1) or more of the following:

- (1) A reconstruction or alteration of the size, shape or facade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;
- (2) Demolition of a historic property;
- (3) Commencement of excavation;
- (4) A change in the location of advertising visible from the public way on any historic property; or
- (5) The erection, alteration, restoration or removal of any building or other structures within a designated historic district, including walls, fences, steps, and pavements, or other pertinent features, except exterior paint alterations.

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.

Metropolitan River Protection Act (MRPA). A state law referenced as O.C.G.A. § 12-5-440 et seq. which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Microbrewery. A facility in which malt beverages are manufactured producing fewer than 15,000 barrels per year.

Microdistillery. A facility in which distilled spirits are manufactured producing fewer than 15,000 barrels per year.

Mid-canopy tree. A tree that normally attains a height of 25 to 50 feet at maturity.

Minor changes to conditions. A minor change to approved zoning conditions, including conditional site plans, means a change to approved zoning that does not result in the visible intrusion of any building, structure, driveway, walkway, parking lot, open space, wall, or similar built element into any open space, yard, landscaped buffer, undeveloped space, or any similar space, when any such space is shown on the site plan as being next to and visible from a property line or street. The term "minor change" does not include any increase in the height in feet of any building or structure, any increase in the number of parking spaces, any increase in total square footage of any heated and/or livable space of any buildings and/or structures, or the addition of any buildings or structures, driveways, roads, or parking lots into any open space, yard, landscaped buffer, undeveloped space, or any similar space when any such space is shown on the approved site plan as lying next to and visible from a property line or street.

Minor subdivision. The division, resubdivision or assemblage of a lot, tract or parcel of land, including minor adjustments to existing lot lines, that does not require the approval of a preliminary plan of subdivision prior to the submittal of a record plat application.

Residential subdivisions/developments of five (5) lots or less are to be considered minor subdivisions.

Miscellaneous sign. A sign commonly found on multi-family and nonresidential use properties located at entrance and exit driveways, internal driving lanes, parking lots, designated handicap parking spaces, etc.

Mobile food park. A property or portion of a property large enough to accommodate a minimum of 4 mobile food vendors.

Mobile food vendor. A retail food establishment that reports to and operates from a commissary and is readily moveable, is a motorized wheeled vehicle, or a towed wheeled vehicle designed and equipped to serve food.

Modification or modify (*telecommunications*). The improvement, upgrade, expansion, or replacement of existing wireless facilities on an existing wireless support structure or within an existing equipment compound, provided such improvement, upgrade, expansion, or replacement does not increase the height of the wireless support structure or increase the dimensions of the equipment compound.

Monopole towers. A self-supported communication tower.

Monument sign. A permanent sign not attached to a building and constructed directly and continuously upon the ground or a grade-level support structure with no separation between the sign and the ground or grade-level support structure. Monument signs shall not be supported by visible columns, uprights, poles or braces and shall be of continuous solid construction without holes, gaps or spacing.

N

National Geodetic Vertical Datum (NGVD). A vertical control used as a reference for establishing varying elevations within the floodplain.

Natural ground surface. The ground surface in its original state before any grading, excavation or filling.

Neon sign. A sign illuminated sign composed of exposed and visible tubes filled with neon gas, including signs of similar appearance but illuminated by other gases similar to neon.

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 colloidally dispersed or suspended particles are present.

Nightclubs. See Title 30, Chapter 30-20, of the City Code.

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 (1) candela per square meter (cd/m).

NOI. A notice of intent form provided by EPD for coverage under the state general permit.

Nonconforming sign. Any sign that was lawfully permitted by the City and/or was legal at the time of its establishment in the City but does not conform to the provisions of this UDO.

Nonconforming use. Any building or structure or land lawfully occupied by a use at the time of passage of the ordinance or amendment thereto which does not conform after the passage of this UDO or amendment thereto with the use regulations of the district in which it is situated. Existing improvements which do not meet required parking and loading regulations, height regulations, area regulations, and residential floor area regulations for the district in which they are located are not nonconforming uses as defined above.

Nonconforming situation. Any nonconforming use, nonconforming use of land, nonconforming building, nonconforming building and land in combination, nonconforming use of land, nonconforming use of land and structure in combination, nonconforming lot of record, or nonconforming characteristic.

Non-development activity. Any alteration of the natural environment which does not require development or site plan approval, but which would include the proposed removal or destruction of tree(s).

Nonprecision instrument runway. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

North American Vertical Datum (NAVD). Has replaced the National Geodetic Vertical Datum of 1929 in existing and future FEMA Flood Modernization Maps.

NOT. A notice of termination form provided by EPD to terminate coverage under the state general permit.

Notification zone. An area within three (3) miles extending in any direction from the threshold end of the nearest runway.

Nursing home. A facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision and which maintains the services and facilities for skilled or rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the home in accordance with the definition of nursing home set forth in the Georgia Administrative Code 290-5-8-.01, as amended. No personal care home, assisted living facility, rehabilitation center or any other type of facility may be permitted

under this definition as a nursing home unless it meets the definition of nursing home set forth in the Georgia Administrative Code and is licensed by the State of Georgia as a nursing home.

O

Obscene (*sign*). Any form of speech which, taken as a whole, appeals to the prurient interest in sex, portrays sexual conduct in a patently offensive way, and which, taken as a whole, does not have serious literary, artistic, political, or scientific value. See *Miller V. California*, 413 U.S. 15, 93 S. Ct. 2607 (1973).

Obstruction (*airport*). Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in section 25-35-97.

Off-site. The location of a structure or use outside the lot-of-record of the subject development including the adjoining thoroughfare or other right-of-way.

On-site. The location of a structure or use within the confines of a property delineated by property lines or, if referenced in a zoning or use permit case, within the confines of the boundaries of the legal description filed with the petition. The term "on-site" is used for the purposes of interpreting minimum distance standards between noted uses throughout this UDO.

Open air seasonal sales. The outdoor display of products by a permanent business establishment and temporary retail operations including farmer's markets; sidewalk sales; seasonal sales of Christmas trees, pumpkins or other seasonal items; semi-annual sales of art or handcrafted items in conjunction with community festivals or art shows; and retail sales of various products from individual vehicles. Does not include open storage or open yard sales.

Open space. Parks, playgrounds, tot-lots, squares, plazas, or greens designed to provide for passive use on a daily basis by residents, occupants and the general public.

Open storage. The storing, depositing or accumulating of materials, goods, equipment, etc., within any uncovered area, whether enclosed by a fence or not.

Open yard sales. Open yards used for businesses that contain open storage and sales of outdoor accessory structures such as garden sheds, storage sheds, utility sheds.

Operator. The party or parties that have:

- (1) Operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or
- (2) Day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to

carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

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.

Outdoor display. Display out of doors of merchandise for sale to the public which merchandise is outside of shipping containers or packaging, fully assembled and otherwise prepared for final sale and delivery.

Outdoor storage. Storage out of doors of merchandise in bulk, in shipping containers or packaging, or otherwise not prepared for final sale and delivery.

Overbank flood protection. Measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the two (2) year through 25-year frequency storm events.

Overstory tree. A tree that normally attains a height in excess of 50 feet at maturity.

Owner. The legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, or other person, firm or corporation in control of the site.

P

Parapet sign. A sign imposed, mounted or painted on a parapet and not extending above the top of the parapet.

Parcel. A tract or a plot of land.

Parking lot. A lot used exclusively for the temporary storage of motor vehicles.

Parking space. A space enclosed or unenclosed, for vehicle storage space exclusive of driveways, permanently reserved for the temporary storage of a vehicle and directly connected with a street or alley by a driveway.

Pedestrian and bicycle path. A minor thoroughfare intended primarily for pedestrians and bicycles and excluding motor-driven vehicles.

Pennant. Any lightweight plastic, fabric, or similar material designed to move in the wind; pennants are often suspended from a rope, wire, or string in series. The term "pennant" shall not include a banner as defined in this UDO.

Permit. The permit issued by the UDO Administrator to the applicant which is required prior to undertaking any land development activity. For purposes of implementing the soil erosion provisions of this UDO, this term means the authorization necessary to conduct a land-disturbing activity under the provisions of this UDO.

Permitted use. The purpose or function that a lot serves or is supposed to serve that is permitted within the zoning districts described in the Zoning Ordinance.

Person. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the state of Georgia, any interstate body or any other legal entity.

Personal care facility. A personal care home, assisted living facility or nursing home.

Personal care home. A dwelling, facility or structure required to be licensed or registered with the State of Georgia as a personal care home. Any dwelling, facility or structure which for any reason is not required to be licensed or registered with the State of Georgia as a personal care home, or fails to be licensed or registered with the State of Georgia as a personal care home but which, through its ownership or management undertakes for a fee or accepts a grant or utilizes its own funding to provide or arrange for the provision of housing, food service, and one (1) or more personal services for two (2) or more persons who are not related to the owner or administrator by blood, marriage or adoption shall also be considered a personal care home for the purpose of this definition. No use defined as a personal care home may be permitted as a home occupation. This definition shall apply without regard to whether any fee is paid by the individual to whom the services are provided or by another person, the source of the grant, or the funding source for the operational costs and without regard to whether the facility is operated for profit or not for profit. Personal services include but are not limited to individual assistance with or supervision of self-administered medication, and essential activities of daily living such as bathing, grooming, dressing and toileting. For the purposes of this ordinance, a "child caring institution" or "group-care facility" as defined in O.C.G.A. § 49-5-3, as amended, shall also be considered a personal care home.

Phase or phased. Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

Place of worship. A building or structure primarily intended for conducting organized religious services. Associated accessory uses include, but are not limited to, schools, meeting halls, indoor and outdoor recreational facilities, clergy house, day care, counseling and kitchens.

Plan. A plan of subdivision proposed or submitted by a subdivider or developer for approval by the City.

Plat. A mapped drawing of a parcel of land required to be recorded in the land records of Troup County, Georgia, in accordance with specifications for the same contained in this UDO and the laws of the State of Georgia.

Pole, pylon or stanchion sign. A freestanding sign that is mounted on a freestanding pole, pylon, stanchion, columns, or similar supports such that the bottom of the sign face or lowest sign module is not in contact with the ground.

Porch. A roofed open structure projecting from the exterior wall of a building and having at least 70 percent of the total area of the vertical planes forming its perimeter unobstructed in any manner except by insect-screening between floor and ceiling.

Portable sign. Any sign to be transported or easily relocated and not permanently attached to the ground, such as but not limited to the following:

- (1) A sign designed to be temporarily placed upon the ground and not anchored to it as otherwise required by the building code;
- (2) A sign mounted on a trailer, with or without wheels; and
- (3) For the purposes of this UDO, sidewalk signs, sandwich board signs, banners and feather banners as prescribed herein are not considered portable signs.

Post-development conditions. The conditions which exist following the completion of the land-disturbing activity in terms of topography, vegetation, land use and rate, volume or direction of stormwater runoff.

Precision instrument runway. A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Pre-developed conditions. Those land use conditions that existed prior to the initiation of the land-disturbing activity in terms of topography, vegetation, land use and rate, volume or direction of stormwater runoff.

Preexisting towers and preexisting antennas. Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Preliminary subdivision plan. A plan for a proposed subdivision or a resubdivision to be prepared and submitted for approval, in accordance with specifications and procedure provided herein, prior to preparation of a subdivision record plat.

Primary surface (airport). A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in section 25-35-96. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Principal use. A permitted use established in the permitted and prohibited use chart in section 25B-25-1. Accessory uses are subordinate and incidental to a principal use and are not considered principal uses.

Project (*soil erosion*). The entire proposed development project regardless of the size of the area of land to be disturbed.

Project entrance sign. A permanent freestanding sign located at a discernible entrance from a public or private road into a multi-family development or into a development containing multiple lots or buildings, such as but not limited to a particular residential or commercial subdivision, a business center, office park or industrial park or a mixed use planned center.

Projecting sign. A sign affixed perpendicularly to a wall and extending more than 18 inches horizontally from the surface of such wall.

Properly designed (*soil erosion*). 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.

Proposed facilities modification. A proposal submitted by an applicant to modify an eligible support structure.

Public authority. Any member of a governing authority, any housing authority officer, or any officer who is in charge of any department or branch of the government of the municipality, county, or state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, or structures in the county or municipality.

Public/Institutional use(s). The uses listed as Public/Institutional uses in section 25B-25-1, Table of Permitted and Prohibited Uses.

Public officer. The officer or officers who are authorized by O.C.G.A. § 41-2-7, § 41-2-8 and §§ 41-2-9 through 41-2-17 and adopted under § 41-2-7, § 41-2-8, and §§ 41-2-9 through 41-2-17 to exercise the powers prescribed by this UDO or any agent of such officer or officers.

Public use area. An area, site, lot, parcel, or tract of land or portion thereof shown on the Comprehensive Plan for the City, proposed for school, park, plazas or greens, recreational, utility, transportation, drainage, governmental office, or other public purposes, and for which the developer may be required to provide or reserve adequate space in the layout of the subdivision. It may also be a strip of land between reverse frontage lots and a street.

Pushcart. A non-self-propelled vehicle limited to serving commissary prepared or prepackaged food and non-potentially hazardous food, unless the equipment is

commercially designed and approved to handle food preparation and service. Pushcarts shall not be required to comply with mobile vehicular safety requirements.

Q

R

R districts. The zoning districts of ES-R, SU-R, and TN-R of this UDO that are the “single-family residential” usage zoning districts (See Chapter 25B-5).

Recreational vehicle. A vehicle, which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck;
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use; and
- (5) Including travel trailers, motorized dwellings, pop-up campers, pickup campers, coaches, and other similar recreational equipment.

Recycling dumpster. A container to temporarily hold recyclable materials until transferred to a recycling center by a recycling service, and with a holding capacity of less than one-half (½) yard.

Redevelopment. A land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

Registry (*telecommunications*). Any official list, record, or register maintained by a local governing authority of wireless facilities, equipment compounds, or wireless support structures.

Repair. Altering or improving a dwelling, building, or structure so as to bring the structure into compliance with the applicable codes in the jurisdiction where the property is located and the cleaning or removal of debris, trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building, or structure.

Reservation. The assignment by a subdivider of land to be held by the subdivider to a future time for a specified use and no other use.

Resident. Any person residing in the jurisdiction where the property is located on or after the date on which the alleged nuisance arose.

Residential building. Any building or unit of a building intended for occupancy as a dwelling or residential group living.

Residential industrialized building. 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 5401, et seq. . O.C.G.A. 8-2-111 (6.1)

Residential use(s). The uses listed as Residential Dwelling uses and Residential Group Living uses in section 25B-25-1, Table of Permitted and Prohibited Uses.

Residential dwelling use(s). The uses listed as Residential Dwelling uses and Residential Group Living uses in section 25B-25-1, Table of Permitted and Prohibited Uses.

Residential group living use(s). The uses listed as Residential Dwelling uses and Residential Group Living uses in section 25B-25-1, Table of Permitted and Prohibited Uses.

Retaining wall. A wall or similar structure used at a grade change to hold soil on the uphill side from slumping, sliding, or falling.

Revolving sign. See Animated sign.

Right-of-way. A strip of land intended to be occupied by a street, alley, sidewalk, pedestrian and bicycle path, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer herein. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcel adjoining such right-of-way and not included in the area within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, sidewalks, pedestrian and bicycle paths, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

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 (1) side of a traveled roadway consisting of one (1) or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Roof sign. Any sign erected, constructed, or maintained wholly upon or above the roof of any building or structure.

Roominghouse. See Boardinghouse.

Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Runway Protection Zone (RPZ) (airport). An area at ground level off the runway end to enhance the safety and protection of people and property on the ground.

S

Sandwich board sign (sidewalk sign or A-frame sign). Any moveable sign not permanently secured or attached to the ground or surface upon which it is located, designed to be used on a sidewalk or pedestrian way, including within the public right-of-way, immediately adjacent to a building or structure.

Screening. A method of shielding or obscuring one (1) abutting nearby structure or use from another by opaque fencing, walls, berms, densely planted vegetation, or the like.

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.

Selective harvest. The felling of diseased, defective and/or undesirable trees on a property as a means of improving forest health by insulating remaining desirable trees at a density generally no less than 55 tree density units/acre from insect and disease infestations on a property.

Self storage. A fully enclosed building or buildings or portion of a building that may contain removable interior partitions, and having compartmentalized units, stalls or lockers with privately controlled access points which are to be rented as storage for the customer's goods, wares or personal property.

Setback. See Yard.

Sexually oriented businesses. See Title 30, Chapter 30-22, of the City Code.

Shrub. A woody plant of relatively low height, typically distinguished from a tree by having several stems rather than a single trunk.

Sign. A lettered, numbered, symbolic, pictorial, illuminated, or colored visual display, device, or communication designed or used for the purpose of identifying, announcing, directing, informing, or bringing 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 UDO. For purposes of this UDO, the term "sign" includes but is not limited to

"banner", "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.

Sign area. The gross area in square feet of the advertising copy surface of a sign, excluding trim and structural embellishments. Only one (1) face of a multi-face sign structure shall be used in computing the sign area. Where a single freestanding structure contains multiple individual signs, the sign area shall be the total gross area in square feet of all signs on the structure.

Sign height. The distance in vertical feet from the elevation of the adjacent dedicated public street, edge of pavement, to the highest point of the sign structure. The ground shall not be altered for the sole purpose of providing additional sign height.

Sign structure. Any construction used or designed to support a sign.

Site. Any tract, lot, or parcel of land or combination of tracts, lots, or parcels of land which are in one (1) ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project.

Slope. The ratio of elevation change to horizontal distance, expressed as a percentage. Slope is computed by dividing the vertical distance ("rise") by the horizontal distance ("run").

Snipe sign. A sign of any material whatsoever that is attached in any way to a utility pole, tree, fence, rock or other similar object located on public or private property.

Social service facilities. A facility that provides treatment for persons who present a direct threat to the persons or property of others. Includes persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders. Also includes facilities that provide transient housing related to post-incarceration and social service programs.

Softwood tree. Any coniferous (cone bearing) tree which bears needle shaped leaves, 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.

Soil and water conservation district approved plan. An erosion, sedimentation and pollution control plan approved in writing by the Roosevelt Soil and Water Conservation District.

Special permit. A special use permit or a special administrative permit allowing certain uses in designated zoning districts only upon approval by the mayor and council or the zoning administrator respectively. Special permits are regulated by the provisions of section 25B-55-6, section 25B-55-7 and section 25B-55-8.

Special zoning district. The zoning districts established in Chapter 25B-10.

Specimen tree. Any tree which qualifies for special consideration for preservation due to its size, type, and condition as defined in this UDO.

Spectrum Act. The “Middle Class Tax Relief and Job Creation Act of 2012” (Public Law 112-96; codified at 47 U.S.C. § 1455(a)).

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.

Standard informational sign. A sign with an area not greater than seven (7) square feet, with a placard made for short-term use, containing no reflecting elements, flags or projections, and which, erected, stands at a height not greater than 42 inches and is mounted on a stake or metal frame with a thickness or diameter not greater than one and one-half (1½) inches.

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.

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 of Code section 12-5-30(f).

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.

Stormwater management. The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

Stormwater management committee. The committee charged with granting variances to the requirements of this UDO. The committee shall consist of the Director of Community Development, Director of Public Services, building official, and water quality programs manager.

Stormwater management plan. A set of drawings and supplementary documentation submitted by a person as a prerequisite to obtaining a stormwater management approval, which contains all of the information and specifications pertaining to stormwater management.

Stormwater runoff. The direct response of a watershed to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm drain or other concentrated flow during and following the precipitation.

Story. That part of a building between a floor and the floor or roof next above. The basement of a building shall be considered a story if it is used for purposes other than storage or heating and mechanical equipment installation.

Streamlined processing (*telecommunications*). Applications for collocation or modification of a wireless facility which the applicant asserts is subject to review under O.C.G.A. § 36-66B-4.

Street. A thoroughfare which affords the principal means of access to abutting property.

Street, private. A street that is open to the public, but that is not owned or maintained by the City or another governmental entity.

Street, public. A street that is open to the public, that has been dedicated and accepted for public use, and for which operation and maintenance is the responsibility of the City or another governmental entity.

Street frontage. The width in linear feet of each lot where it abuts the right-of-way of any public street, or along the curb where it adjoins a private street.

Structure. Anything constructed or erected, the use of which requires a location on the ground or attached to something having a location on the ground. A single structure encompasses all manmade materials that are tightly integrated to form the whole. The word "structure" includes the word "building."

Structure, principal. A structure in which the principal use of the site is conducted. An accessory structure is subordinate in extent and/or purpose to the principal structure or use.

Structural erosion, sedimentation and pollution control practices. Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level

spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Structural stormwater control. A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff.

Subdivision. The division or assemblage of a lot, tract, or a parcel of land into one (1) or more lots, plots, sites, tracts, parcels, or other divisions for the purpose, whether immediate or future, of sales or building development and, when appropriate to the context, relating to the process of subdividing or to the land or area subdivided; provided, that the definition of subdivision shall not include a bonafide division or partition of exclusively agricultural land not for development purposes. A resubdivision is also a subdivision.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a five (5) year period, in which the cumulative cost equals or exceeds 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 is 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.

T

Telecommunications. The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

Temporary food establishment. A retail food establishment, other than a licensed mobile food vendor or pushcart, that is not intended to be permanent and that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

Temporary sign. Any sign not permanently affixed to the ground or other permanent structure and designed and intended to be displayed for a limited period of time. This includes, but is not limited to, signs which are designed to be transported regularly from one (1) location to another, signs which are designed with wheels, regardless of whether the wheels remain attached to the sign, signs placed into the ground on a temporary basis or nonpermanent foundation, or signs tethered to an existing structure.

Temporary storage containers. A portable, weather resistant container holding 200 cubic feet or more of storage capacity that is designed and used for the temporary storage or shipment of household furniture, clothing, and other household goods, excluding refuse, and is transported by truck or trailer to desired locations for drop off and retrieval.

Thoroughfare. A public or private vehicular and/or pedestrian way as further designated in Title 25-C of the UDO. Thoroughfare boundaries are defined by the property lines of the right-of-way or access easement.

Timber harvesting. The felling, loading and transporting of timber products (pulpwood, etc.) The term "timber harvesting" may include both clear-cutting and selective harvest of timber or trees.

TN districts. The zoning districts of TN-R, TN-MR, and TN-MX of this UDO that are the "Traditional Neighborhood" place-type zoning districts (See Chapter 25B-5).

Tower (*telecommunications*). Any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.

Townhome. See Dwelling, Townhome.

Traffic control sign. A sign or electronic device (such as a traffic signal, or signs denoting stop, danger, handicap parking, one (1) way traffic, no parking, fire lane, etc.) for the purpose of directing or regulating the movement of traffic and/or pedestrians.

Transition (*sign*). A visual effect used on a changing sign to change ½message to another.

Transitional surfaces (*airport*). These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

Trash containment devices. Mechanisms provided to contain trash including waste grease containers, compactors and dumpsters

Travel trailer. A vehicular portable structure not exceeding 32 feet in length, designed to be towed by a motorized vehicle for travel, recreational and vacation uses, and capable of on-road use.

Tree. Any living, self-supporting woody perennial plant, which normally obtains a trunk diameter at least two (2) inches and a height of at least 10 feet, and typically has a main stem or trunk and many branches.

Tree density standard (TDS). The minimum number of tree density units per acre which must be achieved on a property after development.

Tree density unit (TDU). A credit assigned to a tree, based on the diameter of the tree, in accordance with tables contained in this UDO.

Tree preservation and/or tree replacement plan (TP/TRP). A plan that identifies tree protection areas and shows existing trees to be retained and proposed trees to be planted on a property to meet minimum requirements, as well as methods of tree protection to be undertaken on the site.

Tree replacement fund. An account of funds contributed by developers as a form of alternative compliance to the requirements of this UDO.

Tree save area (TSA). Any portion of a site on which trees are proposed to be retained in order to comply with the requirements of this UDO. The tree save area shall include no less than preserving the root system of natural trees and/or preserving natural buffers.

Tree survey. A site survey and documentation of existing trees within a proposed area to be developed.

Tree topping. The removal of tree limbs, branches or stems which generally result in the failure of the tree to reassume apical dominance in typical form and with live wood exposed to decaying elements.

Trout streams. All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.epd.georgia.gov. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

Truck stop. A service station or gasoline station that services semi-trailer trucks and other commercial trucks as its principal use. Typical accessory uses respond to services required by commercial trucking operations during long trips, including the sale of accessories or equipment for trucks and similar commercial vehicles, truck washing, restaurants, and limited sleeping accommodations.

U

Under-canopy sign. A sign attached to the underside of a marquee or canopy and suspended over a sidewalk, either public or private.

Understory tree. A tree that normally attains a height of less than 25 feet at maturity.

Undisturbed buffer. An area of land on public or private property that has been designated on a plat as a non-disturb buffer, undisturbed buffer, or natural buffer. No disturbance or grading is allowed except for approved perpendicular access and utility crossings.

Unenclosed. Located entirely outside of a building or structure, or includes a barrier on two (2) sides or less, with or without a solid roof cover, or includes a barrier on three (3) sides without a solid roof cover.

Used or occupied. As applied to any land or building, shall include the words "intended, arranged or designed to be used or occupied."

Utility (*telecommunications*). Any person, corporation, municipality, county, or other entity, or department thereof or entity related or subordinate thereto, providing retail or wholesale electric, data, cable, or telecommunications.

Utility runway (*airport*). A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

V

Variance. A grant of relief from the requirements of this UDO, which permits construction in a manner otherwise prohibited by this UDO.

Vegetative erosion and sedimentation control measures. Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- (1) Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
- (2) Temporary seeding, producing short-term vegetative cover; or
- (3) Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.

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 UDO is presumed to be in violation until such time as that documentation is provided.

Visual runway. A runway intended solely for the operation of aircraft using visual approach procedures.

W

Wall sign. A sign that is fastened directly to or is placed or painted directly upon the exterior wall of a building, with the sign face parallel to the wall, protruding from the surface of the wall no more than 18 inches and not extending above or beyond the wall to which it is attached.

Warming shelter. A temporary shelter that accommodates more than 10 persons per operating day.

Watercourse. Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Watershed. The total drainage area contributing runoff to a single point.

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.

Window sign. A sign that is placed on or behind a windowpane or glass door and oriented to be viewed from outside the building.

Wireless facility. The set of equipment and network components, exclusive of the underlying wireless support structure, including antennas, transmitters, receivers, base stations, power supplies, cabling, and accessory equipment, used to provide wireless data and wireless telecommunication services.

Wireless support structure. A freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing or alternative structure designed to support or capable of supporting wireless facilities. Such term shall not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service.

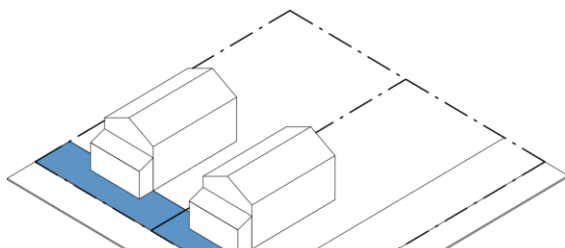
Working forest. Property of greater than five (5) acres in size that is managed for the production of forest products such as timber or other wood fiber in compliance with Georgia's Best Management Practices for Forestry and often under the guidance of a forest management plan.

X

Y

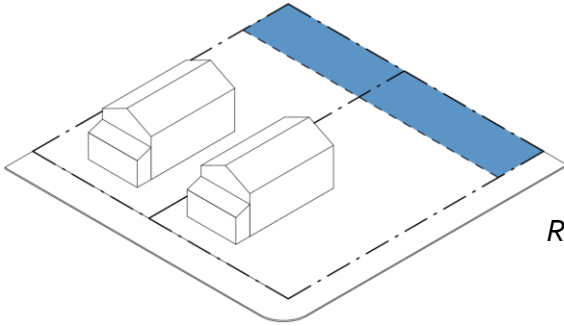
Yard. A required open space on the same lot with a principal structure, and which is unoccupied, and unobstructed by buildings or structures from the ground to the sky, except where encroachments and accessory buildings are expressly permitted. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, the depth of a rear yard, or the depth of the street side yard, the minimum distance between the lot line and the main building shall be used.

Yard, front. The full width of the lot between the street right-of-way and the front building line. For lots with more than one street frontage and which are not through lots, the front yard shall be defined as the street fronting yard with the narrowest lot width.



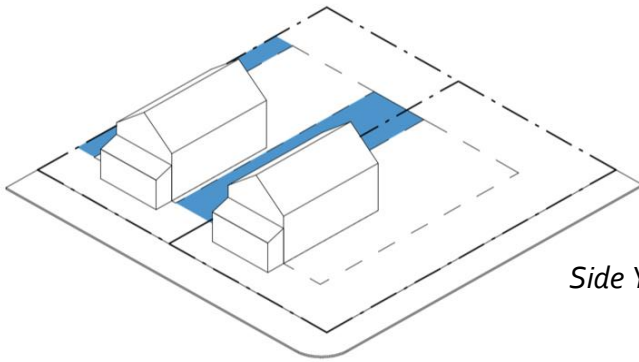
Front Yard Illustration

Yard, rear. The full width of the lot between the rear line of the lot and the rear building line.



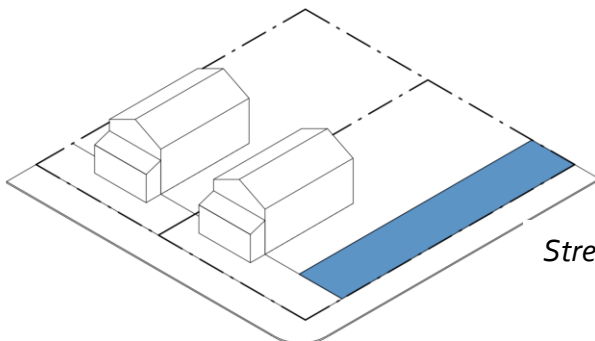
Rear Yard Illustration

Yard, side. The space between the building and the side line of the lot exclusive of front and rear yard.



Side Yard Illustration

re rear yard between the



Street Side Yard Illustration

Z

Zoning district. The use classification of parcels or tracts of land as described and defined by the City zoning ordinance.

Zoning Map. The "Official Zoning Map of the City of LaGrange, Georgia," as filed in the office of the planning Director of the City of LaGrange.

Zoning Ordinance. The Zoning Ordinance as found in Titles 25A and 25B of this UDO, including section 25D-1-1 of Title 25D as well as all defined words and terms in section 25D-1-2 that are contained in, or referred to in, Titles 25A or 25B (see section 25A-1-1).