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OF

THE CITY OF COMMERCE, GEORGIA

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CITY OF COMMERCE

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DIVISION I

GENERAL PROVISIONS

DIVISION I GENERAL PROVISIONS

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Sec. 1-101. Short title.

This ordinance shall be known and may be cited as the City of Commerce, Georgia, Unified Development Code, or for brevity, “UDC.”

Sec. 1-102. Authority.

The legal authority to adopt this ordinance includes but is not limited to the following:

(a) **City charter.** Various authorizations provided by the Commerce City Charter, as amended.

(b) **State constitution.** The Constitution of the State of Georgia, effective July 1, 1983, provides in Article IX, Section II, Paragraph IV thereof, that the governing authority of a city may adopt plans and exercise the power of zoning.

(c) **Zoning procedures.** The Zoning Procedures Law, O.C.G.A. 36-66 et seq.

(d) **Environmental planning criteria.** Rules for Environmental Planning Criteria, commonly known as the “Part V” Standards, which Georgia Department of Natural Resources has promulgated relative to the protection of water supply watersheds, wetlands, and

groundwater recharge areas.

(e) **Other state laws.** Including but not limited to the soil erosion and sedimentation control act of 1975, as amended, and the Georgia Planning Act of 1989.

Sec. 1-103. Purposes.

(a) The Commerce City Council has adopted a comprehensive plan in accordance with the requirements of the Georgia Planning Act of 1989, Rules of the Georgia Department of Community Affairs, and Rules of the Georgia Department of Natural Resources, and said plan has been revised from time to time. This UDC helps assure the implementation of the adopted comprehensive plan.

(b) This UDC is needed and intended to: promote the health, safety, welfare, morals, convenience, order, and prosperity of the citizens of the city; promote responsible growth, lessen congestion in the public streets, secure safety from fire and health dangers, and promote desirable living conditions; regulate the distribution and density of uses on the land to avoid both the undue concentration of population and the inappropriate dispersion of population; maintain the integrity and individual character of established communities and settlements, and promote desired character in new developments; prevent the encroachment of incompatible land uses within residential areas and preserve property values; and provide for economically sound and stable land development by assuring the provision in land developments of adequate streets, utilities, services, traffic access and circulation, public open spaces, and maintenance continuity.

(c) In addition to the purposes articulated in this section, this UDC is also intended to serve the several purposes articulated in different articles of this UDC.

Sec. 1-104. Applicability.

(a) This UDC shall apply to all land within the city limits of the City of Commerce, Georgia, as now and as hereafter amended from time to time via annexation.

Sec. 1-105. Use and occupancy.

No building, structure, device, land or water shall hereafter be used or occupied, erected, located, constructed, established, reconstructed, moved, converted, or structurally altered except in full compliance with all of the applicable regulations of this UDC.

Sec. 1-106. Use prohibited when not specified.

(a) Unless otherwise specifically provided in this UDC, any use not specifically permitted as a use by right shall be prohibited in that zoning district.

(b) Any use that is specifically indicated in Article 2 of this UDC as a conditional use in any

given zoning district shall only be authorized if approval of a conditional use is sought and obtained as provided in this UDC.

(c) Prior to using a parcel for more than one permitted use, a site specific plan must be reviewed and approved by the zoning administrator to ensure compliance with all of the applicable regulations of this UDC.

Sec. 1-107. Every use must be upon a lot of record.

No building or structure shall be erected or use established unless upon a lot of record as defined by this UDC.

Sec. 1-108. One principal house on a lot.

Unless otherwise specifically provided in this UDC, only one single-family detached dwelling and its customary accessory buildings and structures may be erected on any one lot.

Sec. 1-109. Lot area (size) and density.

(a) No lot shall hereafter be created or subdivided unless it meets or exceeds the minimum lot area (size) for the zoning district in which the lot is located as established by Article 2 of this UDC, except as otherwise specifically provided in this UDC.

(b) No lot shall be reduced below the minimum lot area (size) of the zoning district in which said lot and building are located as established by Article 2, except as otherwise specifically provided in this UDC.

(c) No lot shall be developed with a density in number of dwelling units per acre that exceeds the maximum density for the zoning district in which the lot is located as established by Article 2 of this UDC, except as otherwise specifically provided in this UDC.

(d) The Jackson County Health Department (environmental health) may require larger lot sizes than the minimums established for zoning districts in this UDC, when the use of the lot will be served by an on-site sewage management system (e.g. septic tank).

Sec. 1-110. Minimum lot width.

(a) Finding. A minimum lot width requirement helps prevent irregular, oddly shaped lots, assures sufficient side yards between the structure that might be erected on the lot and the lot line, confers privacy and space for recreation by providing distance between houses or buildings on adjacent lots, and permits access of light and air to the building or structures on the lot.

(b) No lot shall hereafter be created or subdivided unless it meets or exceeds the minimum lot width established by Article 2 for the zoning district in which it is located, except as otherwise specifically provided by this UDC.

(c) No lot shall be reduced below the minimum lot width for the zoning district in which said lot is located as established by Article 2, except as otherwise specifically provided in this UDC.

(d) Where this UDC requires a minimum lot width, the lot width shall be measured at the front building setback line required by this UDC or as established on a recorded plat. If the required minimum lot width cannot be achieved at the front setback line required by this UDC, as is the case with "flag" lots and "pie shaped" lots fronting on cul-de-sac streets, the required front building setback line shall be established further interior to the lot where the minimum lot width can be achieved.

(e) Where a lot has frontage only on an access easement rather than frontage on an existing public street, the lot width for purposes of meeting the minimum lot width requirement shall be measured at the proposed building line fronting the access easement.

(f) The Jackson County Health Department may require a greater lot width at the front minimum building setback line than the minimum lot width required by a zoning district established in this UDC, where an on-site sewage management system is to be installed (e.g., septic tank).

Sec. 1-111. Minimum lot frontage.

(a) Except as otherwise specifically provided in this UDC, every lot must front at least 30 feet on a street from which direct access can be gained that has been opened and accepted as a public street or a private street approved by the Commerce City Council.

(b) In districts where permitted, any lot for the purposes of constructing a fee-simple townhouse shall front at least 20 feet on a street.

(c) No lot shall hereafter be created or subdivided or reduced in street frontage unless it meets or exceeds the minimum lot frontage requirement established by this Section, except as otherwise specifically provided in this UDC.

Sec. 1-112. Floor area per dwelling unit.

(a) No new dwelling shall hereafter be constructed or occupied that fails to meet the minimum heated floor area for a dwelling unit as established by the zoning district in which the property is located, except as otherwise specifically provided in this UDC.

(b) No dwelling shall be reduced below the minimum heated floor area for a dwelling unit as established by this UDC, except as otherwise specifically provided in this UDC.

Sec. 1-113. Building coverage.

No lot shall hereafter be developed to exceed the maximum building coverage specified for the zoning district in which it is located as established by Article 2 of this UDC, unless otherwise specifically provided in this UDC.

Sec. 1-114. Landscaping and open space.

No lot shall be developed with less than the minimum landscaping and open space specified for the zoning district (as may be applicable) in which said lot is located, or as may be required by any other article or section of this UDC, except as otherwise specifically provided in this UDC.

Sec. 1-115. Height of buildings and structures.

No building or structure shall hereafter be erected, constructed, reconstructed, or altered, to exceed the maximum height of buildings and structures or the maximum number of stories established for the zoning district in which the building is located as provided by Article 2, except as otherwise specifically provided in this UDC.

Sec. 1-116. Exceptions to height regulations.

The height limitations established by this UDC shall not apply to church spires, belfries, cupolas, domes, monuments, water towers, observation towers, chimneys, smokestacks, and steeples, public monuments and similar structures as determined by the zoning administrator.

Sec. 1-117. Buffers, yards and building setbacks.

(a) No building or structure shall hereafter be erected in a manner to have narrower or a smaller than minimum required buffer or front yard, side yard, or rear yard (building setback) than specified for the zoning district in which the property is located as established in Article 2, or for the specific use if a minimum required buffer or yard (building setback) is established for the specific use as provided in Article 3 of this UDC, or for an overlay district if applicable, as established in this UDC, except as otherwise specifically provided in this UDC.

(b) For purposes of establishing required building setback lines, if a lot has frontage only on an access easement rather than a street, the minimum front yard or minimum required building setback line required by Article 2 shall be measured from the boundary of the access easement fronting the lot.

(c) The buffer requirements established in this UDC, when applicable, supersede minimum required yards established by Article 2 of this UDC.

(d) No lot shall be reduced in size so that the minimum required front, side, or rear yards (building setbacks) of the zoning district in which said lot and building are located are not maintained, except as otherwise specifically provided in this UDC.

(e) No part of a yard shall be included as a part of the yard required for another building.

(f) Chimneys, cornices, ornamental features, and window air-conditioning units may encroach into a required yard, not to exceed 24 inches. Roof overhangs may extend 18 inches or more into a required yard.

(g) The zoning administrator may administratively authorize an unenclosed open structure such as a porch, platform or paved terrace or patio, to extend or project into a required yard not more than six feet.

Sec. 1-118. Minimum distance between buildings.

(a) The minimum distance between principle uses located on the same lot or parcel shall be:

1. Front to front arrangement = 40 feet
2. Front to rear arrangement = 50 feet
3. Rear to rear arrangement = 30 feet
4. Side to side arrangement = 20 feet
5. All other combinations = 20 feet

(b) There shall be minimum distance of 20 feet between a principle and accessory building located on the same lot or parcel.

DIVISION II

NONCONFORMITIES

Sec. 1-201. Definitions.
Sec. 1-202. Nonconforming use – continuance.
Sec. 1-203. Nonconforming use – change of use.
Sec. 1-204. Nonconforming use – discontinuance or abandonment.
Sec. 1-205. Nonconforming use – expansion.
Sec. 1-206. Nonconforming use – repair after damage.
Sec. 1-207. Nonconforming building or structure.
Sec. 1-208. Nonconforming lot.
Sec. 1-209. Correction of nonconforming situations.

Sec. 1-201. Definitions.

Abandonment: A condition where the use of property has stopped.

Discontinuance: A lapse in the activity or operation of a nonconforming use. When a business registration is required for said nonconforming use and the business registration pertaining to said use has lapsed for a period of six months or more, said lapse of business registration shall constitute discontinuance.

Nonconforming building or structure: A building or structure (excluding signs) that does not meet: one or more setbacks or buffers for the zoning district or overlay district if applicable in which said building or structure is located, or a building or structure (excluding signs) that exceeds the maximum building coverage for the zoning district or overlay district if applicable in which said building or structure is located, or a principal building or accessory structure that otherwise does not comply with dimensional requirements established by this UDC for the particular principal building or accessory structure or for the zoning district or overlay district in which the nonconforming building or structure is located.

Nonconforming lot: A lot which does not conform to the lot requirements of the zoning district or, if applicable, overlay district in which the lot is located as established by this UDC but which was a lot of record prior to the effective date of this UDC or its amendment. A lot created pursuant to an act of subdivision of land which was unlawful shall not be considered a nonconforming lot.

Nonconforming situation: Any development, land improvement, or activity, not otherwise included within the definition of nonconforming lot, nonconforming building or structure, or nonconforming use, which does not meet the provisions of this UDC at the time of its adoption or amendment. Examples of nonconforming situations include but are not limited to, noncompliance with off-street parking or loading regulations, access requirements, failure to adhere to landscape strip or tree protection requirements, and signs not meeting height or area restrictions.

Nonconforming use: Any use of land or building which lawfully existed on or before the effective date of this UDC or on or before subsequent amendments to this UDC, which does not conform to the use provisions of the zoning district or overlay district if applicable in which it is located. In addition, any use of land or building which lawfully existed on or before the effective date of this UDC or on or before subsequent amendments to this UDC, which does not conform to the specific use provisions of Article 4, if applicable, shall be considered a nonconforming use.

Sec. 1-202. Nonconforming use – continuance.

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

(b) It shall be the responsibility of the owner of a nonconforming use to prove to the zoning administrator that such use was lawfully established and existed on the effective date of adoption or amendment of this UDC.

Sec. 1-203. Nonconforming use – change of use.

(a) A nonconforming use may be changed to a conforming use.

(b) A nonconforming use shall not be changed to another nonconforming use.

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

Sec. 1-204. Nonconforming use – discontinuance or abandonment.

A nonconforming use shall not be re-established after discontinuance or abandonment for six months (except when government action impeded access to the premises). Any future use shall be in conformance with this UDC.

(Amended 01/16/2023)

Sec. 1-205. Nonconforming use – expansion.

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

Sec. 1-206. Nonconforming use – repair after damage.

A nonconforming use shall not be rebuilt, altered or repaired after damage exceeding 60 percent of its assessed value as shown in records of the Jackson County tax assessor at the time of damage as determined by the zoning administrator, except for a use which conforms with the zoning district in which said use is located, and provided such rebuilding, alteration or repair is

completed within one year of such damage.

Sec. 1-207. Nonconforming building or structure.

(a) A nonconforming building or structure may be expanded, enlarged, or extended if such expansion, enlargement, or extension is for a use that conforms to the use requirements for the zoning district in which the building or structure is located.

(b) Any such expansion, enlargement, or extension of a nonconforming building or structure shall meet the minimum yard, setback, buffer, height, density, and other dimensional requirements for the zoning district in which said non-conforming building or structure is located, and all other requirements of this UDC.

(c) Unless otherwise specified, a lawfully existing non-conforming structure that is destroyed (damage equals or exceeds 60 percent of the structures' replacement value, as determined by the Building Official), may not be reconstructed or restored to the same non-conforming condition. However, residential dwellings, including site built structures, manufactured homes and mobile homes, that are nonconforming because of either minimum floor area or minimum yard requirements for the zoning district in which they are located may be repaired or replaced regardless of the extent of damage if such dwelling was occupied at the time of damage.

Sec. 1-208. Nonconforming lot.

A lot of record, as defined, that does not conform to the minimum lot frontage requirements of this UDC, or that does not conform to the minimum lot size or minimum lot width for the zoning district or overlay district if applicable in which it is located, may be used as a building site, provided that the access, height, buffer, setback, and other dimensional requirements of the zoning district or overlay district if applicable in which the lot of record is located are complied with or a variance is obtained, and, provided further, that the lot meets all the current standards and requirements of the Jackson County Health Department.

Sec. 1-209. Correction of nonconforming situations.

(a) **Intent.** It is the intent of this section to require the correction of nonconforming situations at the time of any building addition or significant modification of a use or development on a given parcel of land, if such nonconforming situation can physically be made to comply with the requirements of this UDC. It is the intent of this section to require the reduction in the extent of nonconforming situations at the time of any building addition or significant modification of a use or development on a given parcel of land, if such nonconforming situation cannot be physically made to comply entirely with the requirements of this UDC. It is the intent of this Article to provide authority to the zoning administrator to administer the provisions of this section in a manner that meets these intentions stated in this section, and that the zoning administrator exercise that authority, subject to more specific guidance as provided in this section.

(b) **Determination and documentation.** For any proposed building or development, or modification of a building or development, it shall be the duty of the zoning administrator to identify the extent to which the improvements on land on which the building or development is proposed constitutes a nonconforming situation, as defined in this division. The zoning administrator shall conduct a review and identify such nonconforming situation(s), at the time plans for such proposed building or development are submitted for review, and at any earlier opportunity, if presented. In the event that one or more nonconforming situations are found to exist by the zoning administrator, they shall be documented and notice of the need to correct or reduce said nonconforming situations shall be provided by the zoning administrator to the building or development applicant.

(c) **Standards of review for compliance.** In determining the need to completely correct or reduce the noncompliance of nonconforming situations, the zoning administrator shall be guided by the standards in this section. Any decision of the zoning administrator in administering and interpreting the provisions of this section may be appealed in accordance with the provisions of this UDC for appeals of administrative decisions.

1. **Strict compliance**. A standard of "strict compliance" (complete correction of all nonconforming situations) shall be applied by the zoning administrator where physical standards can clearly be made in the subject development proposal without significant alteration of the development as proposed.

2. **Reasonable progress toward compliance**. In lieu of strict compliance, a standard of "reasonable progress toward compliance" shall be applied by the zoning administrator in cases where complete correction or compliance with the nonconforming situation would require undue hardship, practical difficulty, or might unreasonably reduce the size, scale, or other significant aspect of the development proposal to a point where strict compliance would jeopardize the building or development proposal. In applying a standard of reasonable progress toward compliance, the zoning administrator shall have authority to approve the building, development, or improvement even though it does not meet a standard of strict compliance, if the relief granted is the minimum necessary to effectuate the building, development, or improvement.

3. **Proportionality**. Whenever something less than strict compliance is authorized by the zoning administrator, the zoning administrator in determining the amount or extent of compliance required, shall apply a standard of "proportionality," meaning that the scope, scale, extent and cost of requirements to correct nonconforming situations are more or less the same as the scope, scale, extent and cost of the improvement or development proposed.

DIVISION III

LEGAL STATUS PROVISIONS

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Sec. 1-302. Status of prior zoning approvals.
Sec. 1-303. Status of previously issued permits.
Sec. 1-304. Relationship to private agreements.
Sec. 1-305. Severability.
Sec. 1-306. Conflict with other laws.
Sec. 1-307. Repeal of conflicting ordinances.
Sec. 1-308. Adoption and effective date.
Sec. 1-309. Codification and recodification.

Sec. 1-301. Exemption.

All governmental bodies and authorities legally exempt from regulation under the police power of the City of Commerce are exempt from the requirements of this UDC.

Sec. 1-302. Status of prior zoning approvals.

Notwithstanding the repeal of prior ordinances in conflict with this UDC upon its adoption, if a property was zoned subject to conditions or use approved subject to certain conditions existing and in effect at the time of adoption of this UDC by the Commerce City Council, such zoning conditions or conditions of use approval shall continue to apply to said property.

Sec. 1-303. Status of previously issued permits.

The provisions of this UDC and any subsequent amendments shall not affect the validity of any lawfully issued and effective building permit or development permit if the development activity or building construction authorized by the permit has been commenced prior to the effective date of this UDC or the amendment, or will be commenced after such effective date but within six (6) months of issuance of the permit, and the development activity or building construction continues without interruption (except because of war or natural disaster) until the development or construction is complete. If the permit expires, any further development or construction on that site shall occur only in conformance with the requirements of this UDC in effect on the date of the permit expiration.

Sec. 1-304. Relationship to private agreements.

This UDC is not intended to repeal, abrogate, or impair any valid easement, covenant, or deed restriction duly recorded with the Clerk of the Superior Court of Jackson County, Georgia, to the extent that such easement, covenant or deed restriction is more restrictive than the requirements imposed by this UDC.

Sec. 1-305. Severability.

Should any Article, division, section, or provision of this UDC be declared invalid or unconstitutional by any court of competent jurisdiction, such declarations shall not affect the validity of the UDC as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Sec. 1-306. Conflict with other laws.

(a) Whenever the regulations of this UDC require: a greater width or size of yards; a lower height of buildings; a smaller number of stories; a greater percentage of lot to be left unoccupied; or impose other more restrictive standards than are required in or under any other statute, the requirements of this UDC shall govern.

(b) Whenever the provisions of any other statute require more restrictive standards than are required by this UDC, the provisions of such more restrictive statute shall govern.

Sec. 1-307. Repeal of conflicting ordinances.

All ordinances and parts of ordinances in conflict herewith are repealed to the extent of their conflict. Without limiting the generality of the foregoing, the following ordinances existing on the effective date of this ordinance are specifically repealed:

(a) Article II, “Soil Erosion, Sedimentation and Pollution Control” of Chapter 30, “Environment” of the Code of Ordinances, adopted June 14, 2010.

(b) Article V, “Watershed Protection Plan,” of Chapter 30, “Environment” of the Code of Ordinances, adopted March 10, 1998.

(c) Article VIII, “Stream Buffer Protection,” of Chapter 30, “Environment” of the Code of Ordinances, adopted December 13, 2004.

(d) Chapter 30, “Floods,” of the code of ordinances, including Article I (reserved) and Article II, “Flood Damage Prevention Ordinance,” adopted June 14, 2010.

(e) Chapter 66, “Subdivisions” of the code of ordinances, adopted in 1983, provided however, the Subdivision Regulations adopted January 2001 shall remain in full force and effect.

(f) Commerce zoning ordinance, enacted July 15, 2019, as amended, codified as Appendix A of the code of ordinances, as amended.

(g) Vegetation protection and landscape requirements (tree ordinance) adopted August 16, 2005.

Sec. 1-308. Adoption and effective date.

The governing authority of the City of Commerce (Commerce City Council) hereby ordains that the articles, divisions, and sections, which collectively constitute the Unified Development Code (UDC), are hereby adopted. This ordinance shall take effect and be in force from and after the adoption and enactment of this ordinance, the public health, safety, and welfare demanding it.

So ordained, this the ____ day of _____, 2023.

_____	_____
Mayor	City Clerk

Sec. 1-309. Codification and recodification.

It is the intention of the Commerce City Council, and it is hereby ordered that this ordinance shall become and be made a part of the code of laws of the City of Commerce, Georgia, and the Articles, divisions, and sections of this ordinance may be renumbered if necessary to fit most appropriately into the code of the city.

DIVISION IV

DEFINITIONS

Access: A way or means of approach to provide physical entrance to a property.

Buffer: A strip of land located between a side or rear property line and a building, structure, or use, intended to separate and obstruct the view of the site on which the buffer is located from an abutting property; a strip of land between a stream or other natural feature and a building, structure, or use, intended to protect the stream or other natural feature.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

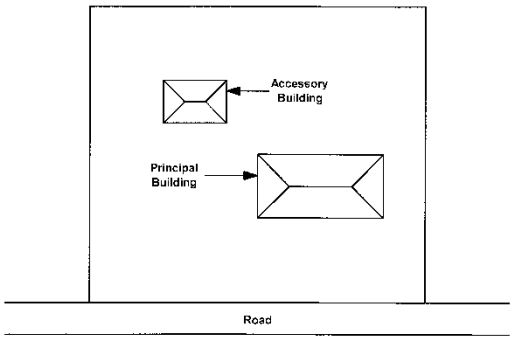
Building coverage: The horizontal area measured within the outside of the exterior walls of the ground floor (i.e., "footprint") of all principal buildings, accessory buildings, and accessory structures on the lot, not including steps, terraces, and uncovered porches.

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

Building floor area: The gross floor area of all heated spaces within a building. Heated floor area does not include garages, unheated basements, attic storage areas or partially enclosed decks or patios. Gross floor area comprises the area within the inside perimeter of the exterior walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of area open and unobstructed to the sky.

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

Building, principal: A building in which is conducted the principal use of the lot on which said building is situated. In any residential zoning district, any structure containing a dwelling unit shall be defined to be the principal building on the lot on which same is situated, unless otherwise specifically provided in this UDC.



Building, Accessory and Principal

Comprehensive Plan: The Comprehensive Plan for Commerce, adopted by the Commerce City Council, as readopted or amended from time to time in accordance with the Georgia Planning Act of 1989 and administrative rules of the Georgia Department of Community Affairs. Comprehensive plan also broadly includes any other functional plans adopted by the Commerce City Council pertaining to land use, transportation, community facilities, natural and historic resources, and the environment.

Condition of zoning or use approval: A requirement adopted by the Commerce City Council at the time of approval of a rezoning, or conditional use, placing greater or additional requirements or restrictions on the property than provided in this UDC to reduce an adverse impact of the use and to further protect the public health, safety, or general welfare.

Cul-de-sac: A paved area terminating a cul-de-sac street, provided for the purpose of enabling vehicles to reverse direction while driving continuously in a forward but circular manner.

Cul-de-sac street: A street having one end open to traffic and the other end terminated with a turnaround.

Data Processing and Housing/Data Centers: A facility primarily used for the centralized storage, processing, transmission, or management of digital data. This includes, but is not limited to, hyperscale, enterprise, colocation, edge, high-performance computing (HPC), and blockchain operations. Data centers typically house computer servers, networking equipment, and related infrastructure necessary for continuous digital operations, and generally require significant electrical capacity, broadband connectivity, and cooling systems.

Development: (1) a land development project involving the construction of streets, utilities, buildings, or other improvements required for the habitation or use of property, such as a residential neighborhood, an apartment complex, a store, or a shopping center; (2) any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials; (3) the act of constructing or carrying out a land development project, including the alteration of land or vegetation in preparation for construction activity.

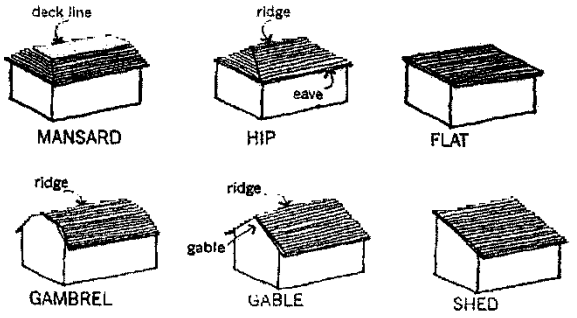
Dwelling: A building or portion of a building arranged or designed to provide living quarters for one or more families or households on a permanent or long-term basis.

Floor: The top surface of an enclosed area in a building, from the top of slab in concrete slab construction or top of wood flooring in wood frame construction.

Frontage or street frontage: The width in linear feet where it abuts the right of way of any street from which access may be gained.

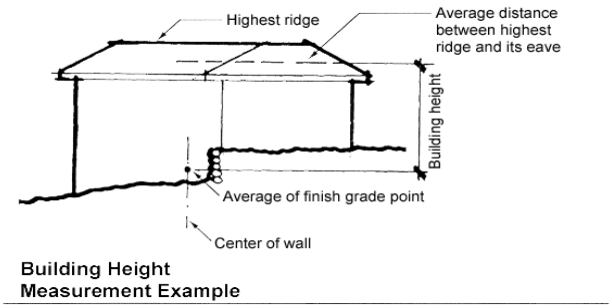
Height of building: The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck lines of a mansard roof; or to the mean height level between the

eaves and ridge of a gable, hip or gambrel roof or the highest point of a shed roof. Grade is defined as the average elevation of the ground on all sides of a building.



Roof Types

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



Building Height Measurement Example

Height of structure: For all structures other than buildings, height shall be the vertical distance to the highest point of a structure, as measured from the average grade at the base of the structure or directly below a projecting structure.

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

Landscaping: Trees, shrubs, vines, turf, ground cover and other landscape materials which are utilized to enhance the aesthetic and functional qualities of a site.

Lot: A parcel or tract of land having fixed boundaries and designated on a survey or deed.

Lot area: The total horizontal area included within lot lines. Street rights of way shall not be considered a part of a lot for the purpose of meeting the minimum requirements of this UDC.

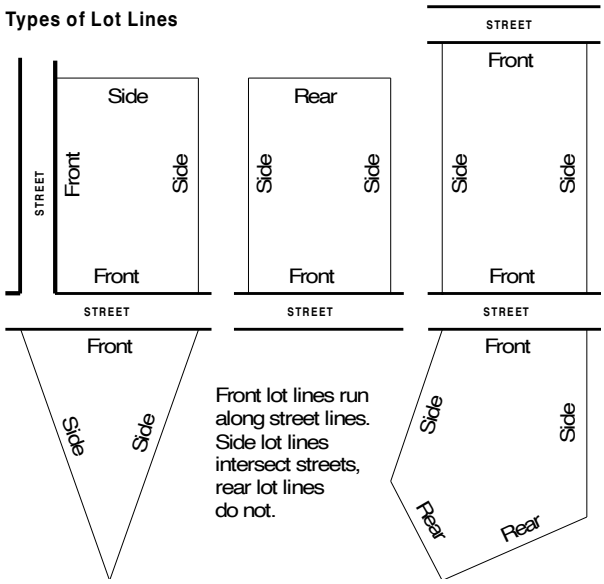
Lot frontage: The distance in linear feet of a lot where it abuts the right-of-way of any street from which access may be directly gained, or from an access easement in cases where the lot does not front on a street.

Lot line: The boundary dividing a given lot from the street or adjacent lots; the boundary defining the limit of ownership of a property. Lot line is synonymous with property line.

Lot line, front: Any boundary line of a lot that abuts a street right-of-way line. A lot adjacent to more than one street will have more than one front lot line.

Lot line, rear: Any boundary line of a lot that does not intersect with a public street right-of-way line and is not a front lot line.

Lot line, side: Any boundary line of a lot that intersects with a public street right-of-way line and is not a front lot line.



Lot of record: A lot which is part of a subdivision lawfully recorded in the plat books of the office of the Clerk of the Superior Court of Jackson County, Georgia, or a lot described by metes and bounds, the description of which has been lawfully recorded. A tax parcel is not necessarily a lot of record. A lot of record may not conform to the requirements of this UDC, in which case it is a nonconforming lot of record. A lot shall not be considered a lot of record if it is: (1) described in a deed recorded in the county deed books only by reference to an attached boundary survey or plat that has not been recorded in the plat books; or (2) not described in a deed recorded prior to the original adoption of zoning and subdivision regulations in the City of Commerce.

Lot width: The distance, in feet, measured across the lot between side lot lines. The lot width is measured parallel to the road frontage, where it exists.

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

Open space: An area of land or water that is permanently set aside through dedication, designation or reservation to remain in a natural and unimproved state or that may be improved only for active or passive recreation or enjoyment.

Overlay district: A defined geographic area established by Article 3 of this UDC that encompasses one or more underlying zoning districts and that imposes additional requirements above those required by the underlying zoning district or relaxes certain requirements of an underlying zoning district.

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

Setback: The straight-line distance between a street right-of-way or lot line and the nearest point of a structure or building or projection therefrom.

Setback, minimum: The shortest distance allowed between a street right-of-way line or any other lot line and any principal or accessory building on a lot. Minimum setback requirements for buildings are associated with the type of lot line from which the setback is taken; for instance, a "side yard setback" is measured from a side lot line. Street rights-of-way shall not be considered a part of a front yard setback for the purpose of meeting the minimum requirements of this UDC.

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

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

Structure: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground and extending vertically from the ground by one foot or more. Tents, vehicles, trailers, and play equipment attached to the ground in some permanent way shall be considered structures. A structure may or may not be easily moved from a given location on the ground. Among other things, unless the context clearly indicates otherwise, structures include but are not limited to buildings, walls, fences, signs, and swimming pools.

Use, accessory: A use that is permitted on a lot in conjunction with a principal use. An accessory use is incidental to the principal use of the lot and would not exist independent of the principal use.

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

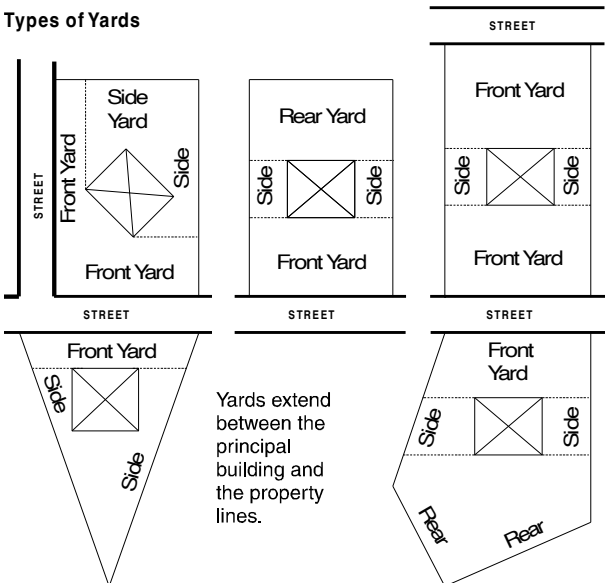
Variance: A grant of relief from the requirements of this UDC which permits construction or use in a matter otherwise prohibited by this UDC, which may be approved in individual cases upon application and applied to specific property.

Yard: An area that lies between the principal building on a lot and a lot line. A yard is unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

Yard, front: A yard situated along any public street right-of-way or private street or access easement. In the case of a double frontage lot, if there is an established no access easement along one of the frontages, the yard adjacent to the no access easement shall not be considered a front yard for purposes of this UDC.

Yard, rear: A yard situated along a rear lot line.

Yard, side: A yard situated along a side lot line, but not extending into a front or rear yard.



Zoning district: A district established in Article 2 of this UDC.

Zoning district, residential: Any AR, R-1E, R-1, R-2, R-3, R-4, R-5, R-6 or OCR zoning district established in Article 2 of this UDC.

Zero lot line: The location of a building on a lot in such a manner that one or more building sides have no (zero) front, side or rear building setback (or yard requirements) and rests directly on a front, side, or rear lot line.

(Amended 06/15/2026)

ARTICLE 2

ZONING DISTRICTS AND OFFICIAL ZONING MAP

DIVISION I OFFICIAL ZONING MAP

Sec. 2-101. Adoption.
Sec. 2-102. Zoning districts established.
Sec. 2-103. Amendment.
Sec. 2-104. Determination of boundaries.
Sec. 2-105. Interpretation of boundaries.

DIVISION II ZONING DISTRICTS

Sec. 2-201. AF, Agricultural Farm District.
Sec. 2-202. AR, Agricultural Residential District.
Sec. 2-203. R-1E, Single-Family Estate Residential (Very Low Density) District.
Sec. 2-204. R-1, Single-Family Residential (Low Density) District.
Sec. 2-205. R-2, Single-Family Residential District (Medium Density) District.
Sec. 2-206. R-3, Two-Family Residential District.
Sec. 2-207. R-4, Multi-Family Residential District.
Sec. 2-208. R-5, Manufactured Home District.
Sec. 2-209. R-6, Attached for Sale Residential District.
Sec. 2-210. OCR, Office, Commercial and Residential District.
Sec. 2-211. C-1, Neighborhood Commercial District.
Sec. 2-212. C-2, General Commercial District.
Sec. 2-213. CBD, Central Business District.
Sec. 2-214. M-1, Light Industrial District.
Sec. 2-215. M-2, Heavy Manufacturing District.
Sec. 2-216. PUD, Planned Unit Development District.

DIVISION III USE DEFINITIONS

DIVISION I

OFFICIAL ZONING MAP

Sec. 2-101. Adoption.
Sec. 2-102. Zoning districts established.
Sec. 2-103. Amendment.
Sec. 2-104. Determination of boundaries.
Sec. 2-105. Interpretation of boundaries.

Sec. 2-101. Adoption.

(a) The official zoning map, together with explanatory matter thereon, is hereby adopted and made a part of this UDC. The official zoning map shall be signed by the mayor and attested by the City Clerk.

(b) The adopted original of the official zoning map, and the official zoning map as may be subsequently amended, shall be kept on record in the office of the City Clerk, available for public inspection.

(c) The Zoning Administrator shall be responsible for maintaining the official zoning map to reflect all authorized amendments. All lots subject to zoning conditions shall be denoted by the letter "C" on the map with a reference to the City Council meeting in which the conditions were adopted. The full list of conditions shall be recorded in the City Council minutes in which the conditions were adopted.

(d) The official zoning map may be kept electronically in a geographic information system, and such electronic data shall constitute an integral part of the official zoning map.

Sec. 2-102. Zoning districts established.

(a) All properties in the City of Commerce are designated as lying within one or more zoning districts as indicated on the official zoning map.

(b) No property shall be used except in accordance with the requirements for the zoning district in which the property is located as shown on the official zoning map, conditions of zoning approval if applicable and the provisions of this UDC. The use and dimensional requirements for each zoning district are specified in this Article.

(c) The following zoning districts are hereby established. Such zoning districts are shown on the official zoning map:

AF, Agricultural Farm District.
AR, Agricultural Residential District.
R-1E, Single-Family Estate Residential (Very Low Density) District.
R-1, Single-Family Residential (Low Density) District.

R-2, Single-Family Residential District (Medium Density) District.
R-3, Two-Family Residential District.
R-4, Multi-Family Residential District.
R-5, Manufactured Home District.
R-6, Attached For Sale Residential District.
OCR, Office, Commercial and Residential District.
C-1, Neighborhood Commercial District.
C-2, General Commercial District.
CBD, Central Business District.
M-1, Light Industrial District.
M-2, Heavy Manufacturing District.
PUD, Planned Unit Development District.

Sec. 2-103. Amendment.

(a) No changes of any nature shall be made to the official zoning map except for amendments to the map approved by the Commerce City Council or by adoption of a new official zoning map of the City of Commerce, and except as otherwise specifically provided in this section.

(b) The official zoning map may be amended from time to time, or a new official zoning map may be adopted, in accordance with the provisions of this UDC. Amendments to the official zoning map shall be made promptly, no later than fifteen (15) business days after the amendment has been approved.

(c) The Zoning Administrator is authorized to correct or update property lines depicted on the official zoning map, as such changes to the tax records of the city are made through land subdivision and combination of lots or for other reasons, without a requirement to seek approval of the Commerce City Council, provided that such changes to property lines do not affect a zoning or overlay district boundary.

(d) In any instance where the property lines as shown on a the official zoning map deviate from a boundary survey prepared by a registered land surveyor for the lot or tract in question, and such deviation is attributed by the Zoning Administrator to a drafting error or imperfection in the property parcel data base originally used in preparing the official zoning map, the Zoning Administrator is authorized to correct the official zoning map to show the boundaries of the zoning or overlay district to follow the boundaries as shown on said boundary survey. Any such correction shall be considered an administrative action, and additional approval or action by City Council shall not be necessary to correct the official zoning map.

Sec. 2-104. Determination of boundaries.

The boundaries of the zoning districts established by this UDC shall be determined based on the location of the boundary as depicted on the official zoning map; provided, however, that the

following provisions shall be used where uncertainty exists by the Zoning Administrator to interpret the exact location of a zoning district boundary shown on the official zoning map:

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

(b) **Railroads.** Where boundaries are indicated as approximately following the centerline or right of way of railroads, such centerline or right-of-way lines shall be construed to be such boundaries.

(c) **County and city limit, militia district and land lot lines.** Where boundaries are indicated as approximately following the county boundary, corporate limit line of the city, a militia district line, or a land lot line, such line shall be construed to be such boundaries.

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

(e) **Water courses and drainage ways.** Where boundaries are indicated as approximately following the centerline of a stream bed or riverbed, or a drainage way, such centerline shall be construed to be such boundaries.

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

Sec. 2-105. Interpretation of boundaries.

(a) In the case where the exact location of a zoning district boundary shown on the official zoning map cannot be determined by the provisions of this Article, the Zoning Administrator shall determine the location of the zoning district boundary.

(b) Any such administrative determination of a zoning boundary by the Zoning Administrator shall be subject to appeal as an administrative decision in accordance with procedures specified in this UDC.

DIVISION II

ZONING DISTRICTS

Sec. 2-201. AF, Agricultural Farm District.
Sec. 2-202. AR, Agricultural Residential District.
Sec. 2-203. R-1E, Single-Family Estate Residential (Very Low Density) District.
Sec. 2-204. R-1, Single-Family Residential (Low Density) District.
Sec. 2-205. R-2, Single-Family Residential District (Medium Density) District.
Sec. 2-206. R-3, Two-Family Residential District.
Sec. 2-207. R-4, Multi-Family Residential District.
Sec. 2-208. R-5, Manufactured Home District.
Sec. 2-209. R-6, Attached For Sale Residential District.
Sec. 2-210. OCR, Office, Commercial and Residential District.
Sec. 2-211. C-1, Neighborhood Commercial District.
Sec. 2-212. C-2, General Commercial District.
Sec. 2-213. CBD, Central Business District.
Sec. 2-214. M-1, Light Industrial District.
Sec. 2-215. M-2, Heavy Manufacturing District.
Sec. 2-216. PUD, Planned Unit Development District.

Sec. 2-201. AF, Agricultural Farm District.

(a) **Purpose and intent.** The AF zoning district is primarily intended to accommodate open land and agricultural uses in agricultural and rural areas not served by sanitary sewer. The AF zoning district is intended to be compatible with and implement the agricultural preservation character area described in the comprehensive plan.

(b) **Permitted and conditional uses.** Permitted and conditional uses shall be as specified in Table 2-1A, “Use Regulations for Agricultural and Residential Zoning Districts.”

(c) **Dimensional requirements.** Height, setback, lot area, density, intensity, and other requirements for development within the zoning district shall be as specified in Table 2-2A, “Dimensional Requirements for Agricultural and Residential Zoning Districts.”

Sec. 2-202. AR, Agricultural Residential District.

(a) **Purpose and intent.** The AR zoning district is intended to accommodate farmland and rural residential development, and combinations thereof, in areas not served by public sanitary sewer. This district is intended to be compatible with and implement the rural places character area described in the comprehensive plan.

(b) **Permitted and conditional uses.** Permitted and conditional uses shall be as specified in Table 2-1A, “Use Regulations for Agricultural and Residential Zoning Districts.”

(c) **Dimensional requirements.** Height, setback, lot area, density, intensity, and other requirements for development within the zoning district shall be as specified in Table 2-2A, "Dimensional Requirements for Agricultural and Residential Zoning Districts."

Sec. 2-203. R-1E, Single-Family Estate Residential (Very Low Density) District.

(a) **Purpose and intent.** The R-1E zoning district is intended to accommodate rural residential development in areas not served by public sanitary sewer. This district is intended to be compatible with and implement the rural places character area described in the comprehensive plan.

(b) **Permitted and conditional uses.** Permitted and conditional uses shall be as specified in Table 2-1A, "Use Regulations for Agricultural and Residential Zoning Districts."

(c) **Dimensional requirements.** Height, setback, lot area, density, intensity, and other requirements for development within the zoning district shall be as specified in Table 2-2A, "Dimensional Requirements for Agricultural and Residential Zoning Districts."

Sec. 2-204. R-1, Single-Family Residential (Low Density) District.

(a) **Purpose and intent.** The R-1 zoning district is intended to accommodate single-family, detached, residential development in areas which may not be served by public sanitary sewer. This district is intended to be compatible with and implement the suburban residential character area described in the comprehensive plan.

(b) **Permitted and conditional uses.** Permitted and conditional uses shall be as specified in Table 2-1A, "Use Regulations for Agricultural and Residential Zoning Districts."

(c) **Dimensional requirements.** Height, setback, lot area, density, intensity, and other requirements for development within the zoning district shall be as specified in Table 2-2A, "Dimensional Requirements for Agricultural and Residential Zoning Districts."

Sec. 2-205. R-2, Single-Family Residential District (Medium Density) District.

(a) **Purpose and intent.** The R-2 zoning district is intended to accommodate single-family, detached, residential development in areas served by public sanitary sewer. This district is intended to be compatible with and implement the suburban residential character area described in the comprehensive plan.

(b) **Permitted and conditional uses.** Permitted and conditional uses shall be as specified in Table 2-1A, "Use Regulations for Agricultural and Residential Zoning Districts."

(c) **Dimensional requirements.** Height, setback, lot area, density, intensity, and other requirements for development within the zoning district shall be as specified in Table 2-2A, "Dimensional Requirements for Agricultural and Residential Zoning Districts."

Sec. 2-206. R-3, Two-Family Residential District.

(a) **Purpose and intent.** The R-3 zoning district is intended to accommodate single-family, detached, and two-family residential (duplex) development in areas served by public sanitary sewer. This district is intended to be compatible with and implement the urban residential and traditional neighborhood character areas described in the comprehensive plan.

(b) **Permitted and conditional uses.** Permitted and conditional uses shall be as specified in Table 2-1A, "Use Regulations for Agricultural and Residential Zoning Districts."

(c) **Dimensional requirements.** Height, setback, lot area, density, intensity, and other requirements for development within the zoning district shall be as specified in Table 2-2A, "Dimensional Requirements for Agricultural and Residential Zoning Districts."

Sec. 2-207. R-4, Multi-Family Residential District.

(a) **Purpose and intent.** The R-4 zoning district is intended to accommodate single-family, detached residences, apartments, and condominiums in areas served by public sanitary sewer. This district is intended to be compatible with and implement the urban residential and traditional neighborhood character areas described in the comprehensive plan.

(b) **Permitted and conditional uses.** Permitted and conditional uses shall be as specified in Table 2-1A, "Use Regulations for Agricultural and Residential Zoning Districts."

(c) **Dimensional requirements.** Height, setback, lot area, intensity, and other requirements for development within the zoning district shall be as specified in Table 2-2A, "Dimensional Requirements for Agricultural and Residential Zoning Districts." Residential dwellings and related uses shall be at a density of up to four dwelling units per acre.

Sec. 2-208. R-5, Manufactured Home District.

(a) **Purpose and intent.** The R-5 zoning district is intended to accommodate single-family, detached, and manufactured homes on individual lots in areas served by public sanitary sewer. This district is intended to be compatible with and implement the urban residential character area described in the comprehensive plan.

(b) **Permitted and conditional uses.** Permitted and conditional uses shall be as specified in Table 2-1A, "Use Regulations for Agricultural and Residential Zoning Districts."

(c) **Dimensional requirements.** Height, setback, lot area, density, intensity, and other requirements for development within the zoning district shall be as specified in Table 2-2A, "Dimensional Requirements for Agricultural and Residential Zoning Districts."

Sec. 2-209. R-6, Attached for Sale Residential District.

(a) **Purpose and intent.** The R-6 Attached for Sale Residential District is composed of high density, attached, single-family development. These areas of higher density development shall be located on community or public water and/or sewer systems and should be designed so as to ensure harmony within these areas. An "attached 'for sale' dwelling" is a residential unit attached to other residential units and designed to be purchased and occupied by a single family. This district is intended to be compatible with and implement the urban residential character area described in the comprehensive plan.

(b) **Permitted and conditional uses.** Permitted and conditional uses shall be as specified in Table 2-1A, "Use Regulations for Agricultural and Residential Zoning Districts."

(c) **Dimensional requirements.** Height, setback, lot area, density, intensity, and other requirements for development within the zoning district shall be as specified in Table 2-2A, "Dimensional Requirements for Agricultural and Residential Zoning Districts." Residential dwellings and related uses shall be at a density of up to four dwelling units per acre.

Table 2-1A
Permitted and Conditional Uses in
Agricultural and Residential Zoning Districts

P = Permitted C = Conditional Use X = Prohibited

ACCESSORY USES GENERALLY	SEE SEC.	AF	AR	R-1E	R-1	R-2	R-3	R-4	R-5	R-6
Accessory uses and structures not otherwise listed in this table, determined by the Zoning Administrator to be normally incidental to one or more permitted principal uses		P	P	P	P	P	P	P	P	P
Amateur radio tower		P	P	P	P	P	P	P	P	P
Construction field office, temporary		P	P	P	P	P	P	P	P	P
Fallout shelter or underground bunker		P	P	P	P	P	X	X	X	X
Intermodal container, temporary		P	P	P	P	P	P	P	P	X
Parking space (surface), accessory to one or more permitted uses		P	P	P	P	P	P	P	P	P
Produce stand, temporary		P	C	X	X	X	X	X	X	X
Satellite dish antenna		P	P	P	P	P	P	P	P	P
Solar energy system, building mounted		P	P	P	P	P	P	P	P	P
Solar energy system, ground mounted		P	P	X	X	X	X	X	X	X
Utility substation or installation		C	C	C	C	C	C	C	C	C
Wind turbine		C	C	C	C	C	C	C	C	C
USES ACCESSORY TO PRINCIPAL DWELLING	**SEE SEC.**	**AF**	**AR**	**R-1E**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**
Accessory dwelling unit		P	P	P	P	P	X	X	X	X
Carport (freestanding)		P	P	P	P	P	X	X	X	X
Enclosure or structure for household pet(s)		P	P	P	P	P	P	P	P	P
Family day care home		P	P	P	P	P	P	P	P	P
Garage (private)		P	P	P	P	P	P	P	P	P
Greenhouse, private		P	P	P	X	X	X	X	X	X
Guest house		P	P	P	P	P	X	X	X	X
Home occupation		P	P	P	P	P	P	P	P	P
Pet, household domesticated		P	P	P	P	P	P	P	P	P
Produce stand		X	X	X	X	X	X	X	X	X
Recreation facility, private (pool, tennis court) (community recreation)		P	P	P	P	P	P	P	P	P
Recreational vehicle or boat storage, outside		P	P	P	X	X	X	X	X	X
Storage building or shed		P	P	P	P	P	P	P	P	P
Yard or garage sale		P	P	P	P	P	P	P	P	P
USES ACCESSORY TO NON-RESIDENTIAL USE	**SEE SEC.**	**AF**	**AR**	**R-1E**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**
Cemetery, accessory to church/place of worship		P	P	P	P	P	P	P	P	P
RESIDENTIAL USES	**SEE SEC.**	**AF**	**AR**	**R-1E**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**
Dwelling, attached for sale		X	X	X	X	X	X	X	X	P
Dwelling, detached single-family, fee simple		P	P	P	P	P	P	P	P	X
Dwelling, detached single-family, condominium		X	X	X	X	X	X	P	X	X
Dwelling, two-family (duplex)		X	X	X	X	X	P	X	X	X
Dwelling, fee simple townhouse		X	X	X	X	X	X	X	X	X
Dwelling, multiple-family		X	X	X	X	X	X	P	X	X
Fraternity or sorority house or dormitory		X	X	X	X	X	X	C	X	X
Group home, dormitory, or rooming or boarding house		X	X	X	X	X	X	C	X	X
Live-work unit		X	X	X	X	X	X	X	X	X
Manufactured home (individual lot)		X	X	X	X	X	X	X	P	X
Manufactured home park		X	X	X	X	X	X	X	C	X
Mobile home		X	X	X	X	X	X	X	X	X
Model home; temp. sales facility		P	P	P	P	P	P	P	X	X

Relocated residential structure		C	C	C	C	X	X	X	X	X
INSTITUTIONAL USES	**SEE SEC.**	**AF**	**AR**	**R-1E**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**
Adult day services		X	X	X	X	X	X	C	X	C
Child care learning center		X	X	X	X	X	X	C	X	C
Church, temple, synagogue, place of worship		C	C	C	C	C	C	C	C	C
Club or lodge, nonprofit		X	X	X	X	X	X	C	X	X
College or university, private		X	X	X	X	X	X	C	X	X
Continuing care retirement community		X	X	X	X	X	X	C	X	X
Nursing or personal care home or other institutionalized residential living and care facility		X	X	X	X	X	C	C	P	X
Public use		P	P	P	P	P	P	P	P	P
School, private		X	X	X	X	X	X	C	X	X
School, public		P	P	P	P	P	P	P	P	P
School, special		X	X	X	X	X	X	C	X	X
School, trade		X	X	X	X	X	X	X	X	X
Therapeutic camp		C	X	X	X	X	X	X	X	X
AGRICULTURAL USES		**AF**	**AR**	**R-1E**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**
Animal quarters (for livestock)		P	P	X	X	X	X	X	X	X
Backyard chickens		P	P	P	P	P	P	X	P	X
Crop production		P	P	P	P	P	P	P	P	P
Forestry		P	P	P	P	P	P	P	P	X
Riding stable		P	C	C	X	X	X	X	X	X
Timber harvesting		P	P	P	P	P	P	P	P	P
OTHER USES		**AF**	**AR**	**R-1E**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**
Community recreation, in conjunction with a residential subdivision or development		P	P	P	P	P	P	P	P	P
Country club		P	X	C	X	X	X	X	X	X
Model home; temp. sales facility		X	X	P	P	P	P	P	P	P
Leasing office for onsite units		X	X	X	X	X	X	P	X	X
Therapeutic camp		C	X	X	X	X	X	X	X	X

(Amended 06/15/2026)

Table 2-2A
Dimensional Requirements for
Agricultural and Residential Zoning Districts

	AF	AR	R-1E	R-1	R-2	R-3	R-4	R-5	R-6
LOT SIZE, DENSITY, LOT WIDTH AND COVERAGE REQUIREMENTS									
Minimum lot size (sq. ft.) / (acres)	217,800 (5 acres)	43,560 (1 acre)	43,560 (1 acre)	21,780 (0.5 acre)	14,520 (0.33 acre)	14,520 (0.33 acre)	10,890 (0.25 acre)	10,890 (0.25 acre)	N/A
Minimum lot area per dwelling (sq. ft.)	217,800	43,560	43,560	21,780	21,780	12,500	10,890 (SFO)	10,890	N/A
Minimum lot width (ft.)	200	200	200	100	85	75	75	75	30
Maximum building coverage (%)	20%	25%	30%	35%	40%	50%	60%	60%	40%
BUILDING HEIGHT AND SIZE REQUIREMENTS									
Maximum building height (# of stories)	3	3	3	3	3	3	4	3	3
Maximum building height (ft.)	50	35	35	35	35	35	50	35	35
Minimum heated floor area per dwelling unit (sq. ft.) floor/total under roof area per single-family dwelling unit (sq. ft.)	1,200	1,800	2,900	1,800 / 2,200	1,600 / 2,000	1,400 / 1,800	1,200	1,200	1,600

Minimum heated floor area per two-family dwelling unit (sq. ft.)	NP	NP	NP	NP	NP	1,800	NP	NP	1,600
Minimum heated floor area per multi-family dwelling unit (sq. ft.)	NP	NP	NP	NP	NP	NP	750	NP	1,600
Minimum heated floor area per manufactured home dwelling unit (sq. ft.)	NP	NP	NP	NP	NP	NP	NP	900	NP
PRINCIPAL BUILDING SETBACKS/YARD REQUIREMENTS (MINIMUM)									
Front (ft.)	50	50	40	35	35	35*	35*	35*	35*
Side (ft.)	35	35	25	15	15	15	15	15	15
Rear (ft.)	40	40	40	15	15	15*	15*	15*	15*
ACCESSORY BUILDING SETBACKS/YARD REQUIREMENTS (MINIMUM)									
Side (ft.)	25	25	20	10	5	5	5	5	5
Rear (ft.)	25	25	20	10	5	5	5	5	5
ACCESSORY DWELLING UNIT SETBACKS/YARD REQUIREMENTS (MINIMUM)									
Side (ft.)	35	35	25	15	15	N/A	N/A	N/A	N/A
Rear (ft.)	10	10	10	10	10	N/A	N/A	N/A	N/A
LANDSCAPING REQUIREMENTS (MINIMUM) (NON-SINGLE-FAMILY RESIDENTIAL USE ONLY)									
Front (abutting right of way) (ft.)	None	10	10	10	10	10	10	10	10
Minimum landscaped open space (%)	None	15%	15%	20%	20%	20%	20%	20%	20%
Natural buffer when abutting an industrial district (ft)	50 or 20 with structural barriers	50 or 20 with structural barriers	50 or 20 with structural barriers	50 or 20 with structural barriers	50 or 20 with structural barriers	50 or 20 with structural barriers	50 or 20 with structural barriers	50 or 20 with structural barriers	50 or 20 with structural barriers

N/A = Not Applicable NP = Not Permitted SFO = Single Family Only
*For rear facing garages the front and rear setbacks shall be inverted. Rear setbacks shall be measured from the edge of the alley nearest the residential structure.

Sec. 2-210. OCR, Office, Commercial and Residential District.

(a) **Purpose and intent.** The OCR district is intended to accommodate office development and certain low intensity commercial uses as well as detached, single-family residential use at an intensity that is compatible with residential neighborhoods. This district may provide suitable areas for professional, medical, and general offices on individual lots and in office parks, institutions on individual lots or in campus environments, institutionalized living and care facilities, and certain related activities. This district is intended to be compatible with and implement the greater downtown, neighborhood retail/service, and institutional campus character areas described in the comprehensive plan. It is also intended to serve as a transitional zoning district between residential and commercial zoning districts.

(b) **Permitted and conditional uses.** Permitted and conditional uses shall be as specified in Table 2-1B, "Use Regulations for Commercial and Industrial Zoning Districts."

(c) **Dimensional requirements.** Height, setback, lot area, density, intensity, and other requirements for development within the zoning district shall be as specified in Table 2-2B, "Dimensional Requirements for Commercial and Industrial Zoning Districts."

Sec. 2-211. C-1, Neighborhood Commercial District.

(a) **Purpose and intent.** The C-1 District is intended to provide area for service or retail establishments that primarily serve nearby residential areas. This zoning district excludes most highway-oriented and automobile-related sales and service establishments and uses that rely on passer-by traffic from highways. Uses permitted in this district do not generate odor, dust, bright lights, noise, vibration, or traffic congestion and such uses are conducted within enclosed buildings. This district is intended to be compatible with and implement the neighborhood retail/service and commercial revitalization character areas described in the comprehensive plan.

(b) **Permitted and conditional uses.** Permitted and conditional uses shall be as specified in Table 2-1B, "Use Regulations for Commercial and Industrial Zoning Districts."

(c) **Dimensional requirements.** Height, setback, lot area, density, intensity, and other requirements for development within the zoning district shall be as specified in Table 2-2B, "Dimensional Requirements for Commercial and Industrial Zoning Districts."

Sec. 2-212. C-2, General Commercial District.

(a) **Purpose and intent.** The C-2 zoning district is intended to accommodate commercial uses that primarily serve the public traveling by automobile and which benefit from direct access to highways. This district is intended to accommodate a variety of commercial uses that are more intense than neighborhood retail uses outside of residential areas along arterial streets and highways. Uses permitted in this district may generate odor, dust, noise, vibration, or traffic congestion and such uses are not necessarily conducted within

enclosed buildings. Generally, C-2 zoning districts are considered unsuitable abutting single-family residential zoning districts, because of the off-site impacts associated with uses permitted in the district. This district is intended to be compatible with and implement the highway commercial and commercial revitalization character areas described in the comprehensive plan.

(b) **Permitted and conditional uses.** Permitted and conditional uses shall be as specified in Table 2-1B, "Use Regulations for Commercial and Industrial Zoning Districts."

(c) **Dimensional requirements.** Height, setback, lot area, density, intensity, and other requirements for development within the zoning district shall be as specified in Table 2-2B, "Dimensional Requirements for Commercial and Industrial Zoning Districts."

Sec. 2-213. CBD, Central Business District.

(a) **Purpose and intent.** The CBD zoning district is intended to concentrate commercial stores within mixed-use centers. This district is unique in that the existing development pattern consists of buildings covering all or very large percentages of the lot, little if any building setbacks on front, side, and rear property lines, and a lack of off-street parking sufficient to meet the requirements of other commercial zoning districts. This district is distinguished from other commercial zoning districts in building coverage of the entire lot is permitted and yards are not required. Permitted uses are those that contribute to a pedestrian-friendly downtown business district. Automobile-related facilities and services are generally not appropriate or permitted. Rezoning to the CBD district is generally not appropriate in Commerce, except as may be needed to expand the existing downtown concentration of commercial stores and mixed uses. This district is intended to be compatible with and implement the downtown commercial core character area described in the comprehensive plan.

(b) **Permitted and conditional uses.** Permitted and conditional uses shall be as specified in Table 2-1B, "Use Regulations for Commercial and Industrial Zoning Districts."

(c) **Dimensional requirements.** Height, setback, lot area, density, intensity, and other requirements for development within the zoning district shall be as specified in Table 2-2B, "Dimensional Requirements for Commercial and Industrial Zoning Districts."

(d) Mandatory Design Guidelines. All uses, including, but not limited to, all construction, installation, repair, replacement, renovation, remodeling or modification of building exteriors, in the CBD shall comply with the City of Commerce Design Guidelines, 1991, and as they may be amended. The Zoning Administrator is authorized to enforce this provision as provided in Article 20 of this Code.

Sec. 2-214. M-1, Light Industrial District.

(a) **Purpose and intent.** The M-1 district is intended to accommodate wholesale trade establishments, warehouses, and light manufacturing uses. Light manufacturing uses

generally consist of establishments for processing, assembling, fabricating, preparing, distributing, cleaning, servicing, testing, or repairing of materials, goods or products. Certain commercial uses having an open storage characteristic, or which are most appropriately located adjacent to industrial uses, are also permitted uses within this zoning district, such as but not limited to contractor establishments and auto service and repair. This district is intended to be compatible with and implement the industrial workplace character area described in the comprehensive plan.

(b) **Permitted and conditional uses.** Permitted and conditional uses shall be as specified in Table 2-1B, "Use Regulations for Commercial and Industrial Zoning Districts."

(c) **Dimensional requirements.** Height, setback, lot area, density, intensity, and other requirements for development within the zoning district shall be as specified in Table 2-2B, "Dimensional Requirements for Commercial and Industrial Zoning Districts."

Sec. 2-215. M-2, Heavy Manufacturing District.

(a) **Purpose and intent.** The M-2 zoning district is intended to accommodate the most intense and widest variety of manufacturing and industrial land uses. Its purpose is to reserve certain areas with relatively level topography, adequate water and sewage facilities, and access to arterial streets for industrial operations which may be objectionable due to the emission of noise, vibration, smoke, dust, gas, fumes, odors, or radiation and that may create fire or explosion hazards or other objectionable conditions. It is not considered compatible within or abutting residential zoning districts. This district is intended to be compatible with and implement the industrial workplace character area described in the comprehensive plan.

(b) **Permitted and conditional uses.** Permitted and conditional uses shall be as specified in Table 2-1B, "Use Regulations for Commercial and Industrial Zoning Districts."

(c) **Dimensional requirements.** Height, setback, lot area, density, intensity, and other requirements for development within the zoning district shall be as specified in Table 2-2B, "Dimensional Requirements for Commercial and Industrial Zoning Districts."

Table 2-1B
Permitted and Conditional Uses for Commercial and Industrial Zoning Districts

(Amended 01/16/23)

P = Permitted C = Conditional Use X = Prohibited

ACCESSORY USES GENERALLY	OCR	CBD	C-1	C-2	M-1	M-2
Accessory uses and structures not otherwise listed in this table, determined by the Zoning Administrator to be normally incidental to one or more permitted principal uses	P	P	P	P	P	P
Amateur radio tower	P	P	P	P	P	P
Collection bin	X	X	X	X	X	X
Construction field office, temporary	P	P	P	P	P	P
Fallout shelter or underground bunker	X	P	X	X	P	P
Intermodal container, temporary	P	P	P	P	P	P
Parking space (surface), accessory to one or more permitted uses	P	P	P	P	P	P
Produce stand, temporary	X	P	X	P	X	X
Satellite dish antenna	P	P	P	P	P	P
Solar energy system, mounted	P	P	P	P	P	P
Solar energy system, ground mounted	X	X	X	X	X	X
Utility substation or installation	P	P	P	P	P	P
Wind turbine	C	C	C	C	C	C
USES ACCESSORY TO PRINCIPAL DWELLING	**OCR**	**CBD**	**C-1**	**C-2**	**M-1**	**M-2**
Accessory dwelling unit	C	X	X	X	X	X
Carport (freestanding)	X	X	X	X	X	X
Enclosure or structure for household pet(s)	P	X	X	X	X	X
Family day care home	P	X	X	X	X	X
Garage (private)	P	X	X	X	X	X
Greenhouse, private	X	X	X	X	X	X
Guest house	C	X	X	X	X	X
Home occupation	P	X	X	X	X	X
Pet, household domesticated	P	X	X	X	X	X
Produce stand	X	X	X	P	X	X
Recreation facility, private (pool, tennis court) (community recreation)	X	X	X	X	X	X
Recreational vehicle or boat storage, outside	X	X	X	X	X	X
Storage building or shed	P	X	X	X	X	X
Yard or garage sale	P	X	X	X	X	X
ACCESSORY BUILDINGS, STRUCTURES AND USES ACCESSORY TO NONRESIDENTIAL PRINCIPAL USES	**OCR**	**CBD**	**C-1**	**C-2**	**M-1**	**M-2**
Automated teller machine with drive-through	X	X	X	P	X	X
Automated teller machine without drive-through	P	P	P	P	P	P
Caretaker or night watchman residence	X	X	X	C	P	P
Cemetery, accessory to church/place of worship	X	X	X	X	C	C
Community food or housing shelter, accessory to church or place of worship, or crisis center	X	C	X	P	C	X
Food truck or mobile food vendor	P	P	P	P	P	P
Helicopter landing pad	C	C	C	C	C	P
Open air business establishment, temporary	X	P	X	P	X	X
Taxi stand, dispatching	X	P	X	P	P	P
RESIDENTIAL USES	**OCR**	**CBD**	**C-1**	**C-2**	**M-1**	**M-2**
Dwelling, detached single-family, fee simple	P	X	X	X	X	X
Dwelling, detached single-family, fee simple, existing on effective date of this ordinance	P	P	P	P	P	P
Fraternity or sorority house or dormitory	X	C	X	C	X	X
Group home, rooming or boarding house	X	X	X	X	X	X
Live-work unit	P	P	X	P	X	X
Relocated residential structure	X	X	X	X	X	X
Recreational vehicle park	X	X	X	C	X	X

INSTITUTIONAL USES	OCR	CBD	C-1	C-2	M-1	M-2
Adult day services	P	P	P	P	X	X
Cemetery, excluding mausoleum	X	X	X	P	C	C
Child care learning center	P	P	P	P	P	P
Church, temple, synagogue, place of worship	P	P	P	P	P	P
Club or lodge, nonprofit	P	P	P	P	P	P
College or university, private	X	P	X	P	P	X
Community donation center	X	C	X	P	P	X
Community food or housing shelter (nonprofit) or crisis center (nonprofit)	X	C	X	P	X	X
Continuing care retirement community	C	C	C	C	X	X
Hospital	P	P	P	P	P	P
Nursing or personal care home or other institutionalized residential living and care facility	C	P	C	P	X	X
Public use	P	P	P	P	P	P
School, private	P	P	P	P	P	P
School, public	P	P	P	P	P	P
School, special	P	P	P	P	P	P
School, trade	P	P	P	P	P	P
Therapeutic camp	X	X	X	C	X	X
COMMERCIAL USES	**OCR**	**CBD**	**C-1**	**C-2**	**M-1**	**M-2**
Adult entertainment establishment	X	X	X	X	X	C
Animal hospital or veterinary clinic	C	C	C	P	C	X
Art gallery	P	P	P	P	X	X
Appliance repair or general merchandise repair	X	X	X	P	P	X
Auction house or auction yard	X	X	X	C	C	C
Automobile or other vehicle repair or maintenance or paint	X	X	X	P	P	P
Automobile or other vehicle sales, rental, lease, new	X	X	X	P	C	C
Automobile or other vehicle sales, rental, lease, pre-owned/used	X	X	X	P	C	C
Automobile (or other vehicle) service or wash	X	X	P	P	P	P
Bail bonding or bondsperson	X	P	X	P	X	X
Bank or financial establishment	P	P	P	P	X	X
Bed and breakfast inn	P	P	P	P	X	X
Body piercing	X	X	X	P	X	X
Botanical garden	X	X	X	P	X	X
Broadcasting, television, radio, movie studio	P	P	P	P	P	X
Building materials sales	X	X	X	P	P	P
Business service establishment	P	P	P	P	P	P
Camp or campground	X	X	X	C	X	X
Caterer (food preparation and delivery)	P	P	P	P	P	X
Check cashing or payday loan establishment	X	X	X	P	X	X
Clinic	P	P	P	P	X	X
Consumer fireworks retail sales facility	C	C	C	C	C	C
Consumer fireworks retail sales stand	C	C	C	C	C	C
Community donation center, principal or accessory	X	C	X	P	P	X
Contractor's establishment	X	X	X	P	P	X
Convenience store with fuel pumps	C	X	X	C	C	C
Convenience store without fuel pumps	C	X	C	X	X	X
Country club	X	X	X	P	X	X
Courier or messenger	P	P	P	P	P	P
Custom order shop	P	P	P	P	P	P
Data processing and hosting	X	X	X	X	X	C
Drive-through, accessory	X	X	X	P	P	P
Driving school, auto, truck, etc.	X	X	X	X	P	P
Dry cleaner, laundry or laundromat	P	P	P	P	P	P
Equipment rental	X	X	X	P	P	P
Exterminator or pest control service	C	P	C	P	P	P
Farm equipment and implement sales	X	X	X	P	P	P
Flea, farmer, or other outdoor market	X	P	X	P	X	X
Funeral home, mortuary, or mausoleum	C	C	C	C	P	P

Gasoline service station	C	X	C	C	C	C
COMMERCIAL USES (continued)	**OCR**	**CBD**	**C-1**	**C-2**	**M-1**	**M-2**
Golf course, not part of residential subdivision	X	X	X	P	X	X
Greenhouse, landscape nursery	X	X	X	P	P	X
Health care services	P	P	P	P	P	P
Health and personal care stores	P	P	P	P	X	X
Health spa (exercise gym, fitness center)	X	P	X	P	P	P
Hospital	X	P	X	P	P	X
Insurance (office)	P	P	P	P	X	X
Janitor or cleaning service	X	X	X	P	P	P
Jewelry and silverware manufacturing (accessory to enclosed retail sales)	P	P	P	P	X	X
Kennel or animal breeding facility	X	C	X	P	P	X
Landscaping company	X	X	X	P	P	P
Linen or uniform supply	X	X	X	P	P	P
Lodging service, including extended stay	X	P	X	P	X	X
Manufactured or industrialized building sales	X	X	X	P	P	P
Micro-brewery or micro-distillery	X	P	X	P	C	X
Mixed use building	P	P	P	P	X	X
Museum	P	P	P	P	P	X
Office	P	P	P	P	P	P
Open air business	C	C	C	P	P	P
Parking lot, off-site	P	P	P	P	P	P
Parking lot for trucks, off-site	X	X	X	P	P	P
Parking structure	C	P	P	P	P	P
Pawn shop or pawnbroker	X	P	X	P	X	X
Pay day loan establishment	X	P	X	P	X	X
Personal service establishment	P	P	P	P	P	P
Pet care (excludes animal boarding)	X	P	P	P	X	X
Printing, publishing or reproducing establishment	P	P	P	P	P	P
Printing or publishing industry	X	X	X	X	P	P
Professional, scientific or technical service (including research laboratory)	C	C	C	C	C	C
Psychic service establishment	X	X	X	P	X	X
Real estate (office)	P	P	P	P	P	P
Recreation, commercial indoor	C	P	C	P	P	X
Recreation, commercial outdoor	X	C	X	C	C	X
Recreational vehicle dealer	X	X	X	P	P	P
Recycling collection center	X	X	X	X	C	C
Restaurant, bar, or tavern without drive-through	P	P	P	P	X	X
Restaurant, with drive-through	X	P	P	P	X	X
Retail trade establishment, enclosed	P	P	P	P	P	X
Retreat center	X	P	C	P	X	X
Riding academy or equestrian center	X	X	X	P	X	X
Security service including locksmith	P	P	P	P	P	P
Self-service storage facility (mini-warehouses)	X	X	X	C	P	X
Special event facility	X	X	P	P	P	P
Stadium, sports arena, or amphitheater	X	C	C	C	C	C
Tattoo studio	X	X	X	P	X	X
Taxi-cab or limousine or bus service, or vehicle for hire	X	X	X	C	C	C
Taxidermist	C	C	C	P	P	P
Tire shop or tire display	X	X	X	P	P	P
Tow service	X	X	X	P	P	P
Travel arrangement and reservation services	P	P	P	P	P	P
Truck stop	X	X	X	C	C	C
Utility company	P	P	P	P	P	P
Vapor bar or vapor lounge	X	X	X	P	X	X
Vehicle emission testing facility	X	X	X	P	P	P
GENERAL INDUSTRIAL USES	**OCR**	**CBD**	**C-1**	**C-2**	**M-1**	**M-2**
Brewery	X	P	X	X	P	P
Bulk storage	X	X	X	X	C	P

GENERAL INDUSTRIAL USES (continued)	**OCR**	**CBD**	**C-1**	**C-2**	**M-1**	**M-2**
Composting facility	X	X	X	X	C	P
Co-generation facility	X	X	X	X	C	P
Distillery	X	X	X	X	C	P
Distribution center including truck terminals	X	X	X	X	C	P
Dry cleaning plant	X	X	X	X	P	P
Fuel dealer or fuel oil or gas distributor	X	X	X	C	P	P
Hazardous waste materials or volatile organic liquid storage	X	X	X	X	C	C
Incinerator	X	X	X	X	C	C
Landfill, construction and demolition, inert waste, or sanitary (subtitle D)	X	X	X	X	C	C
Lumber yard or sawmill	X	X	X	C	C	P
Mining, quarrying, or resource extraction	X	X	X	X	C	C
Oil or gas extraction	X	X	X	X	X	C
Pulp, paper, or paperboard mill	X	X	X	X	X	C
Recovered materials processing facility	X	X	X	X	X	C
Salvage yard (including junk)	X	X	X	X	X	C
Solar farm	X	X	X	X	C	C
Solid waste transfer facility	X	X	X	X	C	P
Warehouse or storage building	X	C	X	C	C	P
Wastewater treatment plant (private)	X	X	X	X	C	C
Welding	X	X	X	P	P	P
Wholesale trade establishment	X	X	X	C	P	P
Winery	X	X	X	P	X	X
Wrecked motor vehicle compound	X	X	X	P	P	P
MANUFACTURING USES	**OCR**	**CBD**	**C-1**	**C-2**	**M-1**	**M-2**
Manufacturing, apparel	X	X	X	X	C	P
Manufacturing, beverage and tobacco product	X	X	X	X	C	P
Manufacturing, bread and bakery products	X	X	X	X	C	P
Manufacturing, chemicals	X	X	X	X	C	C
Manufacturing, computer and electronic, electrical equipment, appliance and component	X	X	X	X	C	P
Manufacturing, concrete (excluding concrete batching plant)	X	X	X	X	C	P
Manufacturing, concrete (including concrete batching plant)	X	X	X	X	C	P
Manufacturing, explosives	X	X	X	X	C	C
Manufacturing, food, not otherwise specified (excluding slaughtering and processing of animals)	X	X	X	X	C	P
Manufacturing, food (including slaughtering and processing of animals)	X	X	X	X	C	P
Manufacturing, furniture or related product	X	X	X	X	C	P
Manufacturing, ice	X	X	X	X	C	P
Manufacturing, leather or allied product	X	X	X	X	C	P
Manufacturing, machinery	X	X	X	X	C	P
Manufacturing, nonmetallic mineral products (including ceramics)	X	X	X	X	C	P
Manufacturing, paint, coating, or adhesive	X	X	X	X	C	P
Manufacturing, petroleum and coal products (including asphalt plant)	X	X	X	X	C	P
Manufacturing, pharmaceuticals, medicines, and medical instruments	X	X	X	X	C	C
Manufacturing, plastic and rubber products	X	X	X	X	C	P
Manufacturing, primary metal or fabricated metal product	X	X	X	X	C	P
Manufacturing, signs	X	X	X	P	P	P
Manufacturing, textiles and textile products, including textile mill	X	X	X	X	C	P
Manufacturing, transportation equipment (automobiles, boats, trucks, trailers, etc.)	X	X	X	X	C	P
Manufacturing, wood products (excluding pulp paper, and paperboard mill)	X	X	X	X	C	P
UTILITY, TEMPORARY AND OTHER USES	**OCR**	**CBD**	**C-1**	**C-2**	**M-1**	**M-2**
Aircraft landing area (excludes helicopter pads)	X	X	X	X	C	C
Ambulance service	X	X	X	P	P	P
Animal shelter (quasi-public or private)	X	X	X	P	P	P
Conservation area	P	P	P	P	P	P
Small wireless facility	P	P	P	P	P	P

Power plant, private	X	X	X	X	C	C
UTILITY, TEMPORARY AND OTHER USES (continued)	**OCR**	**CBD**	**C-1**	**C-2**	**M-1**	**M-2**
Temporary use or structure approved by the zoning administrator	P	P	P	P	P	P
Utility substation	P	P	P	P	P	P
Wireless telecommunication facility or equipment (cell tower, antenna, installation) (excluding small wireless facilities)	X	X	X	C	C	P
AGRICULTURAL USES						
Animal quarters (for livestock)	X	X	X	X	X	X
Backyard chickens	X	X	X	X	X	X
Crop production	P	P	P	P	P	P
Forestry	P	P	P	P	P	P
Riding stable	X	X	X	P	P	X
Timber harvesting	P	P	P	P	P	P

(Amended 01/16/2024, 09/16/2024, 06/15/2026)

Table 2-2B
Dimensional Requirements for
Commercial and Industrial Zoning Districts

DIMENSIONAL REQUIREMENT	OCR	CBD	C-1	C-2	M-1	M-2
LOT SIZE, DENSITY, LOT WIDTH AND COVERAGE REQUIREMENTS						
Minimum lot size (sq. ft.) / (acres)	10,890 (0.25 acre)	None	21,780 (0.5 acre)	21,780 (0.5 acre)	43,560 (1 acre)	43,560 (1 acre)
Minimum lot area per dwelling (sq. ft.)	10,890	None	NP	NP	NP	NP
Minimum lot width (ft.)	100	None	100	100	100	200
Maximum building coverage (%)	40	None	50	60	80	80
BUILDING HEIGHT AND AREA REQUIREMENTS						
Maximum building height (# of stories)	4	5	2	4	2	4
Maximum building height (ft.)	50	60	40	50	60	100
Minimum heated floor area per dwelling unit (sq. ft.)	1,800	NP	NP	NP	NP	NP
PRINCIPAL BUILDING SETBACKS/YARD REQUIREMENTS (MINIMUM)						
Front (ft.)	35	None	35	35	35	50
Side (ft.)	10	None	10	10	10	50
Rear (ft.)	20	None	20	20	20	50
ACCESSORY BUILDING SETBACKS/YARD REQUIREMENTS (MINIMUM)						
Side (ft.)	5	None	10	10	10	25
Rear (ft.)	5	None	10	10	10	25
LANDSCAPING REQUIREMENTS (MINIMUM) (NON-SINGLE-FAMILY RESIDENTIAL USE ONLY)						
Minimum landscaped open space (%)	15	None	15	15	15	15
Natural buffer when abutting a residential district	10	None	15	30	50	75

N/A = Not Applicable NP = Not Permitted

Sec. 2-216. PUD, Planned Unit Development District.

(a) **Purpose and intent.** The Planned Unit Development zoning district is intended to implement the master planned; mixed use character area described in the comprehensive plan. It may also be appropriate in other locations. A public water supply and sanitary sewer are typically available to serve this district. This district is also established to serve the following purposes:

1. Allow and encourage more unique, flexible, creative, and imaginative arrangements and mixes of land uses in site planning and development than are permitted through conventional land use requirements.

2. Encourage a broader mix of residential housing types, including detached and attached dwellings, than would normally be constructed in conventional subdivisions, and encourage the mixture of compatible residential with non-residential uses in the same development.

3. Allow and encourage the development of tracts of land as single developments that are planned neighborhoods or communities, including civic and semi-public uses (e.g., schools, playgrounds, meeting halls, etc.) that help to make up a community.

4. Preserve the natural amenities of the land through maintenance of conservation areas and open spaces within developments and provide for more usable and suitably located recreational facilities, open spaces and scenic areas, either commonly or publicly owned, than would otherwise be provided under a conventional zoning district.

5. Provide for the more efficient use of land through clustering and other flexible, innovative development arrangements that will result in smaller networks of utilities and streets and thereby lower development and housing costs.

6. Provide development with greater benefits to the city than a development developed under a conventional zoning district.

7. Ensure that the design of building forms is interrelated and architecturally harmonious.

(b) **Permitted and conditional uses.** Permitted uses shall be as proposed by an applicant for rezoning to PUD and shall be limited to those uses approved by Commerce City Council. For any land zoned PUD at the time of adoption of this ordinance, permitted uses shall be those specifically proposed in the application for PUD rezoning as approved by the Commerce City Council; where no such specificity of permitted land uses is evident in an approved PUD rezoning application, uses shall be limited to those permitted in the C-1 zoning district.

(c) **Minimum land area.** Rezoning to the PUD zoning district shall require a minimum of 20 acres. An PUD rezoning that adds land area to an existing PUD zoning district shall not be required to be 20 acres.

(d) **Minimum open space required.** A minimum of 20 percent of the total site area of the district development shall be open space, greenspace, passive recreation, community recreation, or pervious landscaped areas or combination thereof. No more than one-half of open waterway and delineated wetlands shall count as the minimum required open space. Rights-of-way for streets, drainage or utility easements, and detention ponds shall be excluded from land considered for open space.

(e) **Dimensional requirements.** Lot sizes, setbacks and yards, building coverage, building heights, and other dimensional requirements shall be proposed by an applicant for rezoning to PUD and as may be approved by the Commerce City Council. Standards proposed by the developer are legally binding on the development if approved, unless otherwise specified by the Commerce City Council. For any land zoned PUD at the time of adoption of this ordinance, dimensional requirements shall be those specifically proposed in the application for PUD rezoning as approved by the Commerce City Council; where no such specificity of dimensional requirements is evident in an approved PUD rezoning application, the dimensional requirements of the C-1 zoning district, shall apply.

(f) **Improvement Requirements.** Right of ways, roads, utilities, and other improvements of the PUD shall meet adopted construction specifications and standards of the city unless otherwise specifically approved by the City Council.

(g) **Application requirements.** In addition to the requirements for filing an amendment to the official zoning map as specified in this UDC, an application for PUD zoning district shall include the following:

1. **Community Benefit Statement.** The applicant shall submit a written statement identifying the relative benefits that will accrue to the community as a result of the property being developed under PUD provisions. Specific mention should be made of the development's consistency with the City of Commerce's comprehensive plan and other adopted local or regional plans, the development's consistency with accepted principles of land planning, the mix of uses included, open spaces provided, natural features retained, and architectural designs to be provided. This statement is a developer's opportunity to define why the PUD proposal merits approval and how it will serve the community better than a conventional development.

2. **Development Plan.** Applications shall include a development plan, which unless specifically stated otherwise shall be a condition of PUD zoning approval and must be followed.

3. **Land Uses and development summary.** The application shall include a list of all land uses proposed to be included in the PUD, the total land area devoted to each of

the land uses proposed, the percentage of the total land area within the PUD devoted to each proposed land use, the number of residential units by type and density, and the total square footage of buildings devoted to non-residential uses. In addition, the application shall contain a development schedule indicating the approximate dates for beginning and completing the project, or each phase if the development is to be phased, and the extent of development and types of land uses in each phase.

4. **Dimensional Requirements.** The application shall contain all minimum dimensional requirements that are proposed to apply within the PUD, including minimum lot sizes, minimum lot widths, maximum building coverage, front, side and rear yards and building setbacks, and maximum building heights. Such proposed dimensional requirements shall be presented in a table on the development plan or in the written text accompanying the application.

5. **Improvement requirements comparison.** The application shall contain descriptions of improvements to be constructed within the PUD, such as but not limited to street types, right-of-way widths, pavement widths, sidewalk locations and dimensions, and other improvements. Such proposed improvements shall be presented in a table on the development plan or in the written text accompanying the application that shows the proposed improvements in comparison with improvements that would be required otherwise without approval of a PUD.

6. **Architectural elevations.** Applications shall include perspective front elevation drawings of representative building types. These drawings shall indicate general architectural characteristics. If the PUD is approved, architectural elevations submitted as part of the application shall be considered binding unless specifically noted otherwise in the approval.

(h) **Revisions after initial approval.** Amendments to approved PUD zoning districts shall be permitted but governed by the procedures and provisions for changing the official zoning map as specified in this UDC.

DIVISION III

USE DEFINITIONS

A

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

Adult entertainment: Any establishment that includes but is not necessarily limited to retail sales of adult items, adult bookstores, adult video stores, adult motion picture theaters, and adult motion picture arcades.

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

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

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

Amphitheater: An oval or circular structure having tiers of seats for spectators rising gradually outward from and with a view of a central open space or performance area.

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

Animal processing and slaughtering: An establishment primarily engaged in slaughtering animals, preparing processed meats and meat byproducts and/or rendering and/or refining animal fat, bones, and meat scraps. This industry includes establishments primarily engaged in assembly, cutting and packing of meats (i.e., boxed meats) from purchased carcasses. Includes poultry processing.

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

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

Antenna: Any device or combination of devices, whether rods, panels or dishes, designed to receive and/or transmit radio frequency signals including but not limited to broadcast radio and television, satellite television, wireless cable, amateur radio, Citizen's Band radio, land mobile communications, personal wireless services, and fixed wireless signals.

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

Appliance repair: An establishment primarily engaged in repairing and servicing household appliances without retailing new appliances, such as refrigerators, stoves, refrigerators, washing machines, clothes dryers, room air-conditioners or other domestic or commercial equipment. Household-type appliance repair services without retailing new appliances.

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

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

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

Auction house or auction yard: Any building, structure, enclosure, or place where goods or livestock are sold by auction (i.e., through bid in competition with others).

Authority pole: A pole owned, managed, or operated by or on behalf of an authority. Such term shall not include poles, support structures, electric transmission structures, or equipment of any type owned by an electric supplier. An authority means any county, consolidated government, or

municipality or any agency, district, subdivision, or instrumentality thereof. The term "authority" shall not include a non-governmental electric supplier.

Automated teller machine: A mechanized consumer device that is operated by a customer and which performs banking and financial functions. An automated teller machine is an accessory use. This use is also referred to in state law as a "remote service terminal."

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

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

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

B

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

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

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

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

Boarding house: A building, house, or portion thereof, where persons reside and meals are provided for multiple persons, who are not members of the operator's family.

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

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

Brewery: An industrial use that brews ales, beers, or similar beverages on site. An establishment primarily engaged in brewing beer, ale, lager, malt liquors, and nonalcoholic beer. This definition excludes micro-breweries.

Broadcast tower: Any structure designed and constructed primarily for the support of one or more antennae and including guyed, self-support (lattice) and monopole types.

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

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

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

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

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

Business services, accessory: One or more accessory operations that provide incidental services to individuals patronizing a principal use commercial establishment such as hotels and other lodging, convention centers, and the like. Such uses may, depending on the principal use, include financial transaction processing, concession operations, check room services, comfort station and rest room operators, concierge services, or other similar service arrangers. Such accessory services may also include automated teller machines, newsstands, gift, novelty, and souvenir shops, coin-operated blood pressure check machines, vending machines, photograph booths, and lockers for short-term rental.

C

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

Car wash: The use of a site for washing and cleaning of passenger vehicles, other vehicles, or other light duty equipment. Car washes consist of self-service, staffed, or mechanically automated facilities. A car wash may be operated as a principal use or accessory to another use or building.

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

Carport: A roofed, accessory building or structure, not necessarily fully enclosed on the sides and usually open on two or more sides, for the shade and shelter of private passenger vehicles or other motorized or non-motorized equipment such as tractors and boats.

Caterer: An establishment that serves and supplies food to be consumed off-premises.

Cemetery: The use of property as a burial place.

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

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

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

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

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

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

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

Collocate or collocation: To install, mount, modify, or replace a small wireless facility on or adjacent to a pole, decorative pole, or support structure. In the context of telecommunication towers, to install or mount an additional antenna.

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

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

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

private club that is built as part of an approved single-family residential subdivision is not considered to be an outdoor commercial recreational facility.

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

Communications facility: The set of equipment and network components, including wires and cables and associated equipment and network components, used by a communications service provider to provide communications services.

Communications service provider: A provider of communications services.

Communications services: Cable service as defined in 47 U.S.C. Section 522(6); telecommunications service as defined in 47 U.S.C. Section 153(53); information service as defined in 47 U.S.C. Section 153(24), as each such term existed on January 1, 2019; or wireless services.

Community donation center: A building or structure owned or leased by a charitable, nonprofit organization which collects donated items such as clothing, food, furniture, house wares, small electrical appliances, toys and other small household items for distribution to needy persons, and where the exchange of goods does not involve payment for such goods.

Community recreation: A private recreational facility for use solely by the residents and guests of a particular (usually residential) development, including indoor facilities such as community meeting rooms and outdoor facilities such as swimming pools, tennis courts, and playgrounds. These facilities are usually proposed, planned, and provided in association with a development and are usually located within the boundaries of such development.

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

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

Conservation area: Any land set aside for conservation of the land in its natural state.

Construction field office: An industrialized building used as an office in conjunction with a project while it is being constructed. A construction field office is a temporary use.

Contractor's establishment: An establishment engaged in the provision of construction activities, including but not limited to, plumbing, electrical work, building, grading, paving, roofing, carpentry, and other such activities, including the storage of material and the overnight parking of commercial vehicles. An establishment primarily engaged in the construction of buildings or engineering projects (e.g., highways and utility systems), in the preparation of sites for new construction, and establishments primarily engaged in subdividing land for sale as building sites. Also, this definition includes landscaping companies, as defined herein.

Continuing care retirement community: A residential facility providing multiple, comprehensive services to older adults. Such facility normally contains a combination of independent living units, assisted living, and skilled nursing care units as defined herein. An establishment primarily engaged in providing residential and personal care services for (1) the elderly and other persons who are unable to fully care for themselves and/or (2) the elderly and other persons who do not desire to live independently. The care typically includes room, board, supervision, and assistance in daily living, such as housekeeping services. In some instances, these establishments provide skilled nursing care for residents in separate on-site facilities.

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

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

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

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

Convenience store: A retail store, usually with a floor area no more than 5,000 square feet and often approximately 2,500 to 3,000 square feet, which sells convenience goods, including, but not limited to prepackaged food items, alcohol, tobacco, lottery and a limited line of groceries. Convenience stores may or may not sell gasoline, diesel, and kerosene but do not include automotive services. (Amended 09/16/2024)

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

Crop production: The growing of crops mainly for food and fiber, including plowing, tilling, cropping, utilization of best management practices, seeding, cultivating or harvesting for production of food or fiber products (except commercial forestry and logging), sod production, orchards, Christmas tree farms, and nurseries (noncommercial). This term specifically includes horticulture, or the growing of fruits, vegetables, herbs, flowers and other plants. This term also includes aquaculture, or the cultivation of aquatic plants but not including animal production.

Custom order shop: A business establishment that offers merchandise, but which maintains no inventory on the site other than display items.

D

Decorative pole: An authority pole that is specially designed and placed for aesthetic purposes.

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

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

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

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

Dry cleaning and laundry establishment: An establishment, usually less than 3,000 square feet of floor area, for the mechanical cleaning of garments, articles or goods of fabric for retail

customers. An establishment primarily engaged in operating coin-operated or similar self-service laundries and drycleaners; providing dry cleaning and laundry services (except coin-operated); and supplying, on a rental or contract basis, laundered items (e.g., uniforms, gowns, shop towels, etc.)

Dry cleaning plant: A building, portion of a building, or premises, usually more than 3,000 square feet of floor area. used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion or agitation, or by immersions only, in volatile solvents included, but not limited to, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto. A dry-cleaning plant may perform work on the premises for other dry cleaning and laundry services and serve retail customers.

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

Duplex: A two-family dwelling; a building designed or arranged to be occupied by two families or households living independently of each other and where both dwelling units are located on the same lot in fee-simple title.

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

Dwelling, attached for sale: A residential dwelling unit attached to other residential dwelling units which are to be purchased and occupied by an owner-occupant and cannot be rented to a non-occupant for more than six months within a twelve-month period.

Dwelling, single-family detached: A residential building, whether site-built or an industrialized building, designed for occupancy by one family or household. This definition does not include manufactured home, mobile home, house trailer, or recreational vehicle.

Dwelling unit: One or more rooms connected together and constituting a separate, independent housekeeping establishment with complete provisions for cooking, eating, sleeping, bathing and personal hygiene, and physically set apart from any other dwelling unit in the same structure, and serving one family or household only. This does not include units in hotels or other structures designed for transient residence.

E

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

F

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

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

Family: One or more related persons or 4 or less unrelated persons occupying a dwelling and living as a single housekeeping unit provided that all related persons are related by blood, marriage or adoption. All related persons are limited to the spouse, parents, grandparents, grandchildren, stepchildren, sons, daughters, brothers or sisters of the owner or the tenant or of the owner's or the tenant's spouse. Domestic servants employed on the premises may be housed on the premises without being counted as a family. The term "family" shall not be construed to mean fraternity, sorority, club, student center, group care homes, foster homes and is to be distinguished from persons occupying a boarding house, rooming house, hotel, or apartment unit as herein defined.

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

Farm equipment and implement sales: An establishment devoted to the sale of new or used farm equipment and related implements, but not including inoperable equipment stored outside a building.

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

Fence: An enclosure or barrier, composed of wood, masonry, stone, wire, iron, or other materials or combination of materials used as a boundary, means of protection, privacy screening, or confinement, including brick or concrete walls but not including hedges, shrubs, trees, or other natural growth. This does not include barbed wire and chain-link, which are separately defined.

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

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

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

Flea market: The use of land, structures or buildings for the sale of produce or goods, usually second-hand or cut-rate. A flea market is also defined in state law as follows: Flea market means any event (1) at which two or more persons offer personal property for sale or exchange; and (2) at which a fee is charged for the privilege of offering or displaying personal property for sale or exchange; or (3) at which a fee is charged to prospective buyers for admission to the area where personal property is offered or displayed for sale or exchange; or (4) regardless of the number of persons offering or displaying personal property or the absence of fees, at which used personal property is offered or displayed for sale or exchange if the event is held more than six times in any 12 month period. The term “flea market” is interchangeable with and applicable to “swap meet,” “indoor swap meet,” or other similar terms regardless of whether these events are held inside a building or outside in the open. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular course of business. The term “flea market” shall not mean and shall not apply to (1) an event which is organized for the exclusive benefit of any community chest, fund, foundation, association, or corporation organized and operated for religious, educational, or charitable purposes, provided that no part of any admission fee or parking fee charged vendors or prospective purchasers or the gross receipts or net earnings from the sale or exchange of personal property, whether in the form of a percent of the receipts or earnings, as salary, or otherwise, inures to the benefit of any private shareholder or person participating in the organization or conduct of the event; or (2) any event at which all of the personal property offered for sale or displayed is new, and all persons selling, exchanging, or offering or displaying personal property for sale or exchange are manufacturers or licensed retail or wholesale merchants (O.C.G.A. 10-1-360).

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

Food truck: A licensed, motorized vehicle or mobile food unit which is temporarily placed on a privately owned lot (or in authorized instances, on public property) where food items are sold to the general public. Preparing and selling meals and snacks for immediate consumption from motorized vehicles or nonmotorized carts, catering a route. A food truck upon its establishment on a property is by definition an accessory use.

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

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

Funeral home: A building used for human funeral services. Such building contains a chapel and may include space and facilities for embalming and the performance of other services used in the preparation of the dead for burial or cremation, the performance of autopsies and other surgical procedures, the indoor storage of caskets, funeral urns, and other related funeral supplies, and/or the indoor storage of funeral vehicles. An establishment primarily engaged in preparing the dead for burial or interment and conducting funerals (i.e., providing facilities for wakes, arranging transportation for the dead, selling caskets and related merchandise). Funeral homes combined with crematories are included in this use. A funeral home may have a crematory as an accessory use.

G

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

Gasoline station: An establishment that provides automobile fueling services, which may include limited sales of convenience items.

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

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

Group home: Any dwelling unit with unrelated persons living as a single housekeeping unit in a manner that does not meet the definition of a family. An establishment primarily engaged in providing residential care (but not licensed hospital care) to people with intellectual and developmental disabilities, mental illness, or substance abuse problems.

Guest house: An accessory use to a dwelling designed and intended for the temporary housing of visitors to a property at the behest of the property residents for no fee or other consideration.

H

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

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

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

Home occupation: Any activity carried out for profit by the resident and conducted as an accessory use in the resident’s dwelling unit.

Hookah bar or hookah lounge: Any facility, building, structure, or location where customers share tobacco or similar product from an individual or communal hookah placed throughout the establishment, and which may include retail sales. This is a vapor bar or vapor lounge for purposes of this UDC.

Hospital: An institution licensed by the state and providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity or other abnormal physical or mental conditions, and including as an integral part of the institution, such related facilities as laboratories, outpatient facilities, or training facilities.
Hotel: A commercial lodging service with one or more buildings devoted to the temporary shelter for the traveling public, and where entry to individual guest rooms is via a central lobby. A hotel is a lodging service for purposes of this UDC.

I

Incinerator: A facility with equipment that uses a thermal combustion process to destroy or alter the character or composition of medical waste, sludge, soil, or municipal solid waste, or animal or human remains.

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

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

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

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

Intermodal container: A six-sided container used for the storage and/or transportation of goods and designed for transport or capable of being transported by a variety of transportation modes, i.e., on semi-trailer beds, rail cars, or ships.

J

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

K

Kennel: Any facility used for the purpose of overnight commercial boarding or sale of domestic animals or pets such as dogs and cats, and any other customarily incidental treatment of the animals such as grooming, cleaning, selling of pet supplies, or otherwise.

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

L

Landfill, construction and demolition: A disposal facility accepting waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings, and other structures. Such wastes include, but are not limited to, asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material and other inert wastes which have a low potential for groundwater contamination. (Reference: NAICS 56221)

Landfill, inert waste: A disposal facility accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and

earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves, and specifically excluding industrial and demolition waste. (Reference: NAICS 56221)

Landfill, sanitary: The burial of nonhazardous waste where such waste is covered on a daily basis, as distinguished from a construction and demolition landfill. (Reference: NAICS 56221)

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

Laundromat: A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

Livestock: Cattle, horses, pigs, sheep, goats, llamas, emus, ostriches, donkeys, and mules, goats, sheep, chickens, ducks, geese, and other fowl, rabbits, minks, foxes and other fur or hide-bearing animals customarily bred or raised in captivity, whether owned or kept for pleasure, utility, or sale.

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

Lodging service: A facility that offers temporary (15 days or less in one room) shelter accommodations, or place for such shelter, open to the public for a fee, including “hotel,” “motel,” and single-room occupancy. “Bed and breakfast inn” is defined separately and is not considered a lodging service for purposes of this definition. An establishment that provides lodging or short-term accommodations for travelers, vacationers, and others.

Lumber yard: A facility where wood materials such as lumber, plywood, panels or other wood products are processed and sold for retail sale or wholesale. Such use may involve performing millwork, planing, cutting, and/or other customizing processes.

M

Manufactured home: A dwelling fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401, *et seq*.),

which first became effective on June 15, 1976. The term "manufactured home" includes a structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term includes any structure which meets all the requirements of this definition except the size requirement and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401, *et seq*.

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

Manufactured home sales lot: A premises on which manufactured homes are displayed for sale. An establishment primarily engaged in the merchant wholesale distribution of manufactured homes and/or prefabricated buildings.

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

Manufacturing, apparel: An establishment that cuts and sews (i.e., purchasing fabric and cutting and sewing to make a garment) or that manufactures garments in establishments that first knit fabric and then cut and sew the fabric into a garment.

Manufacturing, beverage and tobacco product: An establishment that manufactures nonalcoholic beverages, alcoholic beverages through the fermentation process and processes that produce distilled alcoholic beverages. Excludes ice manufacturing, which is not a beverage.

Manufacturing, bread and bakery products: An establishment primarily engaged in manufacturing fresh and frozen bread and other bakery products, frozen cakes, pies and doughnuts. Includes retail and commercial bakeries.

Manufacturing, chemical: An establishment that transforms organic and inorganic raw materials by a chemical process and formulates products.

Manufacturing, computer and electronic product: An establishment that manufactures computers, computer peripherals, communications equipment, or similar electronic products, and any establishment that manufactures components for such products. Processes may involve design and use of integrated circuits and the application of highly specialized miniaturization technologies. Also, an establishment that manufactures products that generate, distribute and use electrical power, such as electric lamp bulbs, lighting fixtures, electrical appliances, electric

motors, generators, transformers, and switchgear apparatus, as well as devices for storing electrical power (e.g., batteries), for transmitting electricity (e.g., insulated wire), and wiring devices (e.g., electrical outlets, fuse boxes, and light switches).
Manufacturing, concrete: An establishment primarily engaged in manufacturing portland, natural, masonry, pozzolanic, and other hydraulic cements; or manufacturing concrete delivered to a purchaser in a plastic and unhardened state; or manufacturing concrete pipe, brick, and block. Includes concrete batch or mixing plants.

Manufacturing, explosives: An establishment primarily engaged in manufacturing explosives

Manufacturing, food: An establishment primarily engaged in transforming livestock or agricultural products into products for intermediate or final consumption, where raw materials (generally of animal or vegetable origin) are processed into food products. Includes animal food, dog and cat food, grain and oilseed milling, rice milling, malt manufacturing, fat and oil refining and blending, breakfast cereal manufacturing, sugar and confectionary product manufacturing, chocolate and confectionary manufacturing, frozen food manufacturing, fruit and vegetable canning, pickling and drying, dried and dehydrated food manufacturing, dairy product manufacturing. Does not include animal processing and slaughtering.

Manufacturing, furniture or related products: An establishment primarily engaged in making furniture and related articles, such as mattresses, window blinds, cabinets, and fixtures. Furniture may be made of any material, but the most common ones used in North America are metal and wood. The processes used in the manufacture of furniture include the cutting, bending, molding, laminating, and assembly of such materials as wood, metal, glass, plastics, and rattan. Furniture may be made on a stock or custom basis and may be shipped assembled or unassembled (i.e., knockdown). The manufacture of furniture parts and frames is included.

Manufacturing, glass and glass products: An establishment primarily engaged in manufacturing glass and/or glass products. Establishments in this industry may manufacture glass and/or glass products by melting silica sand or cullet, or from purchased glass. Includes the manufacturing of glass containers. See also “manufacturing, nonmetallic mineral products.”

Manufacturing, ice: An establishment primarily engaged in manufacturing ice.

Manufacturing, leather and allied products: An establishment primarily engaged in transforming hides into leather by tanning or curing and fabricating the leather into products for final consumption. Includes footwear manufacturing, including from “leather substitutes” products such as rubber, plastics, or textiles.

Manufacturing, machinery: An industry that creates end products that apply mechanical force, for example, the application of gears and levers, to perform work. Some important processes for the manufacture of machinery are forging, stamping, bending, forming, and machining that are used to shape individual pieces of metal. Processes, such as welding and assembling are used to join separate parts together. Although these processes are similar to those used in metal fabricating establishments, machinery manufacturing is different because it typically employs multiple metal

forming processes in manufacturing the various parts of the machine. Moreover, complex assembly operations are an inherent part of the production process.

Manufacturing, nonmetallic mineral products: An establishment primarily engaged in transforming mined or quarried nonmetallic minerals, such as sand, gravel, stone, clay, and refractory materials, into products for intermediate or final consumption. Processes used include grinding, mixing, cutting, shaping, and honing. Heat often is used in the process and chemicals are frequently mixed to change the composition, purity, and chemical properties for the intended product. Includes glass manufacturers. Does not include the mining of nonmetallic minerals. Does not include concrete manufacturing.

Manufacturing, paint, coating, or adhesive: An establishment primarily engaged in one or more of the following: (1) mixing pigments, solvents, and binders into paints and other coatings; (2) manufacturing allied paint products; and (3) manufacturing adhesives, glues, and caulking compounds. Includes the manufacture of stains, varnishes, lacquers, enamels, shellacs, and water-repellent coatings for concrete and masonry, putties, paint and varnish removers, paint brush cleaners, and frit.

Manufacturing, petroleum and coal products: An establishment primarily engaged in the transformation of crude petroleum and coal into usable products. The dominant process is petroleum refining that involves the separation of crude petroleum into component products through such techniques as cracking and distillation. Includes establishments that primarily further process refined petroleum and coal products and produce products, such as asphalt coatings and petroleum lubricating oils. Includes the manufacturing of asphalt and tar paving mixtures and blocks and roofing cements and coatings from purchased asphaltic materials.

Manufacturing, primary metal or fabricated metal products: An establishment that smelts and/or refines ferrous and nonferrous metals from ore, pig or scrap, using electrometallurgical and other process metallurgical techniques. Establishments may also manufacture metal alloys and superalloys by introducing other chemical elements to pure metals. The output of smelting and refining, usually in ingot form, is used in rolling, drawing, and extruding operations to make sheet, strip, bar, rod, or wire, and in molten form to make castings and other basic metal products. Includes iron, steel, copper and aluminum products manufacturing. Includes fabricated metal product manufacturing, including transforming metal into intermediate or end products, other than machinery, computers and electronics, or treat metals and metal formed products fabricated elsewhere. Important fabricated metal processes are forging, stamping, bending, forming, and machining, used to shape individual pieces of metal; and other processes, such as welding and assembling, used to join separate parts together.

Manufacturing, pharmaceuticals, medicines, and medical equipment: An establishment primarily engaged in manufacturing medical equipment and supplies. Examples of products made by these establishments are surgical and medical instruments, surgical appliances and supplies, dental equipment and supplies, orthodontic goods, ophthalmic goods, dentures, and orthodontic appliances. Also, an establishment primarily engaged in one or more of the following: (1) manufacturing biological and medicinal products; (2) processing (i.e., grading, grinding, and milling) botanical drugs and herbs; (3) isolating active medicinal principals from botanical drugs

and herbs; and (4) manufacturing pharmaceutical products intended for internal and external consumption in such forms as ampoules, tablets, capsules, vials, ointments, powders, solutions, and suspensions.
Manufacturing, plastic and rubber products: An establishment that primarily makes goods by processing plastics materials and raw rubber. The core technology employed by establishments in this subsector is that of plastics or rubber product production. Plastics and rubber are combined because plastics are increasingly being used as a substitute for rubber; however, individual industries typically produce products made of just one material, either solely plastics or rubber. Includes manufacture of plastic film and sheets, plastic bags, plastic pipes pipe fittings and plastic plumbing fixtures, polystyrene foam products, urethane and other foam products, and plastic bottles. Also includes an establishment primarily engaged in processing natural, synthetic, or reclaimed rubber materials into intermediate or final products using processes, such as vulcanizing, cementing, molding, extruding, and lathe-cutting, including manufacturing of tires, plastic hoses and belts.

Manufacturing, signs: An establishment primarily engaged in manufacturing signs and related displays of all materials (except printing paper and paperboard signs, notices, displays).

Manufacturing, textiles or textile products: An establishment that transforms a basic fiber (natural or synthetic) into a product, such as yarn or fabric that is further manufactured into usable items, such as apparel, sheets, towels, and textile bags for individual or industrial consumption. The main processes in this subsector include preparation and spinning of fiber, knitting or weaving of fabric, and the finishing of the textile. Also, establishments that make textile products (except apparel) which include with a few exceptions, cut and sew processes to make nonapparel textile products, such as sheets and towels. Excluded from this definition are establishments that weave or knit fabric and make garments (apparel manufacturing).

Manufacturing, transportation equipment: An establishment primarily engaged in producing equipment and machinery for transporting people and goods. Includes motor vehicle, truck trailer, motor home, travel trailer and camper manufacturing and motor vehicle parts.

Manufacturing, wood products: An establishment that manufactures wood products, such as lumber, plywood, veneers, wood containers, wood flooring, wood trusses, manufactured homes (i.e., mobile homes), and prefabricated wood buildings. Production processes include sawing, planing, shaping, laminating, and assembling wood products starting from logs that are cut into bolts, or lumber that then may be further cut, or shaped by lathes or other shaping tools. The lumber or other transformed wood shapes may also be subsequently planed or smoothed, and assembled into finished products, such as wood containers. Includes sawmills and wood preservation. Excludes pulp, paper, and paperboard mills.

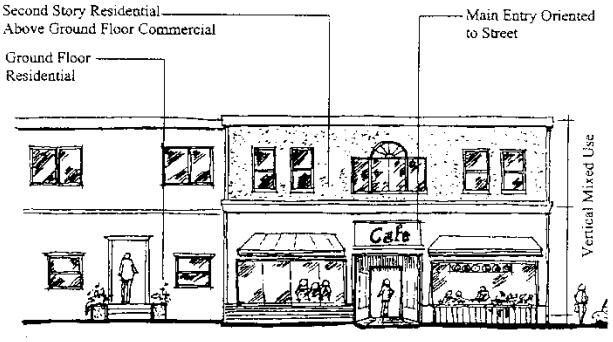
Micro-brewery: A facility for the production and packaging of malt beverages for distribution, retail or wholesale, on or off the premises, and which has a capacity of no more than 15,000 barrels per year. The development may include other uses such as a restaurant, bar or live entertainment, indoor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

Micro wireless facility: A small wireless facility not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height that has an exterior antenna, if any, no longer than 11 inches.

Mining: All or any part of the process involved in the mining of aggregates and/or minerals by removing overburden and mining directly from the mineral deposits, open pit mining or minerals naturally exposed, mining by auger methods, dredging, and quarrying, underground mining, and surface work incidental to such activities. See also the term, "resource extraction."

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

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



Mobile home: A dwelling manufactured prior to June 15, 1976, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

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

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

Museum: A building having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of natural, scientific, literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be

viewed by members of the public with or without an admission fee, and which may include as an accessory use the sale of snacks and goods to the public as gifts or for their own use.

N

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

O

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

Office, medical: An office for a physician, dentist, medical specialist, chiropractor, and similar medical professionals and which may include outpatient and laboratory facilities as accessory uses.

Office/warehouse: A building that combines office and warehouse or storage functions, where the majority of the area of the building is devoted to warehouse or storage functions (office use does not exceed 20 percent of the gross floor area), and which does not involve retail sales.

Open air business: Any commercial establishment with the principal use of displaying products in an area exposed to open air, including but not limited to rock yards, nurseries and garden centers and garden supply stores, statuaries and monument sales establishments, and tank sales. A produce stand as defined is not considered an open-air business. A flea market is defined separately from open air business.

P

Parking lot: Any public or private area at grade used for the express purpose of temporarily parking automobiles and other vehicles otherwise in operation for personal or business use.

Parking lot, off-site: A parcel of land or portion thereof principally used for the parking or storage of operable passenger motor vehicles whether or not a fee is paid for parking, not located on the same site as the destination of the motor vehicle operator. An off-site parking lot does not include or authorize the parking of vehicles with 3 or more axles, recreational vehicles, or semi-trailers.

Parking lot for trucks, off-site: A parcel of land or portion thereof principally used for the parking or storage of operable passenger motor vehicles whether or not a fee is paid for parking,

not located on the same site as the destination of the motor vehicle operator. An off-site parking lot for trucks may include and authorizes the parking of vehicles with 3 or more axles and semi-trailers.

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

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

Pawn shop: Any business wherein a well-defined part thereof is to take or receive, by way of pledge or pawn through bailment, any goods, wares, merchandise, or any kind of personal property whatever, as security for any debt or engagement, redeemable upon certain terms and with the express or implied power of sale on default.

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

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

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

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

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

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

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

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

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

Pet, household domesticated: Any domesticated animal other than livestock or wild animals, which is kept for pleasure and not sale, which is an animal of a species customarily bred and raised to live in the habitat of residential dwellings or on the premises thereof and is dependent upon residents of the dwelling for food and shelter. Household domesticated pets include but are not limited to dogs, cats, rodents, common cage birds, aquarium-kept fish, and small amphibians and reptiles.

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

Photovoltaic (PV) system: A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, that generate electricity whenever light strikes them. Included in a PV system are the solar energy generation mechanisms (e.g., panels or other assemblies of solar electric cells), inverters (devices that convert direct current electricity produced by the system to usable alternating current), batteries and battery systems that store electrical energy from the PV system for future use, meters, and electric transmission wires and conduits that facilitate connections with users and/or the local power grid.

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

Pole: A vertical pole such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal, or other material that is lawfully located or to be located within a right of way, including without limitation a replacement pole and an authority pole. Such term shall not include a support structure, decorative pole, or electric transmission structure.

Power plant, private: A facility, distinguished from a public use, which converts one or more energy sources, including but not limited to water power, fossil fuels, nuclear power, or solar power, into electrical energy or steam, the primary function of which is the provision of electricity to the use on the site the facility is located, or off-site.

Produce stand: A use offering either farm-grown, prepared food products such as fruits, vegetables, canned foods, or similar agricultural products for sale on the premises within or without a temporary structure on the premises with no space for customers within the structure itself.

Pulp, paper or paperboard mill: An establishment primarily engaged in manufacturing pulp, paper, or paperboard.

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

R

Recovered materials: Those materials which have known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing. (Georgia Code Section 12-8-22)

Recovered materials processing facility: A facility engaged solely in the storage, processing, and resale or reuse of recovered materials. Such term shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste. (Georgia Code Section 12-8-22)

Recreational vehicle: A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle. This term includes motorized homes, motorized campers, pick-up campers, travel trailers, camping trailers, and tent trailers, among others.

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

vehicle utility connection assemblies to enable the camping unit to connect with water, sewage disposal, electric power, and/or other utilities and services.

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

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

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

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

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

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

Restaurant: Any establishment in which the principal business is the sale of foods and beverages to customers in a ready-to-consume state, and in which customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed, or customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building. This term includes taverns, bars, pubs, and sidewalk cafés.

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

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

Retreat center: A facility used for professional, educational, or religious conferences or seminars, and which may provide meals, lodging, and recreation for participants during the period of the retreat or program only. Housing is usually in lodges, sleeping cabins or other temporary quarters, not containing kitchens.

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

Riding stable: An establishment where horses or other animals that can be ridden by humans are kept for riding, either for private use or commercially for a fee.

S

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

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

School, private: An educational use for students in grades one through twelve or for only certain ranges of grades one through twelve, not operated by a city or county Board of Education, which has a curriculum at least equal to a public school with regard to the branches of learning and study required to be taught in the public schools of the state of Georgia; or an educational use not operated by the city or county Board of Education that offers or provides instruction to more than two students at a time in dance, singing, music, painting, sculpting, fine arts, or martial arts.

School, public: An educational use for students in grades one through twelve or for only certain ranges of grades one through twelve, operated by the city or county Board of Education.

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

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

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

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

Skilled nursing care facility: A facility which admits residents on medical referral; it maintains the services and facilities for skilled nursing care and has an agreement with a physician and dentist who will provide continuing supervision including emergencies; it complies with rules and regulations of the Georgia Department of Human Resources. The term "skilled nursing care" means the application of recognized nursing methods, procedures, and actions directed toward implementation of the physician's therapeutic and diagnostic plan, detection of changes in the human body's regulatory system, preservation of such body defenses, prevention of complications and emotional well-being. For purposes of this code, this use is an institutional residential living and care facility.

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

Small wireless facility: Radio transceivers; surface wave couplers; antennas; coaxial, fiber optic, or other cabling; power supply; backup batteries; and comparable and associated equipment, regardless of technological configuration, at a fixed location or fixed locations that enable communication or surface wave communication between user equipment and a communications network and that meet both of the following qualifications:

> (A) Each wireless provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and

(B) All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume, measured based upon the exterior dimensions of height by width by depth of any enclosure that may be used. The following types of associated ancillary equipment are not included in the calculation of the volume of all other wireless equipment associated with any such facility:

(i) Electric meters;
(ii) Concealment elements;
(iii) Telecommunications demarcation boxes;
(iv) Grounding equipment;
(v) Power transfer switches;
(vi) Cut-off switches; and
(vii) Vertical cable runs for connection of power and other services.

Such term shall not include a pole, decorative pole, or support structure on, under, or within which the equipment is located or collocated or to which the equipment is attached and shall not include any wireline backhaul facilities or coaxial, fiber optic, or other cabling that is between small wireless facilities, poles, decorative poles, or support structures or that is not otherwise immediately adjacent to or directly associated with a particular antenna.

Solar access easement: A recorded easement, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a solar energy system.

Solar array: A number of photovoltaic modules or panels that generate solar electricity, assembled or connected together to provide a single electrical output.

Solar array, tracking: A solar array that follows the path of the sun to optimize the amount of solar radiation received by the device. A tracking solar array may be ground mounted or building mounted.

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

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

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

Solar energy system, building mounted: A solar energy system, which may include solar thermal panels, solar hot water system panels, and photovoltaic panels, which are mounted to a building or structure, to provide energy primarily for on-site use. Building-mounted solar panels may be flush-mounted (i.e., flush to the surface of a building roof or building façade in a manner that the

panel cannot be angled or raised), or as one or more modules fixed to frames which can be tilted or automatically adjusted at an optimal angle for sun exposure. A mounted solar energy system is accessory to the building or structure.

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

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

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

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

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

Sports arena: An enclosed or enclosable building, often circular or oval-shaped, designed to showcase theater, musical performances, or sporting events, having tiers of seats for spectators rising gradually outward from and with a view of a central open space or performance area.

Stadium: A building, usually roofless, often circular or oval-shaped, with tiers of seats for spectators rising gradually outward from and with a view of a central open space or performance area, and which is used to showcase sporting events, musical performances, or other commercial recreation or leisure events.

Structure: Anything built, constructed or erected, or established or composed of parts joined together in some definite manner, the use of which requires location on the ground or which is attached to something having permanent location on the ground. For purposes of this UDC, buildings, towers, swimming pools, tennis courts, dog houses, and outdoor fenced animal runs are considered structures. Tents, vehicles, trailers, and play equipment attached to the ground in some permanent or temporary way shall be considered structures. A structure may or may not be easily moved from a given location on the ground.

T

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

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

Taxi-cab or limousine service: Any place used to dispatch motor vehicles with drivers for hire, which may include the maintenance of vehicles.

Taxidermist: A facility in which the art or operation of preparing, stuffing and mounting the skins of birds, animals or fish is conducted to maintain deceased animals for exhibition in a life-like state.

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

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

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

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

Truck stop: A commercial use of property on one parcel providing facilities for the refueling, maintenance and/or servicing of heavy trucks and which may include related service facilities for such vehicles and their drivers, including but not limited to dispensing of motor fuels and petroleum products directly into motor vehicles, restaurants, lodging, shower and laundry facilities, truck service, overnight truck parking and/or storage, and a parking area in association with the above services.

Truck terminal: A facility or premise for the receipt, transfer, short-term storage, and dispatching of goods transported by truck.

U

Use: The purpose for which land or a building or other structure is designed or arranged, or for which it is occupied.

Use, permitted: A use by right which is specifically authorized in a particular zoning district.

Use, conditional: A use that would not be appropriate generally or without restriction throughout the particular zoning district and is not automatically permitted by right within a zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, may be found to be compatible and approved by the Commerce City Council within a particular zoning district as provided in certain instances by this code. An approved conditional use runs with the property.

Utility company: A private business providing electricity, natural gas, telephone or other services under the regulation of Georgia Public Services Commission. This use includes equipment and vehicle storage.

Utility substation: A facility used for the transmission or distribution of services provided by a utility company, such as an electrical transformer station, telephone junction box, cable box, television box, or natural gas regulator station.

V

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

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

W

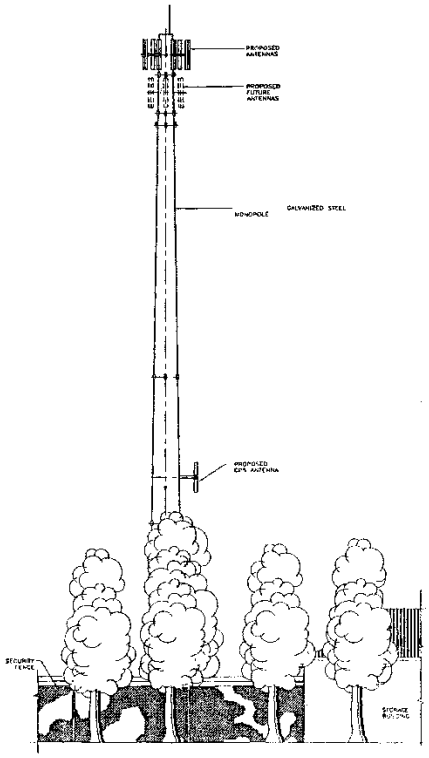
Warehouse: A use involving the storage of products, supplies, and equipment, and which typically involve truck transportation to and from the site. A mini-warehouse is defined as a different use (self-service storage facility).

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

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

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

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



Wireline backhaul facility: An aboveground or underground wireline facility used to transport communications data from a telecommunications demarcation box associated with small wireless facility to a network.

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

Y

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

ARTICLE 3

SPECIFIC USE REGULATIONS

Sec. 3-001. Accessory structure or use.
Sec. 3-002. Accessory dwelling unit.
Sec. 3-003. Aircraft landing area.
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Sec. 3-009. Auction, automobile.
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Sec. 3-016. Bed and breakfast inn.
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Sec. 3-025. Community donation center.
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Sec. 3-027. Condominium.
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Sec. 3-030. Crematory.
Sec. 3-031. Dam.
Sec. 3-032. Drive-through.
Sec. 3-033. Dumpster pad and enclosure.
Sec. 3-034. Dwelling, fee simple townhouse.
Sec. 3-035. Fallout shelter or underground bunker.
Sec. 3-036. Fence, wall, and/or screening.
Sec. 3-037. Flea market.
Sec. 3-038. Food truck or mobile food vendor.
Sec. 3-039. Gasoline fuel pumps, tanks, and storage.
Sec. 3-040. Gasoline service station.
Sec. 3-041. Golf course.
Sec. 3-042. Group home, or rooming or boarding house.

Sec. 3-043. Guest house.
Sec. 3-044. Home occupation.
Sec. 3-045. Hotel or motel.
Sec. 3-046. Incinerator.
Sec. 3-047. Institutional residential living and care facility.
Sec. 3-048. Intermodal container, temporary.
Sec. 3-049. Junk vehicle or material.
Sec. 3-050. Kennel or pet boarding facility.
Sec. 3-051. Manufactured home.
Sec. 3-052. Manufactured home park.
Sec. 3-053. Manufactured home sales lot.
Sec. 3-054. Manufacturing, fabrication or assembly as accessory use.
Sec. 3-055. Mining, quarrying or resource extraction.
Sec. 3-056. Mobile home.
Sec. 3-057. Model home or temporary sales facility.
Sec. 3-058. Outdoor display and retail sales of merchandise or goods.
Sec. 3-059. Outdoor storage.
Sec. 3-060. Outdoor storage, intermodal container.
Sec. 3-061. Recreation facility, private (community recreation).
Sec. 3-062. Recreational vehicle and equipment.
Sec. 3-063. Recreational vehicle park.
Sec. 3-064. Restaurants with outdoor dining.
Sec. 3-065. Retail or service as an accessory use.
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Sec. 3-080. Tow service.
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Sec. 3-082. Vehicle for sale.
Sec. 3-083. Wireless telecommunications facilities and towers.
Sec. 3-084. Wrecked motor vehicle compound.
Sec. 3-085. Yard or garage sale.
Sec. 3-086. Data Processing and Housing/Data Centers

Unless otherwise noted, these standards are intended to be applied within all zoning districts where the particular uses are permitted (see Tables 2-1A and 2-1B), whether by right or through conditional use approval. All uses shall be required to comply with the provisions of this Article, to the extent they apply. Some uses may be subject to more than one section of this Article.

Sec. 3-001. Accessory structure or use.

(a) **Timing of establishment.** An accessory structure or accessory use shall not be established before a permitted, principal use or structure on the lot is established.

(b) **Height.** For accessory structures on residential lots, an accessory structure shall not exceed the height of the principal building, or 28 feet, whichever is less.

(c) **Size.** An accessory use or structure shall be subordinate in area, extent and purpose to the principal use or structure served.

(d) **Setback.** An accessory structure shall meet setbacks established for the zoning district in which it is located, in Tables 2-2A and 2-2B of this UDC.

(e) **Separation.** An accessory structure shall be separated from the principal building or structure by at least 10 feet.

(f) **Location.** An accessory structure or use shall be located on the same lot as the principal use for which it serves. An accessory building or use shall not be established on a vacant lot. An accessory use or structure shall not be permitted in any front yard, except as may specifically authorized otherwise by this UDC.

(g) **Use.** Except as may be specifically authorized in this code, an accessory structure shall not be occupied for a use that is not permitted in the zoning district in which the principal structure is located.

(h) **Permit and foundation.** Any accessory structure with an area of 150 square feet or more shall require a building permit and a certificate of occupancy and shall be secured to the ground with an appropriate foundation. Skirting with a barrier between the ground and the bottom of the structure shall be required.

Sec. 3-002. Accessory dwelling unit.

(a) **Purpose and intent.** Affordable housing and neighborhood stability are important public objectives in the city. Accessory dwellings are also known as “carriage houses,” “granny flats,” or “ECHO homes” (an acronym for “elder cottage housing opportunities”). This section allows accessory dwelling units to provide the opportunity to develop small dwellings designed, in particular, to meet the special housing needs of single persons and households. It is the intent of this section to ensure that the single-family character of the

property will be maintained, and that the accessory dwelling unit remains subordinate to the primary living quarters.

(b) **Zoning districts permitted.** See Table 2-1A and 2-1B of this UDC.

(c) **Permit and number.** Each accessory dwelling unit shall obtain a permit from the Zoning Administrator. There shall be no fee charged for the permit. Only one accessory dwelling unit may be permitted per lot.

(d) **Location.** An accessory dwelling unit shall only be located in the side or rear yard of a lot. If the accessory dwelling unit is non-extant and classified as new construction, it must be located behind the rear building line of the principal dwelling unit.

(e) **Entrance.** The entrance to an accessory dwelling unit shall be from a rear or side yard and shall not face the street to which the principal dwelling is oriented.

(f) **Setback.** An accessory dwelling unit shall meet the setbacks required by the zoning district in which the unit is located for accessory structures. If the accessory dwelling unit is part of the principal dwelling (i.e., attached), it shall be required to comply with principal building setbacks for the zoning district in which the unit is located.

(g) **Height.** The height of the accessory dwelling unit shall not exceed the height of the principal structure on the lot, or two stories, whichever is greater. This allows for a two-story garage (with apartment above) even if the principal dwelling is only one story in height.

(h) **Size.** An accessory dwelling unit shall not contain more than one (1) bedroom. The gross floor area of an accessory dwelling unit shall not exceed 1,000 gross heated square feet in area. The building footprint of such a unit is subject to the overall maximum building coverage for the zoning district in which it is located.

(i) **Design.** In order to maintain the architectural design, style, appearance, and character of the primary structure as a single-family residence, an accessory dwelling unit shall have a roof pitch, siding, and window proportions substantially similar to that of the principal dwelling unit, as approved by the Zoning Administrator.

(j) **Parking and driveway access.** One parking space, on an approved and permitted driveway or parking pad, shall be provided for the accessory dwelling unit, in addition to parking required for the principal dwelling. The driveway for the principal dwelling unit shall also serve the accessory dwelling unit.

(k) **Utilities.** All required utilities of the accessory dwelling unit shall be connected to the principal dwelling. Separate or secondary meters are prohibited. If the principal dwelling is served by an on-site sewage management system (septic tank), the accessory dwelling unit shall receive approval of the Jackson County Environmental Health Department with regard to the size and suitability of the on-site sewage management system (septic tank)

prior to permitting. If the principal dwelling is served by sewer, the accessory dwelling unit shall be connected to the sewer service line at a point before the connection of the lot to the city system.

(l) **Occupancy.** The property owner must occupy the principal dwelling unit as the owner's permanent residence. For purposes of this subsection, "property owner" means the title holder and/ or contract purchaser of the lot, and "owner occupancy" means that a property owner makes his/her permanent residence at the site, as evidenced by homestead exemption, voter registration, vehicle registration, or similar means.

(m) **Variations.** An applicant may propose, and the City Council may approve modifications to the strict provisions of this section in an individual case, upon application for and approval and issuance of a conditional use permit.

(n) **Subdivision.** The portion of the lot containing the accessory dwelling unit may not be subdivided from the primary residence.

(o) **Commercial Use.** The accessory dwelling unit shall not be used as a commercial space or for commercial purposes, including home occupations.

(p) **Rental or Lease.** The accessory dwelling unit may not be leased, rented, or sublet separately from the primary dwelling unit.

(r) **Occupancy.** An affidavit must be signed and submitted to the planning and zoning administrator affirming the occupant of the accessory dwelling unit. This shall be submitted on an annual basis by January 1st and resubmitted if the occupant changes during the year.

Sec. 3-003. Aircraft landing area.

(a) **Authority.** In addition to other sources of authority, local governments in Georgia are specifically authorized by O.C.G.A. § 6-3-20 to regulate airports and landing fields.

(b) **Reference to federal rules.** Aircraft landing areas shall be developed in accordance with any applicable regulations and guidelines of the Federal Aviation Administration (FAA) and any other agency of the federal government with jurisdiction, including but not limited to specifications for takeoff and landing area, approach zones, and safety barriers.

(c) **Environmental impact report.** An environmental impact report shall be submitted with an application for conditional use, addressing whether the use will have an adverse impact on the surrounding area and, whether the noise level will impact the surrounding area.

(d) **Noise abatement.** If sound levels are anticipated to exceed acceptable thresholds at residential zoning boundaries, noise abatement plans may be required as part of an

application for conditional use and shall be subject to the approval of the city during the conditional use application process.

(e) **Additional conditions**. In approving an aircraft landing area, the City Council may provide that the approval is conditioned on measures or restrictions designed to mitigate any negative impacts of the use.

Sec. 3-004. Amateur ("Ham") radio tower.

(a) Amateur ("Ham") radio towers shall be located in a rear yard only.

(b) The height of the tower shall not exceed 100 feet.

Sec. 3-005. Animal shelter.

(a) **State license.** No animal shelter shall hereafter be established until or unless any license required by the Georgia Commissioner of Agriculture is issued and a copy of the license is provided to the Zoning Administrator prior to commencement of operations.

(b) **State rules.** Such use shall also comply with any rules adopted by the Georgia Commissioner of Agriculture pursuant to the Georgia Animal Protection Act, O.C.G.A. 4-11-14. (Additional Reference: Rules of Georgia Department of Agriculture, Animal Protection Division, Chapter 40-13-13 Animal Protection).

Sec. 3-006. Appliance repair or general merchandise repair.

(a) **Enclosure.** All repair activities shall take place entirely within an enclosed building.

(b) **Storage.** No outdoor storage of materials, equipment, or items being repaired shall be permitted.

Sec. 3-007. Asphalt or concrete plant.

Asphalt plants (petroleum-based manufacturing) or concrete plants (concrete manufacturing) shall comply with the following standards:

(a) **Minimum site area.** The minimum site area for establishment of an asphalt or concrete plant shall be 5 acres.

(b) **Federal and state law.** The use shall comply with all applicable federal and state laws, and a copy of any required federal or state permits shall be submitted to the Zoning Administrator prior to the commencement of operation.

(c) **Operation.** Hours of operation shall be limited to daylight hours, unless conditional use approval is applied for and approved by the City Council.

(d) **Setback.** A minimum 1,000 foot setback from any residential zoning district boundary or public school shall be required.

Sec. 3-008. Attendant's shelter.

(a) **Authorized.** Notwithstanding the requirement that accessory structures are prohibited in front yards of a lot, when a subdivision or establishment provides perimeter security via a fence or wall with a manned or automated/code controlled access gate, an attendant's shelter may be authorized to be constructed in a front yard by the Zoning Administrator.

(b) **Setback.** If authorized the attendant's shelter shall be placed no closer than 20 feet to the front property line.

Sec. 3-009. Auction, automobile.

(a) **Minimum site area.** The minimum site area for establishment of this use shall be 5 acres.

(b) **Vehicles.** All vehicles auctioned shall be in operating condition.

(c) **Surface improvement.** All driveways and automobile parking areas shall be paved.

(d) **Loading.** Adequate loading and unloading area shall be required as approved by the Zoning Administrator.

(e) **Repair.** Auto service is permitted, but only for vehicles sold to customers by the establishment and not to the general public.

(f) **Sales limitation.** Only businesses properly licensed as automobile dealers may sell automobiles from the premises. Businesses or persons not so licensed shall not be allowed to park or otherwise offer automobiles for sale on the premises.

Sec. 3-010. Automated teller machine.

(a) **Procedures for safety.** Operators of remote service terminals are required to adopt procedures for evaluating the safety of such terminals, including lighting, landscaping or obstructions, and incidence of crimes of violence (O.C.G.A. § 7-8-2).

(b) **Lighting.** Such facilities must meet lighting requirements including minimum 10 candlefoot power at the face of the terminal and 2 candlefoot power within certain distances from the face of the remote service terminal as specified by O.C.G.A. § 7-8-3.

Sec. 3-011. Automobile or other vehicle repair or paint.

Automobile or other vehicle repair or paint facilities, whether a principal use or accessory to any other permitted use, shall meet the following requirements:

(a) **Storage of equipment and parts.** All equipment and vehicle parts shall be stored within a fully enclosed building or structure.

(b) **Operation.** All repair or paint work shall be conducted within a fully enclosed building or structure.

(c) **Service bays.** Service bays with overhead doors shall not be located on the front façade of a building unless provisions are made for screening them from view from the front property line as approved by the Zoning Administrator.

(d) **Vehicle storage.** Vehicles approved for repair or paint shall be stored in a fully screened location in a side or rear yard of the lot, or within a building.

Sec. 3-012. Automobile or other vehicle sales, rental, or lease.

(a) **Minimum Lot Size.** The lot of record must be a minimum of one and one-half (1.5) acres in order to operate a motor vehicle sales lot. If repair center is on the same lot, the minimum lot size shall be two (2) acres.

(b) **Sales Required.** In order for there to be an automotive repair shop on the same property as a motor vehicle sales lot, the sales lot must offer new motor vehicles for sale.

(c) **Paved parking surfaces.** All motor vehicles for sale, lease, or rent shall be parked on an asphalt or concrete surface which shall be maintained in good condition and free of damage. In no event shall vehicles be parked on grass or unprepared surfaces.

(d) **Storage and inoperable vehicles.** No outside storage of parts or parking of non-operable vehicles or vehicles with body damage shall be permitted.

(e) **Service bays.** If the establishment provides for the servicing or repair of vehicles, service bays with overhead doors shall not be located on the front façade of a building unless provisions are made for screening them from view from the front property line as approved by the Zoning Administrator.

(f) **Unloading zone.** The establishment shall provide space on the lot devoted specifically and exclusively for automobile or other vehicle loading and unloading, as approved by the Zoning Administrator. It shall be unlawful to load or unload automobiles or other vehicles intended for sale, lease, rental, service, or repair at the facility within the right-of-way of any public street. It shall be unlawful to park cars within or otherwise encroach upon the designated and approved loading or unloading zone except for during loading and unloading operations.

(g) **Display of vehicles.** Automobiles or other vehicles for sale, rental or lease shall not be parked in landscaped areas of the lot or on any unpaved surface. One vehicle may be authorized to be elevated above the grade of the lot not to exceed 10 feet in height.

(h) **Lighting plan.** When abutting a residential zoning district, automobile and other vehicle sales, rental or leasing establishments shall require submittal to and approval by the Zoning Administrator of a photometric plan for lighting demonstrating compliance with the requirements of this UDC for outdoor lighting.

(i) **Site Plan.** The applicant shall submit to the city planning department written detailed site plans and landscaping plans for the property to be used including method proposed for improvement, drainage, parking and display areas, driveways for ingress and egress, signage and buildings to be built or existing buildings to be used in the operation of the business. Off-street parking spaces, site plans, landscaping and buffers, and signage shall be in accordance with the requirements for the applicable zoning district in which the property use is located.

(j) **Sales Office.** A sales or rental office shall be provided and shall meet all requirements of the current building code as adopted by the City of Commerce.

(k) **License.** If the facility provides an automotive repair shop, it must be separately licensed to do so, and all applicable requirements must be separately met.

(l) **Setback**. An off-street pavement setback from public thoroughfares shall be maintained for the safety of prospective buyers viewing displayed vehicles. The setback shall be a minimum of five feet from the parking lot pavement to the right-of-way or, on corner lots, five feet from the parking lot pavement to the right-of-way along both rights-of-way. Within this setback area, a landscaped strip of at least five feet wide, which shall not include a sidewalk or trail, shall be located between the vehicular parking area and the public right-of-way, except where driveways cross the property line. Notwithstanding the above, no vehicles may be displayed or parked on the public right-of-way.

(m) **Parking.** Required parking spaces for customers shall be designated separately from those areas used to display motor vehicles for sale. Other types of existing businesses requesting to operate a motor vehicle sales or rental lot shall not be permitted to utilize existing designated required parking spaces for that existing business for a motor vehicle sales or rental lot. Any existing business requesting license or zoning for a motor vehicle sales or rental lot shall meet all of the criteria described herein.

(n) **Turn-around.** An adequate turn-around area shall be provided so that vehicles shall not back out into traffic from the property.

(o) **Screening.** Disabled or damaged vehicles shall not be permitted to remain in an exterior location unless screened from public view. Screened areas shall only be allowed in areas to the rear of the principal structure of the business. Screening fences shall be provided on any property line that abuts any right-of-way and any adjoining property.

(p) **Change / Discontinuance.** Any change in business ownership or discontinuance in the use of the property for the purpose of a motor vehicle sales or rental lot shall cancel the motor vehicle sales or rental lot occupational tax certificate and business license. To

become licensed as a motor vehicle sales or rental lot again, all of the necessary requirements and physical improvements described herein must be met. A site plan and landscape plan shall be submitted to ensure compliance.

(q) **Noise.** No loud or boisterous noises, including outdoor public-address systems, shall emanate from the business, either by persons congregating there or by the playing of recording instruments, radios, and/or television sets or other sound-producing equipment.

(r) **Enclosed Building Required.** All motor vehicle repairs shall take place inside an enclosed building. No motor vehicle repair work shall occur outside of an enclosed building.

Sec. 3-013. Automobile or other vehicle service or wash.

(a) **Storage and inoperable vehicles.** No outside storage of parts or outdoor parking of non-operable vehicles shall be permitted.

(b) **Service bays.** Service bays with overhead doors shall not be located on the front façade of a building unless provisions are made for screening them from view from the front property line as approved by the Zoning Administrator.

Sec. 3-014. Backyard chickens and fowl in residential zoning district.

Chickens shall be authorized to be raised as an accessory use to a dwelling only in residential zoning districts where permitted (see Table 2-1A), subject to compliance with the provisions of this section.

(a) **Prohibitions.** Roosters and crowing hens are prohibited. Peafowl, ratites, and turkeys are prohibited. No breeding of chickens shall occur on the property. No chicken shall be used or trained for the purpose of fighting for amusement, sport or financial gain. The sale of animal products including, but not limited to meat, eggs, and manure shall be prohibited. No slaughtering of any animal is permitted. Sale of poultry and eggs is prohibited.

(b) **Maximum number.** The number of hens on any residential lot shall be limited to 6.

(c) **Confinement.** Hens shall be confined by structure and fence. No free-range chickens are allowed. It is the sole responsibility of chicken keepers to ensure their chickens do not leave their property.

(d) **Enclosures.** All chickens shall be maintained in the rear yard only within a covered enclosure containing an area of not less than 2 square feet per chicken and adhere to all residential setback regulations. No enclosure may be located within 25 feet of any residential structure on a residential property. The enclosure shall be less than 12 feet in height and shall be impermeable to rodents, wild birds, predators, and dogs and cats. The enclosure shall provide adequate ventilation and shade, and a darkened area for hen sleeping. Enclosures shall be constructed of sturdy durable materials consisting of wood,

concrete, brick, metal, or composite materials. Prohibited materials include, but are not limited to, paper, plastic, plastic tarp, tires, pallets, garage doors, canvas, glass block, bottles, bamboo, discarded materials, or any other cast-off, secondhand, or other items not originally intended to be used for constructing or maintaining a structure.

(e) **Operation and maintenance.** Chickens must be provided with access to feed and clean water at all times. Enclosures and fences must be maintained, kept clean and sanitary and odor-free, and operated in a manner that will not disturb the use or enjoyment of neighboring residents due to noise, odor or other adverse impact. Droppings from chickens and dead chickens must be disposed of in a sanitary manner. Odors from chickens, chicken waste, or other chicken-related substances shall not be perceptible at the property boundaries.

(f) **Nuisance enforcement provisions.** If a property is found to have more than the allowable number of animals as specified in this section, or if the animals are not cared for or contained in the manner specified in this section, or the animals are creating a nuisance, or if there is any other violation of this section, the property owner or resident shall be issued a citation and be required to remove all of the animals or otherwise comply with the provisions of this section.

(g) **Penalties**. Failure to comply with any provision of this ordinance will result in a written notice of violation with a 30-day period for correction. Any person not in compliance after 30-days will receive a citation and $1000 fine.

Sec. 3-015. Bed and breakfast inn.

Bed and breakfast inns shall meet the following requirements:

(a) **Owner resident occupancy.** The owner of the inn must reside on the property.

(b) **Duration of stay.** The length of stay of any guest in the inn shall not exceed 14 consecutive days.

(c) **Exterior appearance.** If the use is established within a building originally designed as a single-family residence, the exterior appearance of the building shall not be altered from its single-family character unless the changes are approved via a conditional use permit.

(d) **Food service.** Food service shall be limited to breakfast only, which shall be served only to guests taking lodging at the inn. Individual rooms that are rented shall not contain cooking facilities, and no food preparation or cooking for guests shall be conducted within any bedroom made available for rent.

(e) **Parking requirements.** Parking areas for guests, employees, or the owner occupant's household shall not be located closer than 20 feet of any residential property line. All parking shall be off street.

(f) **Employment.** Employment related to the inn shall be limited to members of the owner's household occupying the inn, plus either one full-time employee or not more than two part-time employees.

(g) **Codes.** The inn must meet all applicable building, occupancy, health, safety and food service codes, rules and regulations.

Sec. 3-016. Bail bond business, check cashing, pawn shop, payday loans, or title pawn.

A bail bond, check cashing, pawnshop, payday loan, or title pawn business shall be located a minimum of 1,000 feet away from any other building containing a like business. This restriction does not apply to FDIC and FSLIC insured financial businesses.

Sec. 3-017. Blasting operation.

Any use authorized by the city which includes blasting operations shall comply as applicable with the Georgia Blasting Standards Act of 1978 (Chapter 8, Title 25, 25-8-1 et seq.) and any rules and regulations promulgated pursuant thereto. (Additional Reference: Rules of the Comptroller General, Safety Fire Commissioner, Chapter 120-3-10, Rules and Regulations for Explosives and Blasting Agents).

Sec. 3-018. Boarding or breeding of animals.

(a) **Separation from residence.** Any use, structure, or building for the boarding (for more than 12 hours) or breeding of animals shall be located no closer than 150 feet of any existing residence, excluding any residence on the same site as said use structure or building.

(b) **Submittal of state license.** No animal breeding or boarding facility shall hereafter be established until or unless any license required by the Georgia Commissioner of Agriculture is issued and a copy of the license is provided to the Zoning Administrator prior to commencement of operations. Such use shall also comply with any rules adopted by the Georgia Commissioner of Agriculture pursuant to the Georgia Animal Protection Act, O.C.G.A. 4-11-14. (Additional Reference: Rules of Georgia Department of Agriculture, Animal Protection Division, Chapter 40-13-13 Animal Protection).

Sec. 3-019. Caretaker or nightwatchman residence.

In zoning districts where permitted (see Tables 2-1A and 2-1B) a residence for a caretaker or night watchman may be permitted subject to compliance with the following regulations:

(a) **Evidence of need.** Evidence of need for full-time security or on-site management after operation hours must be submitted to and accepted by the Zoning Administrator.

(b) **Specifications.** The caretaker's residence shall contain a minimum of 600 square feet of heated floor area, which may be included inside a principal building on the lot or as a detached residential structure separate from the principal building(s) on the lot.

(c) **Parking.** Two off-street parking spaces shall be provided in addition to the parking required for the principal use(s).

Sec. 3-020. Carport.

In zoning districts where permitted, a carport shall meet the requirements for accessory structure as defined in this Article, be located only in a side or rear yard, and must resemble the primary residential structure in both appearance and materials. The use of metal on the exterior is only permitted when said use is to resemble the primary residential structure.

Sec. 3-021. Child care learning center, group day care home, adult day services.

(a) **Child care learning centers.** Child care learning centers, as defined herein (19 or more children), shall meet Rules for Child Care Learning Centers, Chapter 591-1-1, Georgia Department of Early Care and Learning, updated March 16, 2014, as may be amended from time to time. Outdoor play areas shall be provided in a rear or side yard and shall be enclosed by a solid wall or fence at least 6 feet in height. The facility shall provide adequate areas for the safe drop-off and pick-up of children in a driveway, turnaround or parking area as approved by the Zoning Administrator.

(b) **Group day care home.** Group day care homes, as defined herein (7 to 18 children) shall meet Rules and Regulations for Group Day Care Homes, Chapter 290-2-1, Georgia Department of Early Care and Learning, updated March 16, 2014, as may be amended from time to time. Outdoor play areas shall be provided in a rear or side yard and shall be enclosed by a solid wall or fence at least 6 feet in height. The facility shall provide adequate areas for the safe drop-off and pick-up of children in a driveway, turnaround or parking area as approved by the Zoning Administrator.

(c) **Family day care home**. Family day care homes, as defined (3 to 6 children), are permitted as home occupations, subject to compliance with Rules and Regulations for Family Day Care Homes, Chapter 290-2-3, Georgia Department of Early Care and Learning, updated March 26, 2014, as may be amended from time to time. For purposes of this paragraph only, children who are related by blood, marriage or adoption to the care provider shall not be included in the calculation of the six-children limitation.

(d) **Adult day services.** Adult day services, as defined, herein, shall meet any applicable rules of the Georgia Department of Human Resources Division of Aging Services.

(e) **Indoor and outdoor area.** Child care learning centers, group day care homes, and adult day services shall have at least 150 square feet of outdoor play area and at least 35 square feet of indoor space provided for each child or other person served. The outdoor play area shall be enclosed by a fence with a minimum height of 4 feet.

Sec. 3-022. Church or place of worship.

(a) **Parsonage.** A church or place of worship that constitutes the only principal use on the lot shall be permitted one residence as an accessory use, with its customary accessory uses, for the housing of the pastor, priest, minister, rabbi, etc.; provided that if the residence is a stand-alone unit it shall be separated by a minimum of 15 feet from other buildings on the lot.

(b) **School or day care.** A church or place of worship shall be permitted a school or day care center as an accessory use.

(c) **Cemetery.** A church or place of worship that constitutes the only principal use on the lot shall be permitted to have a cemetery as an accessory use.

(d) **Community food or housing shelter.** In zoning districts where permitted (see Tables 2-1A and 2-1B), one community food or housing shelter is an authorized accessory use to a church or place of worship, subject to the requirements for such use in this Article.

(e) **Community donation center.** A church or place of worship may operate a community donation center, subject to compliance with the requirements for such use in this Article.

(f) **Recreational fields.** A church or place of worship that constitutes the only principal use on the lot shall be permitted to have unlighted recreational fields; lighted recreational fields accessory to a church or place of worship shall require conditional use approval.

Sec. 3-023. Club or lodge.

(a) **Setbacks**. Buildings shall be located a minimum of 50 feet from any property line.

(b) **Buffers.** Unless located adjacent to a residential district, there shall be a planted buffer area ten feet wide along its exterior boundary lines not bordering the frontage street and not extending into the required front yard. The buffer area should be planted with evergreen trees or evergreen shrubs that grow at least eight feet tall within five years and provide an effective visual screen.

(c) **Site Plan Required.** For all new structures and change of use, a site plan shall be submitted to, reviewed, and approved by the Zoning Administrator.

Sec. 3-024. Commercial recreation facility, outdoor.

Outdoor commercial recreational facilities, as defined, are typically accompanied by substantial off-site impacts. Accordingly, the following regulations are imposed and shall be met:

(a) **Minimum area.** Such uses require a minimum lot area of 5 acres.

(b) **Hours of operation.** Unless otherwise specifically provided for in conditional use approval, the hours of operation of an outdoor commercial recreation facility shall be limited to time between 8:00 a.m. and 10:00 p.m.

(c) **Setback and buffer.** A minimum building setback of 100 feet, and a natural undisturbed buffer replanted where sparsely vegetated of at least 50 feet adjacent to side and rear property lines, shall be provided. Greater setbacks and larger buffers may be imposed during conditional use approval.

(d) **Outdoor lighting.** Uses that propose night lighting other than incidental security lighting shall be required to submit a photometric plan to enable the evaluation of impacts from illumination and compliance with the outdoor lighting requirements of this UDC.

(e) **Noise and air pollution abatement.** Noise abatement and air pollution abatement plans may be required as part of an application for conditional use and shall be subject to the approval of the city during the conditional use application process. Such projects may be required to construct noise attenuation walls or otherwise address off-site noise or air pollution impacts.

(f) **Traffic impact study.** A traffic impact study shall be required as part of the conditional use application.

Sec. 3-025. Community donation center.

In zoning districts where permitted (see Tables 2-1A and 2-1B), community donation centers shall meet the following requirements:

(a) **Indoor storage.** All collected items shall be stored inside an enclosed building.

(b) **Loading and unloading.** Loading/unloading space shall be provided on the site as approved by the Zoning Administrator.

(c) **Limits on materials collected.** The center shall not accept hazardous materials, motor vehicles or motor vehicle parts, bathroom or kitchen fixtures, guns, ammunition, weapons, carpet, or construction materials.

(d) **Duration of operation.** Hours of operation, and any associated loading or unloading operations, shall occur only between the hours of 7:00 a.m. and 9:00 p.m.

Sec. 3-026. Community food or housing shelter or crisis center.

In zoning districts where permitted, community food and housing shelters or crisis centers as defined shall comply with the following:

(a) **Required facilities.** Housing shelters shall have adequate beds, showers, and restroom facilities provided at the location to meet the needs of the overnight guests, all maintained a clean, safe, and sanitary fashion.

(b) **Duration of stay.** Guests of the shelter shall be required to leave the shelter premises no later than 8:00 a.m.

(c) **Accessory to church.** In zoning districts where permitted, a community food or housing shelter may be operated as a use accessory to a church or other place of worship, provided it meets the requirements of this section.

Sec. 3-027. Condominium.

If a condominium form of ownership is proposed, the development shall meet all applicable state laws including the Georgia Condominium Act (O.C.G.A. 44-3-70 et. seq.). Proposed bylaws and the articles of incorporation for the condominium association shall be submitted to the Zoning Administrator with the application for development approval. In addition, condominium site plans or plats or maps shall be submitted to the Planning Commission for approval.

Sec. 3-028. Construction field office, temporary.

Industrialized or other temporary buildings or structures may be used for a temporary construction field office, subject to compliance with the following regulations:

(a) **Approval and permit.** Approval by the Zoning Administrator and issuance of a permit by the Building Official shall be required. Said permit shall be temporary but renewable once after a period of 6 months.

(b) **Development approval.** A construction field office shall not be erected or established until plans and permit(s) have been approved for one or more permanent buildings on the subject property.

(c) **Water and sewer.** Adequate water and sewage disposal for the structure(s) shall be approved by the Jackson County Environmental Health Department.

(d) **Removal.** Said industrialized or temporary building or structure(s) shall be removed from the site no later than 10 days after occupancy of the appropriate permanent building(s) or structure(s) intended for such use.

Sec. 3-029. Contractor's establishment.

(a) **Storage of vehicles and equipment.** Vehicles, parts and implements, and any equipment associated with the establishment shall be stored within a building, or in a side or rear yard of the lot, fully screened from view of all public roads and nearby properties via buildings and/or a solid, opaque wooden fence or masonry wall at least 6 feet in height.

(b) **Service bays.** If the building includes bays with overhead roll-up doors, such service bays with overhead doors shall not be located on the front façade of a building unless provisions are made for screening them from view from the front property line as approved by the Zoning Administrator.

(c) **Paved surfaces.** All outdoor surfaces where vehicles are parked or stored or where parts, implements, or any equipment associated with the establishment is stored outside, shall be paved.

Sec. 3-030. Crematory.

(a) **Minimum area.** The minimum lot size for a crematory shall be 5 acres.

(b) **Reference to state law.** A crematory shall meet the requirements of O.C.G.A. Section 43-18-72, including but not limited to a prohibition within 1,000 feet of a residential subdivision platted and recorded in the office of the Superior Court of Jackson County.

(c) **License.** A copy of the license required by O.C.G.A. Section 43-18-72 issued by the Georgia Board of Funeral Service shall be submitted to the Zoning Administrator prior to commencing operation.

Sec. 3-031. Dam.

(a) **Reference to state law.** Dams shall comply as applicable with the Georgia Safe Dams Act of 1978 (O.C.G.A. 12-5-370 et seq.), including inspection and permitting to reduce the risk of dam failure. (Reference: O.C.G.A. 12-5-371).

(b) **Reference to state rules.** No dam shall be established unless it meets applicable Rules of the Georgia Board of Natural Resources governing the construction and maintenance of dams or artificial barriers. (Reference: O.C.G.A. 12-5-374; Additional Reference: Rules of Georgia Department of Natural Resources, Environmental Protection Division, Chapter 391-3-8 Rules for Dam Safety).

(c) **Permit.** No dam shall be constructed in the city unless a copy of the state permit required per O.C.G.A. 12-5-376 to construct a dam is submitted to the Zoning Administrator prior to construction.

(d) **Removal of dam.** No dam shall be removed in the city unless a copy of the permission to remove a dam granted by the state per O.C.G.A. 12-5-377 is submitted to the Zoning Administrator prior to removal.

Sec. 3-032. Drive-through.

In zoning districts where permitted, drive-through facilities shall meet the following requirements:

(a) **Drive-through lanes.** A drive-through lane shall be clearly marked on site plans and on the lot with adequate stacking space on site for vehicles. No drive through lane shall cross an access easement on the lot.

(b) **Drive-through window locations.** No drive-through window shall be permitted on the front façade of a building. No drive-through window shall not be located within 20 feet of the front façade of a building.

(c) **Specifications.** See Article 6 of this UDC for additional specifications for drive-through lanes.

Sec. 3-033. Dumpster pad and enclosure.

All institutional, commercial and industrial uses in the city planning to store trash, waste, or garbage on the premises, shall provide a dumpster and dumpster pad enclosure for the garbage containment device(s), compliant with the following standards:

(a) **Pad.** There shall be a concrete pad for the placement of the dumpster or garbage containment device.

(b) **Enclosure.** Pads for dumpsters and trash, waster or garbage storage areas shall be enclosed by a wall with a minimum height of 8 feet or equal to the height of the garbage containment device if taller than six 8 feet. Walls and fences forming trash enclosures shall be constructed of sturdy, durable, opaque materials. The enclosure shall be constructed of wood, concrete masonry units, brick, or other impenetrable material approved by the Zoning Administrator as being compatible with the design and color of the principal building. No advertising on an enclosure or enclosure gate is permitted.

(c) **Gate.** The enclosure shall be gated. Gates shall be constructed with commercial grade hinges, poles and hasps, shall have a closing latch, and must remain closed at all times except during service. Gates may be constructed of wood, metal, or, other materials compatible with the architecture of the enclosure and principal building. Metal gates must be coated with vinyl, powder, or similar process. Chain-link fencing is not permitted for gates.

(d) **Yard location.** The dumpster pad and enclosure shall be located behind the front building line in a side or rear yard, unless otherwise approved by the Zoning Administrator.

(e) **Setback.** The dumpster pad and enclosure shall be setback a minimum of 5 feet from any property line.

(f) **Service time restrictions.** A garbage containment device shall not be serviced between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 9:00 p.m. and 9:00 a.m. on weekend days and federal holidays.

(g) **Maintenance.** Dumpster pad enclosures shall remain clean, free of trash and debris, and be maintained in good repair at all times. Structures that become dilapidated or derelict shall be repaired within 30 days' notice of disrepair from the city Zoning Administrator or Code Enforcement officer.

Sec. 3-034. Dwelling, fee simple townhouse.

In zoning districts where permitted, single-family attached, fee simple dwellings (townhouses) shall meet the following requirements:

(a) **Setback.** Zero lot line between fee-simple units within the same building shall be permitted, subject to applicable fire and building codes.

(b) **Units in building.** There shall be no less than 3 dwelling units in a building, and no more than 6 units may have common walls.

(c) **Staggered front facades.** Any building with common walls must have the roof and front building wall (façade) of each attached unit distinct from the other through offsets of three feet or more in roof design and front building wall location.

(d) **Building separation.** Buildings in townhouse developments shall be separated by a distance of at least 10 feet per story.

(e) **Plat approval.** See Article 15 in this UDC for platting requirements.

Sec. 3-035. Fallout shelter or underground bunker.

Fallout shelters or underground bunkers shall be subject to the following requirements:

(a) **Location.** A fallout shelter shall only be placed in or under a side or rear yard of the lot.

(b) **Setback for above-ground portion.** If any portion of the structure extends above the ground, then the portion above the ground must comply with side and rear setbacks applicable to principal buildings for the zoning district in which the shelter or bunker structure is located.

(c) **Obstructions.** A fallout shelter or underground bunker shall not be placed under any septic tank drain field, any buried utilities, or within or under any utility easement.

(d) **Permit.** A permit shall be required to be issued by the Building Official.

Sec. 3-036. Fence, wall, and/or screening.

(a) **Allowed materials.** In residential areas, wood, stone, chain link, vinyl and composite materials are allowed.

(b) **Access**. All fences or walls must allow for utility meter access at all times.

(c) **Height.** Height. All fencing shall be no higher than 4 feet in height in the front yard and in any yard that abuts a public street. In a front yard, the fencing shall remain no higher than 4 feet until the fence is parallel to the front building line of the primary structure, at which point the fence height may increase to a maximum of 6 feet 8 inches if the yard does not abut a public street. Notwithstanding the foregoing, in the M-1 & M-2 zoning districts fence height may be increased up to 8 feet in height if approved by the Zoning Administrator.

(d) **Location.** Fences and walls are not subject to setbacks for buildings or accessory structures. Fences and walls shall not encroach on public right of way without the approval of the Zoning Administrator.

(e) **Materials prohibited.** Fences or walls shall not be composed of plywood, particle board, paper, plastic, plastic tarp, tires, pallets, garage doors, canvas, glass block, bottles, bamboo, recycled or discarded materials, or any other cast-off, secondhand, or other items not originally intended to be used for constructing or maintaining a fence or wall. In residential zoning districts, no fence or wall shall be constructed of hog wire, barbed wire, poultry netting, or razor wire. Fencing or walls constructed of hog wire, barbed wire, poultry netting, razor wire or roll type fencing will only be permitted in AR and AF zoning districts.

(f) **Screening and security fence materials.** Fences for screening of storage in commercial and industrial areas shall be opaque, consisting of brick, stone, composite, or wing slats and maintained in good condition. Wood shall not be used. Fences for security may be chain link.

(g) **Screening of loading docks and service areas.**
Loading docks, storage areas. Loading docks, storage of materials or vehicles, and other service areas shall be screened from public view. Unless otherwise specified in this UDC, screening may include plant materials, fencing, walls, or a combination as approved by the Zoning Administrator.

(h) **Chain link.**

1. Residential Zoning Districts:

    a. Non-vinyl coated chain link fence is permitted in a rear yard and in a side yard only such that the fence does not extend beyond the front building line of the dwelling.

    b. All types of chain link fencing are prohibited for use within front yard/forward of the front building line of the dwelling.

    c. Netting or mesh may be installed for screening purposes.

    d. Chain link fences with plastic, vinyl, or metal slats (inserts) are prohibited.

e. Vinyl coated chain link fencing is required when used as perimeter fencing around stormwater management pond(s).

2. Commercial or Industrial Zoning Districts: When authorized for placement in a front yard, is placed in a side yard visible from a public right of way or is used for perimeter fencing around a stormwater management pond in any zoning district, the chain link fence shall be vinyl coated.

(i) **Retaining wall.** When a retaining wall is required and will be visible from a public right-of-way, the Zoning Administrator may limit the height of said retaining wall during the process of reviewing and approving development and grading plans. In addition, the Zoning Administrator may require that any retaining wall with a length of 100 feet or more to minimize visual monotony through changes in plane, height, material, or material texture, or through significant landscape massing.

(j) **Subdivision or project entrance monument.** All fences or walls comprising a subdivision or project entrance monument shall require plans prepared by a registered landscape architect and are subject to the approval of the Zoning Administrator. During the approval process, the Zoning Administrator may require fences or walls to incorporate columns or pillars extending at least 6 inches horizontally and a height at least as high as the height of the fence or wall, every 50 feet of fence or wall length, or to articulate the surface plane wall by incorporating plane projections or recesses having a depth of at least 1 foot and extending a horizontal distance of at least 3 feet and less than 20 feet. This articulation requirement shall not apply to a fence or wall constructed of brick, masonry, or metal fencing that consists of at least 50% open voids.

(k) **Temporary fencing.** The requirements of this section shall not apply to temporary fencing erected around or within a lot or development site during construction, such as silt fences, and tree protection fences, and others erected under order of the Building Official or Zoning Administrator; provided, however, that all such temporary fencing shall be removed upon completion of construction.

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

(m) **Maintenance and replacement.** Fences and walls shall be maintained, repaired if damaged, and replaced or reconstructed if severely damaged or destroyed.

(n) **Gates required.** In those instances where a fence or wall is erected as an enclosure which restricts access from the front to the rear yards, a gate shall be installed and positioned at any point paralleling the front lot line between the side lot line and the principle structure. Should the enclosure begin forward of the building line, a gate shall be installed and positioned at any point paralleling the front lot line.

1. A gate shall be a minimum of three feet in width.

2. The use of cattle gates shall be prohibited in residential zoning districts.

(o) **Finished fence.** Finished side of fence shall face to the outside of the property.

(Amended 01/16/2023, 06/15/2026, 07/20/2026)

Sec. 3-037. Flea market.

A flea market shall comply with applicable state law regarding flea market vendors record keeping (O.C.G.A. 10-1-360 et seq.).

Sec. 3-038. Food truck or mobile food vendor.

(a) **Motor vehicle tag**. A food truck must have a valid tag from the state's Division of Motor Vehicles.

(b) **Food service rules.** Food trucks, and mobile food vendors as may be applicable, shall operate in accordance with the State of Georgia's Rules and Regulations for Food Service.

(c) **Health department license, permit or approval.** The operator of a food truck or mobile food vendor shall make application for a license or permit as may be required to the Jackson County Health Department, and the applicant shall submit evidence of health department approval prior to authorization by the Zoning Administrator. No food truck shall operate without health department permit or approval.

(d) **Owner authorization.** Food truck operators and mobile food vendors shall obtain the signed approval of the property owner for each location at which the food truck or mobile food vendor operates. Such approval must be made available for inspection upon request. Food trucks are not permitted to operate (except in transit) on a public right of way except by permit issued by the Zoning Administrator for special events sponsored or approved by the city.

(e) **Separation distances specified.** No food truck shall operate (as measured in a straight line from property line to closest point of the approved food truck location, where distances are specified) within: 750 feet of a public or private elementary, junior or high school while school is in session; nor within 150 feet of a property with a single or two-family residential dwelling; nor within 100 feet of a restaurant entrance, unless a waiver is granted by the owner of property on which the restaurant is located.

(f) **Hours of operation.** Food trucks and mobile food vendors shall not operate between the hours of 10:00 p.m. and 7:00 a.m. Food trucks shall be parked in an approved operating location overnight off the service premises.

(g) **Additional operational constraints.** No food truck or mobile food vendor shall be permitted to have a vehicular drive-through facility or drive-up window. No amplified microphones or bullhorns shall be permitted as part of the food truck or mobile food vendor operation.

(h) **Sanitation.** Food truck operators and mobile food vendors shall be responsible for the proper disposal of waste and trash associated with the operation. Public trash receptacles shall not be used for this purpose. Operators shall remove all waste and trash prior to leaving each location or as needed to maintain the health and safety of the public. Food truck operators are not allowed to use City receptacles for the disposal of fats, oils, and greases.

(i) **Location.** No food truck shall conduct business or operate in the public right-of-way. Food trucks can only operate in commercial and industrial zonings. Food trucks may not obstruct pedestrian, bicycle or vehicle circulation routes, and must be set back at least ten (10) feet from the edge of any driveway or public sidewalk and at least fifteen (15) feet from fire hydrants. Food truck vendors shall not be located within fifteen (15) ft. of any street intersection or pedestrian crosswalk.

(j) **Number of Food Trucks Allowed.** The number of food trucks allowed per site is limited as follows:

1. A maximum of one food truck is allowed on sites with less than 20,000 square feet of land area.

2. On sites with land area of 20,000 square feet or more, one food truck is allowed per 20,000 square feet of land area or fraction thereof.

3. For purposes of this provision, a site may consist of one lot or a combination of contiguous lots.

4. The number of food trucks allowed may be increased above the limits established in this section if approved in accordance with the special land use permit.

(k) **Parking.** Food trucks and any associated seating areas may not occupy parking spaces provided to meet the minimum parking requirements of the principal use, unless the principal use's hours of operation do not coincide with those of the food truck business. Food trucks may not occupy any parking spaces reserved for persons with disabilities.

(l) **Noise.** A food truck vendor shall not make sounds or announcements to call attention to the food truck vendor either while traveling on the public rights-of-way or when stationary.

(m) **License.** The license under which a food truck vendor is operating must be firmly attached and visible on the food truck or pushcart at all times. Any driver of a food truck must possess a valid Georgia's driver's license.

(n) **Attendance.** 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.

(o) **Items for Sale**. The food truck vendor may sell food and non-alcoholic beverage items only, unless authorized for a City sponsored event.

(p) **Removal**. Food trucks and associated outdoor seating must be removed from all permitted locations when not in operation.

(q) **Insurance.** A food truck vendor shall maintain a $1,000,000.00 liability insurance policy. Proof of current liability insurance, issued by an insurance company licensed to do business in Georgia, protecting the food truck 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 thirty (30) days advanced written notice to the city.

Sec. 3-039. Gasoline fuel pumps, tanks, and storage.

(a) **Residential setback.** Fuel dispensing systems, fuel pumps, fuel pump systems, fuel tanks, and/or fuel storage, whole or in part, must be located at least 100 feet from any residential zoning district boundary.

(b) **Canopy requirements and setbacks.** Canopies covering gasoline dispensers and all gasoline or other fuel pumps shall be set back not less than 25 feet from any public right-of-way and all other property lines. The canopy shall not exceed 24 feet in height. Columns supporting the fuel canopy shall be faced with brick or stone. Lighting fixtures underneath the canopy structure shall be recessed into the canopy.

(c) **Gasoline pump islands.** All gasoline pump islands shall be set back at least 15 feet from the right-of-way line, or where a future widening line has been established, the setback line shall be measured from such line, and where pump islands are constructed perpendicular to the right-of-way line, the pump island shall be located not less than 30 feet from the right-of-way line; however, the pump island shall be at least 60 feet from the center line of an arterial street and 45 feet from the center line of other streets.

(d) **Storage of flammable products.** Outside above ground tanks for the storage of gasoline, liquefied petroleum gas, oil or other inflammable liquids or gases shall be prohibited at any gas station. All used motor oil shall be stored in underground tanks. However, storage tanks for the retail sales of propane gas shall be permitted.

Sec. 3-040. Gasoline service station.

(a) **Applicability.** This section shall apply to uses that dispense gasoline or diesel for automotive uses and which may involve automobile services. A convenience store with gasoline pumps but that does not provide automotive services shall be subject to applicable provisions of this section.

(b) **Minimum site area.** The minimum area to establish or operate a gasoline service station shall be 1.5 acres.

(c) **Minimum road frontage.** The site shall front at least 100 feet on road with a functional classification of at least a collector as determined by the Zoning Administrator.

(d) **Driveway restrictions.** Driveways shall be not more than 40 feet wide, shall not be located closer than 10 feet to an adjoining property (unless common access at a property line is authorized by the Zoning Administrator, and shall not be closer than 40 feet from a street intersection). There shall not be more than 2 driveways along any single road, which must be separated by at least 100 feet.

(e) **Fuel pumps.** See this Article for location restrictions applicable to gasoline fuel pumps and fuel canopies.

(f) **Storage of flammable products.** Outside above ground tanks for the storage of gasoline, liquefied petroleum gas, oil or other inflammable liquids or gases shall be prohibited at any gas station. All used motor oil shall be stored in underground tanks. However, storage tanks for the retail sales of propane gas shall be permitted.

(g) **Building floor area.** The maximum building floor area shall be 8,000 square feet.

(h) **Accessory structures.** Accessory structures, such as a car or truck wash or vehicle emissions inspection facilities on the property shall be enclosed within a building, located within a side or rear yard only, and located at least 40 feet from all property lines.

(i) **Storage of equipment and parts.** All equipment and vehicle parts involved in vehicle service shall be stored within a fully enclosed building or structure.

(j) **Rentals.** Rental of vehicles, trailers, moving vans etc. shall not be permitted in association with this use.

(k) **Operation.** All automotive repair work shall be conducted within a fully enclosed building or structure.

(l) **Service bays.** Service bays with overhead doors shall not be located on the front façade of a building unless provisions are made for screening them from view from the front property line as approved by the Zoning Administrator.

(m) **Vehicle storage.** Vehicles approved for repair shall be stored in a fully screened location in a side or rear yard of the lot, or within a building. The outdoor storage of vehicles of more than two vehicles waiting for repair is prohibited.

Sec. 3-041. Golf course.

In zoning districts where permitted, the following accessory uses are permitted in association with a golf course:

(a) Buildings used to house equipment solely for the maintenance and operation of the golf course.

(b) Cart rental and staging area.

(c) Food service and restaurant, whether open to members only or to the general public.

(d) Country club or clubhouse, which may include tennis courts and other recreational courts and swimming pool, not to exceed 40,000 square foot of building floor area, including food service and restaurant.

(e) Putting green.

(f) Pro shop, not to exceed 2,000 square feet of floor area, included within the total 40,000 square foot maximum building floor area.

(g) A driving range is allowed as an accessory use.

Sec. 3-042. Group home, or rooming or boarding house.

(a) **Occupancy limitations.** No basement, attic, or accessory building shall be used for rooming house, boarding house or group home purposes. No registration required by this section shall be issued to any person proposing to use a basement, attic, or accessory building or any part thereof as habitable rooms for rooming house purposes.

(b) **Bedroom requirements and limitations.** No room in any rooming house, boarding house, or group home shall be occupied as a sleeping room by any person unless there is at least 120 square feet of bedroom space, exclusive of wardrobe and closet space, for each and every adult person occupying any such room. All sleeping quarters shall be served by working heating and cooling facilities and a bed with a mattress for each registered occupant. Bedrooms shall not contain cooking facilities, and no food preparation or cooking for guests shall be conducted within any bedrooms.

(c) **Minimum basic facilities**. At least one flush water closet, lavatory basin, and bathtub or shower, connected to a water and sewerage system and in good working condition, shall be supplied for each 4 persons or fraction thereof residing within a rooming house, boarding house, or group home. All such facilities shall be located within the dwelling so as to be accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times.

(d) **Food preparation and meals.** Any rooming house, boarding house, or group home where food is served shall comply with all requirements of the Jackson County Health Department.

Sec. 3-043. Guest house.

See accessory dwelling unit requirements Sec. 3-002.

(a) **No manufactured home.** A manufactured home shall not be permissible as a guest house.

(b) **Additional restriction.** A guest house shall not be authorized as an accessory use to a manufactured home.

Sec. 3-044. Home occupation.

A home occupation may be established in a dwelling as provided in permitted uses requirements for the zoning districts established by this UDC (Tables 2-1A and 2-1B). No more than one home occupation may be established in a single dwelling. In districts where permitted, the following regulations shall apply to home occupations. Failure to meet one or more of these regulations at any time shall be unlawful and grounds for immediate revocation of business registration.

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

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

(c) **Vehicles and parking.** Vehicles kept on site in association with the home occupation shall be used by residents only. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the home occupation. Incoming vehicles related to the home occupation, if any, shall at all times be parked off-street within the confines of the residential driveway or other on-site permitted parking. The transporting of goods by truck in connection with a home occupation is prohibited. Related activity shall only be conducted between the hours of 8:00 a.m. and 8:00 p.m.

(d) **Equipment, off-site impacts, and nuisances.** No home occupation shall generate traffic, sound, smell, vibration, light, or dust that is offensive or that creates a nuisance. No equipment that interferes with radio and/or television reception shall be allowed. Home occupations must exclude the use of machinery or equipment that emits sound (e.g., saws, drills, musical instruments, etc.) that is detectable beyond the property. Chemical, electrical, or mechanical equipment that is not normally a part of domestic or household equipment but which is used in conjunction with an approved home occupation is permitted on the property such that it is parked or stored in such a manner that such equipment is not visible from a roadway and is parked or stored in accordance with any and all additional requirements as specified within this UDC.

(e) **Signs.** There shall be no signs permitted in conjunction with a home occupation.

(f) **Employees and licenses.** Only occupants of the dwelling shall be authorized to work on the premises in connection with a home occupation. Any occupational licenses, including business registrations, required by state or city regulations must be obtained. Proof of state registration, if required for the home occupation, shall be submitted to the Zoning Administrator prior to the issuance of a business registration.

(g) **Display, stock in trade, sales, and storage.** There shall be no display, and no stock-in-trade nor commodity sold or stored on the premises, in connection with a home occupation, nor shall there be any activity associated with the home occupation visible outside the dwelling.

(h) **Uses prohibited.** The following uses are specifically prohibited as home occupations: auto sales or auto repair; tow service; restaurant; animal hospital, veterinary clinic, kennels, animal boarding or breeding, or the keeping of animals; medical transport services; funeral homes; retail or wholesale shops, excluding e-commerce; machine shops; cabinet making; bed and breakfast inn; boarding house; medical office; dental office; dance studios; personal service establishments (including beauty salons, massage clinic, tattoo salons, piercing salons); special event facilities; and lodging services.

(i) **Application and required documents.** The applicant for a business registration shall file for approval from the city clerk on forms provided by the city clerk. Additional information, including a plot plan of the lot on which a home occupation is proposed, may be required by the Zoning Administrator, city clerk, or designee, along with information describing the nature of the home occupation. If the applicant is not the owner of the property where the home occupation is proposed to be located, a notarized letter signed by the property owner authorizing the applicant to use the property for the home occupation is required and shall be submitted along with the application form.

(j) **Approval.** All home occupations shall be subject to the approval of the Zoning Administrator, city clerk, or designee as authorized by the City Manager.

(k) **Modifications by conditional use permit.** The provisions of this section may be modified or varied pursuant to application by the property owner for a conditional use, according to procedures specified in this UDC for conditional uses.

Sec. 3-045. Hotel or motel.

The following standards shall apply to hotels and/or motels:

(a) Minimum acreage shall be one and one-half (1.5) acres.

(b) All guestroom shall be accessed via internal corridors.

(c) The lobby area shall be a minimum of 500 square feet in size.

(d) No hotel or motel shall allow the same party or individual(s) to occupy the same room(s) for more than 180 days.

(e) 24-hour on-site management shall be provided.

(f) Cleaning of each room and/or suite shall be conducted weekly at minimum.

(g) Except for vehicles used daily by guests, outside storage or parking of equipment or vehicles is prohibited.

Sec. 3-046. Incinerator.

Incinerators are subject to applicable rules and regulations of the U.S. Environmental Protection Agency and the State of Georgia Department of Natural Resources, Environmental Protection Division, Air Quality Branch.

Sec. 3-047. Institutional residential living and care facility.

(a) **Accessory uses.** Institutional residential living and care facilities may have one or more of the following accessory uses:

1. Ancillary clinics, personal service, retail (e.g., pharmacy, hair salon, medical offices).

2. Central kitchen and dining facility.

3. Recreation and amenities.

4. Building/clubhouse for classes, meetings, concerts, storytelling, etc.

5. Adult day care.

(b) **State permit.** Each institutional residential living and care facility must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate, and which shall be displayed in a prominent place in the facility.

Sec. 3-048. Intermodal container, temporary.

Intermodal containers shall not be used as dwellings. During the time a household, institution, business, or industrial establishment is moving in or out of a building on a property, one intermodal container, as defined, may be temporarily placed on the premise of a developed lot for purposes of loading or unloading personal property pertaining to the use on the property subject to the following:

(a) The container may be positioned in a front yard or other location on the property that is accessible for pick up or drop off.

(b) The container shall not remain longer than a period of 32 calendar days on any residential lot. Such containers may be placed on construction sites, not to exceed six (6) months or while under active construction (or whichever is longer).

(c) One additional intermodal container, for a total of two, may be authorized by the Zoning Administrator for institutional, business, or industrial establishment upon demonstration of evidence of need by the establishment.

Sec. 3-049. Junk vehicle or material.

Except for junk/salvage yards and wrecked motor vehicle compounds as may be permitted by this UDC in certain zoning districts, it shall be unlawful to park or continuously store abandoned, wrecked, junked or inoperable vehicles, power-driven construction equipment, used lumber or metal, used appliances, or any other miscellaneous scrap material in quantity that is visible from a public street or adjacent or abutting property. Fencing that is adherent to Sec. 3-034(f) is required.

Sec. 3-050. Kennel or pet boarding facility.

All kennels shall, in addition to the other requirements of this chapter, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial of a permit or revocation of a permit. Standards for kennels are as follows:

(a) In the areas where kennels are permitted, no kennel shall be located closer than 100 feet to the boundary of the nearest adjacent residential lot.

(b) Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs and walls shall be of an impervious material to permit proper cleaning and disinfecting.

(c) The building temperature shall be maintained at a comfortable level. Adequate ventilation shall be maintained.

(d) Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages.

(e) Cages are to be of material and construction that permit cleaning and sanitizing.

(f) Cage floors shall be of concrete, unless radiantly heated, and shall have a resting board or some type of bedding.

(g) Runs shall provide an adequate exercise area and protection from the weather. Runs shall have an impervious surface.

(h) All animal quarters and runs are to be kept clean, dry and in a sanitary condition.

(i) The food shall be free from contamination, and shall be wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

(j) All animals shall have fresh water available at all times.

(k) No kennel shall hereafter be established until or unless any license required by the Georgia Commissioner of Agriculture is issued and a copy of the license is provided to the Zoning Administrator prior to commencement of operations. Such use shall also comply with any rules adopted by the Georgia Commissioner of Agriculture pursuant to the Georgia Animal Protection Act, O.C.G.A. 4-11-14. (Additional Reference: Rules of Georgia Department of Agriculture, Animal Protection Division, Chapter 40-13-13 Animal Protection).

Sec. 3-051. Manufactured home.

A manufactured home as defined in Article 2 of this UDC may be replaced as authorized by State law.

(a) **Permits and Certificate of Occupancy required.** Building permits and Certificates of Occupancy issued by the Building Official or his/her designee are required for habitation of any manufactured home.

(b) **Building Permit Application.** The applicant for a building permit shall submit a building permit application packet on forms provided by the Building Official or designee. All supplemental documentation required by the Building Official shall be included or the packet will be deemed incomplete, and a permit will not be issued.

(c) **Approval of building application.** All manufactured home building permit applications shall be subject to the approval of the Building Official or designee.

(d) **Unlawful to move without permit.** It is unlawful to move, locate, relocate, erect or make utility connections of any kind to a manufactured home prior to the issuance of a building permit.

(e) **Unlawful to occupy without certificate of occupancy.** It is unlawful to occupy or otherwise use as a residence a manufactured home prior to issuance of a certificate of occupancy.

(f) **Registration and approval of septic required.** All manufactured homes must be registered with the Jackson County Tax Commissioner and, if applicable, approval of the septic system by the Jackson County Health Department must be obtained before a certificate of occupancy can be issued.

(g) **Temporary usage.** A manufactured home may be used as an office in a subdivision or commercial district, by a contractor during construction or development. The above use must be requested in writing, be for a period not to exceed 12 months, and have written approval of the Zoning Administrator, Building Official, or designee. The Zoning Administrator may extend the 12-month period one time where necessary for up to an additional 12-month period.

(h) **Prohibited Uses:** A manufactured home may not be used as an accessory building.

Sec. 3-052. Manufactured home park.

In zoning districts where permitted, manufactured home parks shall comply with the following requirements:

(a) **Water and sanitary sewer.** Manufactured home parks shall be connected to a public water supply and a public sanitary sewer system, unless adequate provisions for on-site sewage management is approved by the Jackson County Environmental Health Department.

(b) **Minimum development area.** The minimum lot area for the development shall be 5 acres.

(c) **Minimum development frontage.** The minimum road frontage for the lot shall be 60 feet.

(d) **Access roads.** All access roads within the development shall be private with a minimum easement width of 40 feet and paved with a minimum pavement width of 20 feet, and lighted with a minimum spacing of 200 feet each between streetlights.

(e) **Parking and driveways.** All off-street parking areas or spaces and driveways shall be paved and shall have direct access to an interior access road. Driveways serving individual manufactured home spaces shall be no less than 10 feet in width. No driveway serving an individual manufactured home shall be permitted to access a road exterior to the development, except via an approved internal access road.

(f) **Minimum open space.** At least 20 percent of the development must be set aside as open space or for recreation purposes.

(g) **Occupancy.** No manufactured home space or manufactured home shall be rented for a period of less than 30 days.

(h) **Accessory building.** A manufactured home shall not be used as an accessory building in the manufactured home park.

(i) **Rules and regulations.** A copy of the park management rules and regulations must be submitted to the Zoning Administrator for approval. The park operator will be responsible for ensuring that tenants comply with the rules and regulations.

(j) **Site Plan Required.** For all new manufactured home parks, a site plan shall be submitted to the Zoning Administrator for review and approval. Site plans shall follow the same specifications for Preliminary Plats in Article 15 of this UDC.

Sec. 3-053. Manufactured home sales lot.

(a) A business office shall be maintained on the premises located in a permanent building.

(b) Property abutting public rights-of-way shall be screened by a three-foot (3) wide landscaped buffer consisting of plantings to provide a vertical visual screen at least 3 feet in height.

(c) Outdoor display of manufactured homes is allowed notwithstanding other provisions of this UDC subject to the following restrictions:

1. All manufactured homes offered for sale, lease, or rent shall be parked on an asphalt or concrete surface in good condition and free of damage.

2. A minimum separation of at least ten (10) feet shall be maintained between manufactured homes on outdoor display.

3. Manufactured homes shall be secured to their display pads as approved by the building department.

Sec. 3-054. Manufacturing, fabrication, or assembly as accessory use.

Manufacturing or fabrication activities associated with a permitted retail use, such as but not limited to a jewelry store or pottery, shall be permitted, provided that the area devoted to such manufacturing or fabrication shall not 25 percent of the building floor area of the principal building in which such manufacturing or fabrication is conducted or 1,000 square feet, whichever is less. All products manufactured or fabricated on the premises must be sold on the premises as a retail activity.

Sec. 3-055. Mining, quarrying or resource extraction.

(a) **Minimum site area.** The minimum site area shall be 25 acres.

(b) **Fencing.** Such facilities shall be enclosed by a 6 foot high fence along the entire perimeter boundary, for screening and security purposes, as approved during the conditional use application process. Gates must be provided at all points of vehicular ingress and egress and shall be closed and locked when not in regular use. Along such perimeter fence, notice signs shall be posed at regular intervals which shall warn against trespassing and shall contain a statement pertaining to the use of explosives, if applicable.

(c) **Operational setbacks.** Mining, quarrying and excavation operations shall not take place any closer than 1,000 feet to any residential zoning district boundary.

(d) **Operations plan.** An operation plan containing the following information shall be submitted as part of the application for special use approval:

1. Date of commencement of the operation and its expected duration.

2. Proposed hours and days of operation, which shall not be inconsistent with this section unless approved otherwise by the City Council as a part of conditional use application approval.

3. A description of the method of operation, including the disposition of topsoil, overburden and by-products.

4. A description of the equipment to be used in the extraction process.

5. A statement regarding the intended use of explosives, if any, or other hazardous materials, if any, and the methods and procedures proposed for handling, use, storage and disposal of the materials.

6. A plan for reclamation of the land upon completion of mining, quarrying, or other excavation.

(e) **Traffic impact study.** As a part of the special use application, a traffic study shall be submitted to the Zoning Administrator. The applicant shall address recommendations of the traffic study to mitigate traffic impacts of the proposed facility. Specifically, the study shall identify any state, county, or city-maintained road within or adjacent to the property,

and shall state any repaving, alterations, turning lanes, signalization, or other road additions or improvements necessary to accommodate the potential increase of traffic volume or weight occasioned by the proposed operations.

(f) **Air quality study.** As a part of the special use application, an air quality study shall be submitted to the Zoning Administrator. The applicant shall address recommendations of the air quality study to mitigate fugitive dust and any other air quality impacts of the proposed facility.

(g) **Noise study.** As a part of the conditional use application, a noise impact study shall be submitted to the Zoning Administrator. The applicant shall address recommendations of the noise study to mitigate noise and lighting impacts of the proposed facility.

(h) **Blasting and vibrations.** Blasting operations, if permitted, are subject to the requirements of state law and this UDC. Vibration levels at the boundaries of the extraction site shall not exceed a minimum peak velocity of 1.0 inches per second, steady state and 2.0 inches per second impact state.

(i) **Reference to state rules and regulations.** A state surface mining permit, and all plans and specifications submitted for such state permit, as required by state law and administrative rules, shall be submitted to the Zoning Administrator prior to commencement of operations.

(j) **Days and hours of operation.** Hours of operation may be limited by the City Council via conditions of conditional use approval. Unless otherwise approved, the mining and quarrying operations (excluding routine maintenance of equipment) shall be limited to the following: No operation shall be allowed between the hours of 7:00 p.m. and 7:00 a.m. during the months of November, December, January, February, and March. No operation shall be allowed between the hours of 9:00 p.m. and 6:30 a.m. during the months of April, May, June, July, August, September, and October. No operation shall be permitted on Sundays, New Year's Day, Independence Day, Thanksgiving or Christmas Day.

Sec. 3-056. Mobile home.

A mobile home as defined in this UDC (i.e., manufactured prior to June 15, 1976) is not permitted in any zoning district and may be replaced as authorized by State law.

Sec. 3-057. Model home or temporary sales facility.

Prior to final plat approval of a residential subdivision, a building permit may be issued for one model home which may also serve as a temporary sales office for the subdivision. In such instances, the model home shall be considered the principal use of the entire unsubdivided parcel until the final plat is approved. If the model home or temporary sales office is intended to be converted to a dwelling after final plat approval, the building shall be established on a lot shown

on an approved preliminary plat and shall meet zoning district requirements for principal dwellings as if the lot were final platted.

Sec. 3-058. Outdoor display and retail sales of merchandise or goods.

(a) Merchandise or goods may be on display outdoors for the purpose of customer selection or direct sale or lease to customers only as follows:

1. Outdoor display areas shall only be allowed on property zoned or approved for retail, sales of goods and merchandise.
2. All lots used for outdoor display shall have a permanent sales structure on the lot.
3. Outdoor display shall not encroach on any required parking areas or be located in a designated landscape area.
4. Outdoor display shall be limited to store hours and removed and placed inside a fully enclosed building each day.
5. No person shall be allowed or permitted to obstruct any sidewalk or street in the city by putting any box, table, steps, merchandise or any other similar thing thereon or to use the streets and sidewalks for the display of goods, wares or merchandise of any kind.
6. Outdoor display shall be confined to within five feet of the business structure's front building facade. It shall not occupy more than 30 percent of the horizontal width of the front building facade.
7. Outdoor display shall not impair the ability of pedestrians to use the sidewalk or parking areas and shall comply with ADA clearance and accessibility.

(b) Outdoors retail sales of certain merchandise or goods is subject to the following restrictions:

1. Only the following types of businesses are subject to the provisions of this subsection:
    a. The sale or display of plant material and seasonal items such as Christmas trees, pumpkins, and fruits and vegetables.
    b. Sale, leasing or renting displays of boats, personal recreational vehicles, farm and agricultural implements or equipment.
2. Outdoors retail sales shall only be allowed in commercial district.
3. All merchandise shall be located a minimum of 30 feet from the road/street and 25 feet from any property line.
4. Merchandise and goods for sale shall not exceed a height of ten feet in the front yard and 20 feet in the rear yard.
5. Merchandise in outdoor retail sales areas may be kept outside after store hours but shall be kept organized and clean.

6. Merchandise shall not be displayed in any required parking or landscape/buffer area without the consent of the property owner.
7. All display and storage areas shall have merchandise placed upon a concrete or asphalt surface.

Sec. 3-059. Outdoor storage.

(a) **Residential.** Outdoor storage on properties used or zoned for residential purposes shall meet the following standards:

1. Shall not be used for occupancy, either temporarily or permanently.

2. Outdoor storage shall only be allowed in the rear yard of any property zoned or approved for residential uses.

3. Boats, recreational vehicles, campers, trailers, or personal watercraft or other recreational vehicles shall be located behind the plane of the front building façade of the primary residence (storage of such items within a completely enclosed garage or storage building shall be exempt from this standard).

4. Abandoned, wrecked, or junked vehicles, salvage or scrap materials, power-driven construction equipment, used lumber or metal, or any other miscellaneous scrap or salvageable material shall be parked and/or stored in an enclosed accessory building.

5. All junked, wrecked, and/or non-operational vehicles that are not parked or stored in a garage or carport shall not be visible from the public right-of-way or by adjacent neighbors. These vehicles must be shielded by either planted and maintained plant materials or solid fencing as specified in this UDC. Auto covers or tarpaulins are prohibited for use as shielding materials.

6. No automobile, recreational vehicle, trailer, or other vehicle offered for sale shall be parked in the public right-of-way.

7. Commercial vehicles weighing greater than 10,000 pounds are prohibited from remaining parked overnight in residential areas.

(b) **Commercial or Industrial.** Outdoor storage on properties used or zoned for commercial or industrial uses shall meet the following standards:

(1) Outdoor storage shall be located behind the front building facade of the principal structure.

(2) Outdoor storage areas shall be paved with a concrete or asphalt surface.

(3) Materials shall not be stacked more than 12 feet in height and shall be fully screened from view from road rights-of-way and adjacent properties by a fence

or wall at least eight feet in height that meets the minimum requirements of this Article (See Sec. 3-036 Fence, wall, and/or screening).

(4) Storage areas may also be used as outdoor display areas.

(c) **Setback requirements.** Outdoor storage must meet the rear and side setback requirements for the principal structure as specified for the zoning district in which the property is located as established in Article 2 of this UDC.

(d) **Site Plan Required.** When a change of use or change of operation occurs from which outdoor storage is a result within a parcel, site plan must be submitted to and approved by the Zoning Administrator to ensure compliance with all applicable laws and provisions of this UDC.

Sec. 3-060. Outdoor storage, intermodal container.

(a) Outdoor storage intermodal containers shall be used only for the storage of plant materials such as hay or straw for direct retail sale to customers provided however that outdoor storage containers may be used during construction to temporarily store equipment or material but shall be removed upon occupancy of the building and/or expiration of the building permit, whichever occurs first.

(b) Outdoor storage containers shall be incidental to the principal use of a site and shall not be located on vacant property.

(c) Outdoor storage containers shall be kept in good condition and free of damage, rust, graffiti, signs, banners, etc.

(d) Outdoor storage containers shall not:

1. Be used as a dwelling nor any other purpose but storage;

2. Be provided with utility services;

3. Have any structure connecting outdoor storage containers with one another;

4. Be stacked;

5. Used to store flammable liquids or other hazard materials as determined by the fire chief.

Sec. 3-061. Recreation facility, private (community recreation).

Community recreation, such as a site with a swimming pool and cabana, tennis courts, clubhouse, etc. serving a residential subdivision or multi-family development, shall be authorized by the Zoning Administrator, subject to the following requirements:

(a) **Timing of construction**. If proposed as part of a residential subdivision or multi-family development, no more than 50 percent of the dwelling units authorized within the development or subdivision phase will be granted building permits until the community recreation facility is completed and certificate of occupancy issued.

(b) **Operation.** The facility shall be open only to residents of the residential development which it serves, and their guests, and shall not be open to the general public for a fee.

(c) **Outside activity duration.** Outdoor activity shall cease by 11:00 p.m.

(d) **Setback and buffer.** Buildings and structures associated with said use shall be located a minimum of 25 feet from any property line, including a minimum 15-foot-wide landscape strip along any side or rear property line. If outdoor patio or decks are provided, they shall be located no closer than 25 feet from a property line.

(e) **Parking.** Parking shall be provided per the requirements of this UDC.

(f) **Outdoor lighting.** If outdoor lighting is provided, exterior lighting proposed for a building, swimming pool, tennis courts, or other structure or use shall comply with the requirements of this UDC for outdoor lighting.

(g) **Swimming pools.** See swimming pools in this UDC.

(h) **Plan and permits.** A site plan must be approved by the Zoning Administrator to ensure compliance with all applicable laws and provisions of this UDC, and a development permit and building permit may be required, as appropriate.

Sec. 3-062. Recreational vehicle and equipment.

(a) **Storage.** Recreational equipment such as boats, boat trailers, travel trailers, recreational vehicles, pick-up campers or coaches, motorized dwellings, motor coaches, tent trailers and other similar vehicles may be parked or stored only in side yards, rear yards, carports, or in an enclosed building, provided however, that such equipment may be parked or stored anywhere on residential premises for a period not to exceed 24 hours during loading and unloading. No recreational vehicle or recreational equipment shall be stored or maintained on a vacant lot.

(b) **Occupancy.** A recreational vehicle shall not be occupied as a permanent residence. Use of a recreational vehicle is only authorized within a designated recreational vehicle park.

Sec. 3-063. Recreational vehicle park.

In zoning districts where permitted, recreational vehicle parks shall comply with the following requirements:

(a) **Water and sanitary sewer.** Recreational vehicle parks shall be connected to a public water supply and a public sanitary sewer system or an on-site sewage management system approved by the Jackson County Environmental Health Department.

(b) **Minimum development area.** The minimum lot area for the development shall be three acres.

(c) **Minimum development frontage.** The minimum road frontage for the lot shall be 100 feet.

(d) **Space setback.** No recreational vehicle space shall be located within 50 feet of a city street, county road or state or federal highway right of way.

(e) **Access.** Direct access to a city, county, state or federal highway shall be required. No entrance shall be through a residential district, nor shall movement of traffic from the park through a residential zoning district be permitted.

(f) **Internal access roads.** All access roads within the development shall be private with a minimum easement width of 40 feet and paved with a minimum pavement width of 20 feet, and lighted with a minimum spacing of 200 feet each between street lights.

(g) **Parking and driveways.** All off-street parking areas or spaces and driveways have direct access to an interior access road. No driveway serving an individual recreational vehicle space shall be permitted to access a road exterior to the development, except via an approved internal access road.

(h) **Minimum open space.** At least 20 percent of the park must be set aside as open space or for recreation purposes.

(i) **Occupancy.** No recreational vehicle or space shall be rented or occupied by the same user for a period of more than 30 consecutive days in a six (6) month period.

(j) **Accessory uses.** Management offices, active indoor or passive outdoor recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a recreational vehicle park are permitted as accessory uses, provided use is restricted to the occupants of the park.

(k) **Rules and regulations.** A copy of the park management rules and regulations must be submitted to the Zoning Administrator for approval. The park operator will be responsible for ensuring that visitors comply with the rules and regulations.

Sec. 3-064. Restaurants with outdoor dining.

Outdoor dining for restaurant service is permitted subject to the following standards:

(a) **Location.** Outdoor dining areas are allowed in the front, side, or rear yard of the subject property. In order for there to be outdoor dining to the rear of the building, there must be a public entrance from the rear of the building.

(b) **Perimeter fixtures required.** The perimeter of the outdoor dining area shall be delineated using non-permanent fixtures such as railings, potted plants, decorative chains, or other similar decorative fixtures other than signs and that do not present a public health or safety hazard.

(c) **Fixtures.** Tables, chairs, umbrellas, canopies, awnings, and any other fixtures shall be of uniform design and shall be made of quality materials and workmanship to ensure the safety and convenience of users and to enhance the visual quality of the urban environment. Design, materials, and colors shall be compatible with standards set forth in this UDC.

(d) **Development standards – abutting sidewalk.** Outdoor dining abutting a public sidewalk shall be subject to the following additional development standards:

1. A minimum of one obstructed pedestrian path, the width of which shall be compliant with the American with Disabilities Act, shall be maintained to connect the building entrances to the curb line of the abutting street.

2. A minimum setback of at least six (6) feet from the curb line shall be provided adjacent to on-street parking spaces in order to maintain adequate space for pedestrian access to moto vehicles. All other setbacks, as outlined in Article 2 of this UDC must be followed.

3. The city may at any time require the removal of the outdoor seating abutting a public sidewalk when street, sidewalk, or utility repairs necessitate such action or when it is necessary to clear sidewalks for other events permitted by the city. The owner/proprietor of the restaurant shall not be entitled to any refund for such removal and the city shall not be responsible for any costs associated with the removal or return and installation of any outdoor seating fixtures.

4. The city may cause the immediate removal or relocation of all or any part of outdoor seating abutting public sidewalks in emergency situations. The city, its officers, agents and employees shall not be responsible for any damages or loss of outdoor seating fixtures relocated during emergency situations and shall not be responsible for any costs associated with the removal or return and installation of any outdoor seating fixtures.

(e) **Development standards – rooftop dining.** Rooftop dining shall be subject to the following additional development standards:

1. When rooftop dining is a continuation of a restaurant operating on a lower level of the same building, the rooftop level is not required to meet access

standards set by the American with Disabilities Act such that the lower level is ADA compliant and provides the same services as the rooftop level.

2. When rooftop dining is part of a restaurant located solely upon the roof of the building and not a continuation of a restaurant operating on a lower level of the same building, the rooftop restaurant and rooftop dining must comply with the American with Disabilities Act.

3. Any and all areas of rooftop dining must comply with current building codes as adopted by the City.

(f) **Hours of Operation.**

1. Outdoor dining -abutting a sidewalk: 6:00 a.m. – 10:00 p.m.

2. Rooftop dining: open-close as set by business

Sec. 3-065. Retail or service as an accessory use.

Retail sales and services such as but not necessarily limited to a barber shop, personal service establishment; drugstore, book store, florist, convenience food stores, gift shops, snack bar or cafeteria, and/or news stand, may be authorized by the Zoning Administrator as accessory to the operation of a hotel, or an office or institutional development containing 50,000 square feet or more building floor area, subject to the following requirements:

(a) Such activities shall be conducted wholly within the principal building, and every public entrance to such activities shall be from a lobby, hallway, or other interior portion of the principal building.

(b) The building floor space used or to be used for such accessory uses shall be limited to a total of 10 percent of the gross building floor area of the hotel, or office or institutional principal building in which it is located.

(c) No show window or display that is visible from the exterior of the principal building shall be permitted.

Sec. 3-066. Satellite dish antenna.

(a) Satellite dish antennas shall be prohibited on the roofs of structures, except for dishes with a diameter of 18 inches or less.

(b) No satellite dish shall be placed in a front yard, unless documentation is provided to the Zoning Administrator indicating that a side or rear yard location will not provide adequate reception.

Sec. 3-067. Self-service storage facility.

(a) **Minimum development size.** The minimum lot size for a self-service storage facility (mini-warehouse development) shall be two (2) acres.

(b) **Building arrangement.** All self-service storage facilities shall be completely enclosed.

(c) **Building orientation.** Buildings shall be situated so that overhead access doors of individual bays do not face any street frontage.

(d) **Maximum building length.** No individual building shall exceed 200 feet in length.

(e) **Minimum building separation.** There shall be a minimum separation of 20 feet between buildings.

(f) **Minimum width of aisle ways.** The minimum width of an aisle way shall be 20 feet if one-way traffic and 24 feet for two-way traffic. Traffic flow patterns in the aisle ways shall be clearly marked with directional signage and painted lane markings with arrows as may be approved.

(g) **Turning radii.** To assure appropriate access and circulation by trucks and emergency vehicles and equipment, a minimum turning radius for all aisle ways and access roads within the development may be required.

(h) **Fencing.** The facility shall be fenced along the entire perimeter boundary. Fencing adjacent to a street frontage and abutting a residential zoning district shall be an architecturally finished wall or solid, opaque wooden fence with a minimum height of 6 feet, placed interior to any required landscape strip.

(i) **Size of storage units.** Individual storage units shall not exceed 800 square feet in area.

(j) **Use of storage units.** Individual storage units shall not be used for living, wholesale or retail sales, or hobbies. Storage bays shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail sales of any kind; rehearsing or practicing utilizing band instruments; conversion to an apartment or dwelling unit; or to conduct any other commercial or industrial activities. Individual storage bays within a self-service storage facility shall not be considered a premise for the purpose of assigning a legal address in order to obtain mail delivery, an occupational license, or any other governmental permit or licenses to do business.

(k) **Materials stored.** Individual units or the premises more generally shall not be used for the storage of hazardous materials, toxic substances, flammable liquids, or highly combustible or explosive materials.

(l) **Open storage.** Open storage of recreational vehicles, boats, trailers, recreational equipment and similar vehicles of the type customarily maintained by private individuals for their personal use shall be permitted within a self-service storage facility subject to the following requirements:

1. The total area devoted to open storage shall not exceed 25 percent of the total developed area of the facility.

2. The open storage area shall observe the required minimum front, side, and rear yard setbacks for the zoning district in which it is located.

3. The open storage area shall be entirely screened from view from adjacent residential properties and public streets by a building or by the installation of a minimum 6-foot high opaque wall or fence, or by existing vegetation if topography enables the required screening.

4. If structures are utilized for open storage, the roof of any such structure shall not be less than a 2:12 roof pitch.

5. No vehicle maintenance, washing, or repair shall be permitted within the open storage area.

(m) **Office.** A leasing, management, and/or security office shall be permitted in conjunction with a self-service storage facility. Within such office, the sale or rental of items related to moving and storage such as moving boxes, packing supplies and hand trucks shall be permitted.

(n) **Dwelling.** A caretaker or nightwatchman residence shall only be permitted if it complies with the caretaker or nightwatchman residence requirements of this UDC.

(o) **Accessory rental of vehicles.** A self-service storage facility may rent or lease moving trucks and trailers, provided that all such trucks or trailers are stored in the open storage area authorized by this section; no display of vehicles or trailers for rent shall be authorized along a street frontage.

(p) **Parking.** Designated customer parking is not required; however, a minimum of 4 parking spaces shall be provided adjacent to the facility's leasing office, if a leasing office is located on site.

(q) **Hours of operation.** Self-service storage facilities shall not be accessible to the general public (excluding on-site managers or security agents) between the hours of midnight and 5:00 a.m.

(r) **Paved surfaces required.** All vehicular circulation and parking within the site shall have concrete or asphalt surfaces.

(s) **Prohibited Uses.** The following uses are prohibited:

1. Individual storage bays used as a premise for assigning a legal address.

2. Uses not related to the temporary storage of personal property including, but not limited to, residential dwelling, office, workshop (including vehicle, appliance, and equipment repair), studio, band rehearsal area, or other place of business or worship.

3. Commercial transactions including auctions, retail or wholesale sales, or garage sales other than those associated with the rental of the storage units or the specific disposal of items within a unit by the owner of the self-storage facility.

4. Operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or similar equipment.

(t) **Exterior Wall Design**. A minimum of thirty-five percent (35%) of the exterior of any front wall and any wall facing a public street of a self-service storage facility shall consist of windows or transparent glass.

(u) **Site Plan.** A site plan for a self-service storage facility must be provided to the Planning Commission for review to determine compliance with this Code before a Land Disturbance Permit is granted.

(Amended 01/21/2025)

Sec. 3-068. Semi-trailer or other commercial vehicle.

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

(b) Commercial vehicles, as defined (including tractor trailers and buses), are prohibited from being parked in residential zoning districts.

Sec. 3-069. Small wireless facility.

Small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities may be placed in the right of way as a permitted use in accordance with O.C.G.A. Section 36-66C-6, subject to applicable codes and the following requirements:

(a) Each such new, modified, or replacement pole installed in the right of way in a historic district and in an area zoned primarily for residential use shall not exceed 50 feet above ground level;

(b) Each such new, modified, or replacement pole installed in the right of way not in historic district or in an area zoned primarily for residential use shall not exceed the greater of: fifty feet above ground level; or ten feet greater in height above ground level than the tallest existing pole in the same authority right of way in place as of January 1, 2019, and located within 500 feet of the new proposed pole;

(c) New small wireless facilities in the right of way shall not exceed the following:

1. For a collocation on an existing pole or support structure, more than ten feet above the existing pole or support structure; or

2. For a collocation on a new, modified, or replacement pole under paragraph (a) or (b) of this section, the height limit provided in such paragraphs.

(d) An applicant in the right of way shall employ due care during the installation and maintenance process and shall comply with all safety and right of way protection requirements of general applicability set forth in applicable law.

(e) An applicant in the right of way shall not place any small wireless facilities, support structures, poles, or decorative poles where they will interfere with any existing infrastructure or equipment and shall locate its lines and equipment in such a manner as not to interfere unnecessarily with the usual vehicular or pedestrian traffic patterns or with the rights or reasonable convenience of owners of property that abuts any right of way.

(f) Within a historic district, an applicant may collocate a small wireless facility and may place or replace a pole, only upon satisfaction of the following: The issuance of a permit under subsection (a) of O.C.G.A. Section 36-66C-6; and compliance with any objective, reasonable, and nondiscriminatory aesthetic and structural requirements that have been made publicly available in writing by the authority at least 30 days prior to submission of the application; provided, however, that any such requirements may not have the effect of materially inhibiting any wireless provider's technology or service, and compliance with any such requirements shall not be considered a part of the small wireless facility for purposes of the size restrictions in the definition of small wireless facility. In the absence of any such requirements, a replacement pole shall be substantially similar in height and appearance to the pole being replaced.

(g) For applications for new poles in the right of way in areas zoned for residential use, the authority may propose an alternate location in the right of way within 100 feet of the location set forth in the application, and the wireless provider shall use the authority's proposed alternate location unless the location imposes technical limits or significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and it shall provide a written summary of the basis for such determination.

(h) An applicant may collocate a small wireless facility on a decorative pole, or may replace a decorative pole with a new decorative pole, in the event the existing decorative pole

will not structurally support the attachment, only upon satisfaction of the following: the issuance of a permit under subsection (a) of O.C.G.A. Section 36-66C-6; and compliance with any objective, reasonable, and nondiscriminatory aesthetic and structural requirements that have been made publicly available in writing by the authority at least 30 days prior to submission of the application; provided, however, that any such requirements may not have the effect of materially inhibiting any wireless provider's technology or service, and compliance with any such requirements shall not be considered a part of the small wireless facility for purposes of the size restrictions in the definition of small wireless facility. In the absence of any such requirements, a replacement pole shall be substantially similar in height and appearance to the pole being replaced.

Sec. 3-070. Solar energy system, building mounted.

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

(a) **Placement.**

1. No solar energy system shall be mounted or affixed to any freestanding wall or fence.

2. Panels and building mounts shall be installed per manufacturer's specifications.

3. For aesthetic reasons in residential zoning districts, a solar energy system shall not be located on the front slope of a pitched roof of a principal residential structure unless no other location for the solar energy equipment is feasible. The city may require sun and shadow diagrams specific to the installation to ensure compliance with this provision.

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

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

Sec. 3-071. Solar farm.

In zoning districts where permitted, a solar farm shall be subject to the following regulations:

(a) **Mounting.**

1. Solar panels or solar arrays shall be mounted onto a pole, rack or suitable foundation, in accordance with manufacturer specifications, in order to ensure the safe operation and stability of the system. The mounting structure (fixed or tracking capable) shall be comprised of materials approved by the manufacturer, which are able to fully support the system components, in accordance with applicable building permit requirements. Electrical components of the facility shall meet applicable electrical

code requirements, and all electrical wires and lines less than 100kV that are used in conjunction with the solar energy facility shall be installed underground.

2. Multiple mounting structures shall be spaced apart at the distance recommended by the manufacturer to ensure safety and maximum efficiency.

(b) **Setbacks.** A solar energy facility and its appurtenant components and structures shall be set back a minimum of 50 feet from all property lines and 100 feet from any residence.

(c) **Placement.**

1. If located in a floodplain or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation.

2. Components of the facility shall not be located over a septic system, leach field area or identified reserve area unless approved by the Jackson County Environmental Health Department.

(d) **Screening.** The facility shall be fully screened from adjoining properties and adjacent roads using the natural topography or by installation of an evergreen buffer capable of reaching a height of 6 feet within 3 years of planting, with at least 75 percent opacity at the time of planting.

(e) **Height.**

1. Freestanding solar panels or solar arrays shall not exceed 25 feet in height as measured from the grade at the base of the structure to the highest point.

2. Mounted solar panels or solar arrays shall not exceed 8 feet above the apex of the structure on which it is mounted or the maximum height for buildings in the zoning district in which it is located.

(f) **Security.**

1. Unless 24-hour security guards or video surveillance is provided at the installation, the solar energy facility shall be enclosed by a security fence no less than 6 feet nor greater than 8 feet in height.

2. Access gates and equipment cabinets must be locked when not in use.

(g) **Glare and lighting.**

1. The solar energy system components shall be designed with an antireflective coating or at least shall not produce glare that would constitute a nuisance to occupants of neighboring properties, aircraft, or persons traveling adjacent or nearby roads.

2. If lighting is required, it shall be activated by motion sensors, fully shielded and downcast type where the light does not spill onto any adjacent property or into the night sky.

(h) **Maintenance and upkeep.** Systems shall be maintained in accordance with manufacturer's specifications. The operator of the facility shall maintain the facility, including all buffer screening, in compliance with the approved plans and shall keep the facility free from weeds, dust, trash and debris.

(i) **Site plan review and development permit.** A site plan reviewed and approved by the Zoning Administrator shall be required prior to issuance of a development permit. In addition to requirements for site plans generally, the site plan submission shall include the following information: The proposed location and dimensions of all solar panels, inverters, existing and proposed structures, screening, fencing, property lines, parking, access driveways and turnout locations, ancillary equipment, transmission lines, vegetation, the location of any residences on site and within 100 feet of the perimeter of the facility, the location of any proposed solar access easements, and standard drawings of solar energy system components.

(j) **Additional submission requirements.** In addition to requirements for information to be provided during the site plan review and development permitting process, the facility shall not be approved for operation until the following are submitted:

1. Copy of all deeds, lease agreements and solar access easements for the site.

2. Where interconnection to an electric utility grid is proposed, the applicant shall submit evidence that the electrical utility provider has been informed of the customer's intent to install an interconnection with the local electric utility grid. A copy of the approval from the local utility must also be provided before operation of an interconnected facility will be authorized.

3. A decommissioning plan for the anticipated service life of the facility or in the event that the facility is abandoned or has reached its life expectancy.

4. The city may require other studies, reports, certifications, and/or approvals be submitted by the applicant to ensure compliance with this section.

(k) **Removal of obsolete or unused systems.** All obsolete or unused systems shall be removed. Any structure or equipment associated with the solar farm that is not operated for a continuous period of one year shall be considered an obsolete or unused system and decommissioned per the approved decommission plan.

Sec. 3-072. Stadium, sports arena, or amphitheater.

(a) **Minimum site area.** The minimum site area shall be 10 acres.

(b) **Fencing.** Such facilities shall be enclosed by a 6-foot high fence along the entire perimeter boundary, for screening and security purposes, as approved during the conditional use application process.

(c) **Traffic impact study.** As a part of the conditional use application, a traffic study shall be submitted to the Zoning Administrator. The applicant shall address recommendations of the traffic study to mitigate traffic impacts of the proposed facility.

(d) **Noise and lighting studies.** As a part of the conditional use application, a noise impact study and lighting study shall be submitted to the Zoning Administrator. The applicant shall address recommendations of the noise and lighting studies to mitigate noise and lighting impacts of the proposed facility.

(e) **Hours of operation.** Hours of operation may be limited by the City Council via conditions of conditional use approval.

Sec. 3-073. Swimming pool.

(a) **Setback.** Swimming pools (water's edge) shall be located behind the rear building line and shall be a minimum of 15 feet from any property line.

(b) **Fence and gate.** Swimming pools must be enclosed by a fence or wall at least 4 feet in height with a locking gate.

(c) **Other requirements.** Swimming pools must comply with all applicable ordinances and must have necessary approvals from the Jackson County Environmental Health Department and Building Official.

(d) **Commercial swimming pools.** Swimming pools which are operated as an accessory use to hotels, motels, or other permitted commercial uses shall be restricted to use by the patrons/guests of the principal use on the subject property and shall not be opened to the general public for a fee.

Sec. 3-074. Sports Courts.

Sports courts on individual residential lots shall be located in rear yards and shall be setback at least 15 feet from all side and rear property lines and enclosed by a fence or freestanding wall at least 8 feet in height.

Sec. 3-075. Tattoo Studio.

(a) There shall be a minimum separation distance of 500 feet between tattoo establishments.

(b) Tattoo studios shall be separated by at least 500 feet from any residential district, existing residential use, excluding upper floor residential uses in the central business district.

(c) All federal, state, and local regulations for tattoo establishments shall be met.

Sec. 3-076. Temporary classroom.

On sites where educational or religious facilities are permitted, one or more temporary classrooms, which may be industrialized buildings, may be permitted as temporary uses by the Zoning Administrator, upon application and after the issuance of a building permit, for a public school, private school, or church. The Zoning Administrator may attach reasonable conditions on the issuance of such permit to ensure compatibility and public safety. The duration of such temporary use and building permit shall not exceed one year, unless an extension is granted by the Zoning Administrator.

Sec. 3-077. Therapeutic massage establishment.

Any establishment offering therapeutic massages shall be required to have the person providing the massage therapy to hold a valid massage therapy license issued by the Georgia Board of Massage Therapy.

Sec. 3-078. Timber harvesting.

(a) **Bona fide agricultural activity.** The following shall be required in order to qualify tree harvesting as a bona fide agricultural activity:

1. The tract must be under an approved forestry management plan.

2. The Jackson County Tax Commissioner has approved the property for a preferential agricultural assessment or a conservation use assessment.

3. There is a contract for delivery of the trees between the tree harvesting company and an end user, such as to a mill or wood pulp company.

4. Best Management Practices required by the Georgia Forestry Commission shall be followed. This can be evidenced by a contract between the tree harvesting company and the property owner (the seller) that is consistent with the form and content recommended by the Georgia Forestry Commission.

5. The tree harvester is currently qualified as a master timber harvester by the Georgia Forestry Commission at the time of the tree harvesting.

(b) **Permit not required.** No permit from the city shall be required for timber harvesting.

(c) **Notice required.** All persons or firms harvesting standing timber in the city for delivery as pulpwood, logs, poles, or wood chips to any woodyard or processing plant located inside or outside the state of Georgia shall provide notice of such harvesting operations to the Zoning Administrator prior to cutting any such timber. Prior written notice shall be required of any person or firm harvesting such timber for each separate tract to be harvested thereby, shall be in such form as prescribed by state rule or regulation of the Director of the Georgia Department of Natural Resources and shall consist of the following:

1. A map of the area which identifies the location of the tract to be harvested and, as to those trucks which will be traveling to and from such tract for purposes of picking up and hauling loads of cut forest products, the main point of ingress to such tract from a public road and, if different, the main point of egress from such tract to a public road;

2. A statement as to whether the timber will be removed pursuant to a lump sum sale, per unit sale, or owner harvest for purposes of ad valorem taxation under O.C.G.A. Section 48-5-7.5;

3. The name, address, and daytime telephone number of the timber seller if the harvest is pursuant to a lump sum or per unit sale or of the timber owner if the harvest is an owner harvest; and

4. The name, business address, business telephone number, and nighttime or emergency telephone number of the person or firm harvesting such timber.

Such notice may be submitted in person, by transmission of an electronic record via telefacsimile or such other means as approved by the Zoning Administrator, or by mail. (Reference O.C.G.A. 12-6-24)

(d) **Restriction on development approval of recently cleared land.** Except for properties with activities consistent with paragraph (a) of this section (bona fide agricultural activity), no development or land disturbance permit will be issued by the city if any portion of the property has been cleared of trees within 5 years prior to such permit application. This restriction may be waived by the City Council upon a finding that: the tree removal occurred as a bona fide agricultural activity; and a minimum basal area of at least 50 square feet per acre, distributed evenly throughout the property, was retained on the property at the time of tree removal, as certified by a qualified arborist or forester.

Sec. 3-079. Tire shop or tire display.

(a) **Definitions.** As used in this section and elsewhere in this UDC as may be applicable, the following terms are defined:

1. *Tire*: A continuous solid or pneumatic rubber covering designed for encircling the wheel of a motor vehicle and which is neither attached to the motor vehicle nor a part of the motor vehicle as original equipment, such motor vehicles including but not

limited to, automobiles, trucks, heavy equipment, motor bikes, boat and other trailers, aircraft, and recreational vehicles.

2. *Used tire*: A tire which has a minimum of 2/32" of road tread and which is still suitable for its original purpose.

3. *Scrap tire*: A tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

(b) **Display.** Any tire shop, retail tire sales establishment, used tire dealer, and any other establishment lawfully associated with the sale, service or repair of tires or used tires shall be required to limit the display outside of a building of tires and used tires, as defined in this section, to no more than a total of seventy-two (72) tires and/or used tires. This provision shall not limit the display of tires inside a building, The only acceptable method of tire or used tire display outside of a building is the placement of such tires or used tires on one or more racks in the upright position. No tire or used tire display rack(s) shall be placed in any required driveway, fire lane, landscape strip, frontage buffer, parking space, or within 20 feet of the front property line. It shall be unlawful to display outside a building any scrap tires.

(c) **Storage.** Except for salvage yards, the storage of tires and used tires shall be authorized only within a building or fully enclosed structure.

Sec. 3-080. Tow service.

Wrecked or inoperable vehicles may be stored outdoors in a rear yard if fully screened from view of all public roads and nearby properties via buildings and/or a solid, opaque wooden fence or masonry wall at least 6 feet in height.

Sec. 3-081. Vehicle emission testing facility.

Vehicle emission testing is authorized as an accessory use to an automobile sales, service or repair facility.

Sec. 3-082. Vehicle for sale.

In residential zoning districts, it shall be unlawful to display a vehicle or implement for sale, except in accordance with this section. In cases where a property owner owns a vehicle or implement offered for sale, such vehicle or implement may be placed in the front yard and a "for sale" sign not exceeding four square feet shall be permitted. Such offering shall be limited to no more than 60 days. This section does not authorize the sale of commercial vehicles, as defined, and does not allow for the display for sale of more than one vehicle at a time and it does not permit the display for sale of vehicles, implements or equipment not owned by the property owner.

Sec. 3-083. Wireless telecommunications facilities and towers.

This section shall not apply to "small wireless facilities" as defined and otherwise regulated by this UDC.

(a) **Conditional use approval.** Wireless telecommunication towers require conditional use approval.

(b) **Height.** No tower, pole, or antenna, whether freestanding or attached to a building or structure, shall exceed 200 feet in height from ground level, unless specifically authorized as a part of an approved conditional use application.

(c) **Placement restrictions.** Communication towers shall be setback from residential zoning district boundaries a minimum of one foot for each foot of tower or antenna height. All towers shall be located at least one-third of their height in feet from any public right-of-way.

(d) **Illumination**. Communication towers, poles, or antennae shall not be lighted except to ensure safety or as required by the Federal Aviation Administration, Federal Communications Commission, or other federal agency with jurisdiction.

(e) **Co-location**. Proposed telecommunication antennas may and are encouraged to co-locate onto existing cell towers. New or additional conditional use approval is not required for the addition of an antenna to an existing approved tower or pole. All towers over 100 feet in height shall have structural capacity and ground or interior space to accommodate multiple users. Towers up to 160 feet shall accommodate at least three users, and towers over 160 feet shall accommodate at least five users.

(f) **Conditional use application requirements.** In addition to those applications requirements specified in this UDC for conditional use applications generally, an application for a conditional use to erect a telecommunications tower or facility shall be required by the Zoning Administrator to submit the following:

1. Elevation view, perspective drawing, or simulated photograph of how the proposed telecommunication tower will look from public rights-of-way and surrounding residential streets from which it will be visible once constructed.

2. Supporting engineering calculations and information which provide evidence of need and document radio frequency range, coverage area, and tower height requirements. The application must specifically address whether there is a technically suitable space available on an existing tower or other location within the search area (i.e., the grid for the placement of the antenna), and such information shall specifically include the location of all existing towers within a one-mile radius of the site proposed.

Sec. 3-084. Wrecked motor vehicle compound.

In zoning districts where permitted, wrecked or inoperable vehicles may be stored outdoors in a rear yard if fully screened from view of all public roads and nearby properties via buildings and/or a solid, opaque fence or masonry wall at least 6 feet in height.

Sec. 3-085. Yard or garage sale.

Yard or garage sales, where permitted, shall not exceed 72 hours for each yard sale. A yard sale on a particular property shall not occur more frequently than twice annually.

Sec. 3-086 Data Processing and Housing/Data Centers

The following standards shall apply to all data centers regulated under this ordinance:

(a) Minimum Site Area. The minimum lot size for any data center shall be ten (10) acres.

(b) Fencing & Security Requirements.

All data centers shall be enclosed by a secure perimeter.

1. All data centers shall be enclosed by a perimeter fence a minimum of eight (8) feet in height.
2. Fencing along public road frontages shall not be chain link, barbed wire, or razor wire. Public-facing fencing shall incorporate one or more of the following:
    a. Decorative or architectural materials such as masonry or wood (solid metal panel fencing is prohibited)
    b. A vegetative buffer of sufficient density to screen the fence from public view.
3. Controlled access gates, security signage, and continuous on-site or remote surveillance shall be required.
4. Along public road frontages, all perimeter fencing shall be located behind the required landscape buffer and integrated with plantings to minimize visual mass from the right-of-way.

(c) Setbacks and Buffers.

1. Data centers shall maintain a minimum separation of one thousand (1,000) feet from any existing residence, measured from the nearest point of the data center building to the residential structure.
2. A minimum buffer of five hundred (500) feet shall be provided where a data center abuts property zoned for residential or agricultural use.
3. From public road rights-of-way, the following minimum setbacks shall apply:
    a. Major arterials, collectors, and designated corridor roads: one hundred fifty (150) feet, with required vegetative or architectural screening.
    b. Local industrial access roads: one hundred (100) feet, with vegetative screening where visible from the public right-of-way.

(d) Infrastructure and Utility Requirements.

1. A Power, Water, and Broadband Impact Study shall be submitted with any Special Use application, including projected utility demand at build-out, proposed phasing, and identification of necessary off-site improvements or extensions.
2. Applicants shall prioritize air-cooled, liquid immersion, or hybrid cooling systems. Any facility proposing water-cooled systems shall incorporate a mandatory water reclamation and reuse

system. The applicant must demonstrate that the selected cooling method is the least water-intensive technology feasible for the site.

(e) Environmental, Energy, and Noise Standards.

1. A stormwater management plan shall be required, incorporating best management practices and designed to address runoff from large impervious surfaces associated with data center development.
2. Data centers exceeding ten (10) megawatts of power demand shall submit an Energy and Sustainability Plan identifying measures to reduce carbon intensity, improve energy efficiency, and mitigate environmental impacts.
3. Noise generated by any equipment, operations, or activities associated with a data center, including but not limited to cooling systems and emergency backup generators, shall not exceed 65 dB(A) during daytime hours (7:00 a.m.–11:00 p.m.) or 55 dB(A) during nighttime hours (11:00 p.m.–7:00 a.m.), as measured at the property line where the site adjoins residentially or agriculturally zoned property.
4. Primary data center buildings shall be constructed of materials with demonstrated soundattenuation properties, such as tilt-up concrete panels, concrete masonry units (CMU), or equivalent assemblies. Metal panel construction shall only be permitted where the applicant demonstrates, through an acoustical analysis, that the building envelope will achieve compliance with the City's noise performance standards at the property line.

(f) Emergency Response & Public Safety.

1. Data centers shall install fire suppression systems appropriate for sensitive electrical equipment and meeting, at a minimum, the fire and life safety codes adopted by the City.
2. A site-specific Emergency Response Plan (ERP) shall be prepared by the operator and coordinated with local fire and emergency services prior to issuance of a Certificate of Occupancy.
3. The ERP shall be updated as needed to reflect changes in site operations, equipment, or emergency procedures, and a current copy shall be maintained on file with the City.
4. Operators shall conduct emergency drills in coordination with local fire and emergency services at intervals specified by the City as a condition of Special Use approval.

(g) Compliance and Enforcement.

1. Facilities shall be subject to inspection by the City, or its authorized agents, at such times and intervals as determined by the City to verify compliance with this section and all conditions of Special Use approval.
2. Violations of this section or any conditions of approval shall be subject to fines of up to one thousand dollars ($1,000) per day for each violation.
3. Repeated or continued noncompliance may result in suspension or revocation of Special Use approval, business license, or certificate of occupancy.
4. No new permits, inspections, or certificates of occupancy shall be issued to any operator with unresolved violations or unpaid penalties
3. Facilities shall comply with water efficiency standards established by the applicable utility provider, including any maximum allowable usage thresholds in effect at the time of approval.

Applicants shall provide documentation from the utility provider confirming service capacity and applicable efficiency requirements prior to issuance of a building permit. Compliance with these standards shall be a condition of Special Use approval.

4. Direct connections to surface water sources or aquifers are prohibited unless no alternative supply is available. Any such withdrawals shall require offset measures approved by the City and utility provider.
5. Applicants shall enter into binding agreements with affected utility providers to fund and implement all necessary improvements. Such agreements shall include provisions for monitoring, reporting, and enforcement to ensure long-term sustainability of water and infrastructure resources.
6. No building permit shall be issued until the City has received written confirmation from all affected utility providers that adequate service capacity will be available upon project completion and that all reclamation and reuse requirements have been met

(Added 06/15/2026)

ARTICLE 4

OVERLAY DISTRICTS

DIVISION I OVERLAY DISTRICT GENERAL PROVISIONS

Sec. 4-101. Establishment.
Sec. 4-102. Boundaries and interpretation.
Sec. 4-103. Amendment of boundaries.
Sec. 4-404. Relationship to underlying zoning district.

DIVISION II HIGHWAY CORRIDOR OVERLAY DISTRICT

Sec. 4-201. Applicability and exemption.
Sec. 4-202. Special Uses
Sec. 4-203. Building height.
Sec. 4-204. Ground floor area limitation.
Sec. 4-205. Minimum nonresidential building floor area.
Sec. 4-206. Nonresidential lot standards.
Sec. 4-207. Residential lot standards abutting collector or arterial street.
Sec. 4-208. Street and streetscape requirements.
Sec. 4-209. Street and pedestrian network connectivity standards.
Sec. 4-210. Driveways.
Sec. 4-211. Deceleration lanes.
Sec. 4-212. Parking lots.
Sec. 4-213. Dumpsters.
Sec. 4-214. HVAC and mechanical equipment.
Sec. 4-215. Building architecture, materials, and colors.
Sec. 4-216. Outdoor and street lighting.
Sec. 4-217. Signage.
Sec. 4-218. Landscaping.
Sec. 4-219. Street cross-sections.

DIVISION I

OVERLAY DISTRICTS GENERALLY

Sec. 4-101. Establishment.
Sec. 4-102. Boundaries and interpretation.
Sec. 4-103. Amendment of boundaries.
Sec. 4-404. Relationship to underlying zoning district.

Sec. 4-101. Establishment.

There is hereby established the following overlay district in the City of Commerce:

Highway Corridor Overlay District

Sec. 4-102. Boundaries and interpretation.

(a) The boundaries of the overlay districts established in this Article shall be shown on the Official Zoning Map, or via a separate map made a part of the Official Zoning Map. Whether shown on the official zoning map or on a separate overlay district map or maps, overlay district boundaries are and shall be considered an integral part of the official zoning map.

(b) If an overlay district regulation specifically describes the boundaries of an overlay district, then the specific description regarding that overlay district shall apply.

(c) All applicable provisions regarding the official zoning map provided in Article 2 of this UDC shall be considered applicable to overlay districts, including but not limited to, provisions regarding determination and interpretation of zoning district boundaries, as provided in this UDC, which may be considered applicable by the Zoning Administrator in the determination and interpretation of overlay district boundaries.

Sec. 4-103. Amendment of boundaries.

The boundaries of an overlay district may be amended from time to time, following the same requirements and procedures of this UDC for an amendment to the official zoning map to change an underlying zoning district (see Article 13 of this UDC).

Sec. 4-104. Relationship to underlying zoning district.

(a) The requirements of any overlay district established by this Article are in addition to the regulations established for the zoning districts in which a given property is located.

(b) In any case where the requirements of an overlay district conflict with requirements of an applicable zoning district or any other provision of this UDC, the requirements of the more restrictive section or provision shall apply.

DIVISION II

HIGHWAY CORRIDOR OVERLAY DISTRICTS

Sec. 4-201. Applicability and exemption.
Sec. 4-202 Special Uses
Sec. 4-203. Building height.
Sec. 4-204. Ground floor area limitation.
Sec. 4-205. Minimum nonresidential building floor area.
Sec. 4-206. Nonresidential lot standards.
Sec. 4-207. Residential lot standards abutting collector or arterial street.
Sec. 4-208. Street and streetscape requirements.
Sec. 4-209. Street and pedestrian network connectivity standards.
Sec. 4-210. Driveways.
Sec. 4-211. Deceleration lanes.
Sec. 4-212. Parking lots.
Sec. 4-213. Dumpsters.
Sec. 4-214. HVAC and mechanical equipment.
Sec. 4-215. Building architecture, materials and colors.
Sec. 4-216. Outdoor and street lighting.
Sec. 4-217. Signage.
Sec. 4-218. Landscaping.
Sec. 4-219. Street cross-sections.

Sec. 4-201. Applicability and exemption.

(a) This division applies to land within the city limits of Commerce along U.S. Highways and streets where the City borders Jackson County as reflected on the Official Zoning Map that may be amended by the City Council from time to time. The overlay district boundary applies to lands within 500 feet from the centerline of the highway, or if a divided highway, from the centerline of the nearest direction of travel.

(b) The entire parcel of any parcel that is partially contained in the overlay district shall be subject to the requirements of the overlay district, even if subsequently subdivided.

(c) This division shall not apply to any development, improvement, building or structure, or plans or permits therefor, which was approved prior to the effective date of adoption of this division, as applicable unless otherwise specified in this UDC

Sec. 4-202. Special Uses

(a) The following uses shall require conditional use approval in accordance with the procedures of Article 13 of this UDC, if not otherwise restricted by this UDC.

1. Self-service storage facilities.
2. Salvage yard.

3. Adult entertainment.
4. Pawnshop, check cashing, title pawn, bail bonding, or payday loan establishment other than mortgage loan brokers.
5. Boarding houses.
6. Outdoor storage or display.

Sec. 4-203. Building height.

The height of any building to be placed in the highway overlay district shall be limited to three stories, unless a conditional use is granted by the Commerce City Council in accordance with Article 14 of this UDC. In addition to conditional use criteria generally as provided in Article 14 of this UDC, the Board may consider any of the following factors in making a decision whether to grant conditional use approval to exceed the three-story maximum building height:

(a) Proximity and relationship of the proposed building to other buildings that are more than three stories or thirty-five (35) feet in height.

(b) Impact of the proposed building on single-family residences on nearby tracts.

(c) Topography and vegetation that screen the view of the proposed building.

(d) On-site screening and/or landscaped buffers.

(e) Provision of public open space in exchange for increased building height.

(f) The effect of additional building height on traffic congestion.

(g) Accessibility of the site in relation to traffic patterns.

(h) Economic development opportunities for the City of Commerce.

(i) The necessity of greater building height to the function of the proposed use.

(j) The quality of the architectural design and its compatibility with its surroundings.

(k) The capability of the designated fire district to adequately handle a fire or other emergency situation for the proposed structure using existing equipment and personnel.

Sec. 4-204. Ground floor area limitation.

Any new institutional or commercial building within the highway corridor overlay district shall not exceed 200,000 gross square feet in ground floor area, and any new industrial building within the highway corridor overlay district shall not exceed 500,000 square feet in ground floor area, except by conditional use approval by the Commerce City Council. In determining whether to grant such a conditional use, the City Council shall consider the following factors, in addition to

considering criteria applicable to special use applications generally as specified in Article 14 of this UDC:

(a) Whether the building site will have safe, immediate access to a public maintained roadway with a functional classification of collector or higher as determined by the Zoning Administrator;

(b) Whether the building site will provide convenient interconnections with adjacent uses and properties that serve both pedestrians and automobiles;

(c) Whether the proposed building floor area is the smallest feasible to serve the function of the proposed use;

(d) Whether the architectural design of the building reduces the perceived size of the building by appropriate articulations and variations in the massing, façade, roofline, materials, colors, and textures of the building exterior; and

(e) Whether the building and site meets or exceeds all other standards set forth in this overlay district and this UDC generally.

Sec. 4-205. Minimum nonresidential building floor area.

No nonresidential building shall have less than 2,000 square feet of heated floor space.

Sec. 4-206. Nonresidential lot standards.

No lot shall be divided for nonresidential use within the highway corridor overlay district unless it conforms to the following requirements:

(a) Minimum lot size: One and one-half (1.5) acre for outparcels or stand-alone commercial projects, and three (3) acres for outparcels or stand-alone industrial projects.

(b) Minimum lot frontage for commercial or industrial lot: 175 feet.

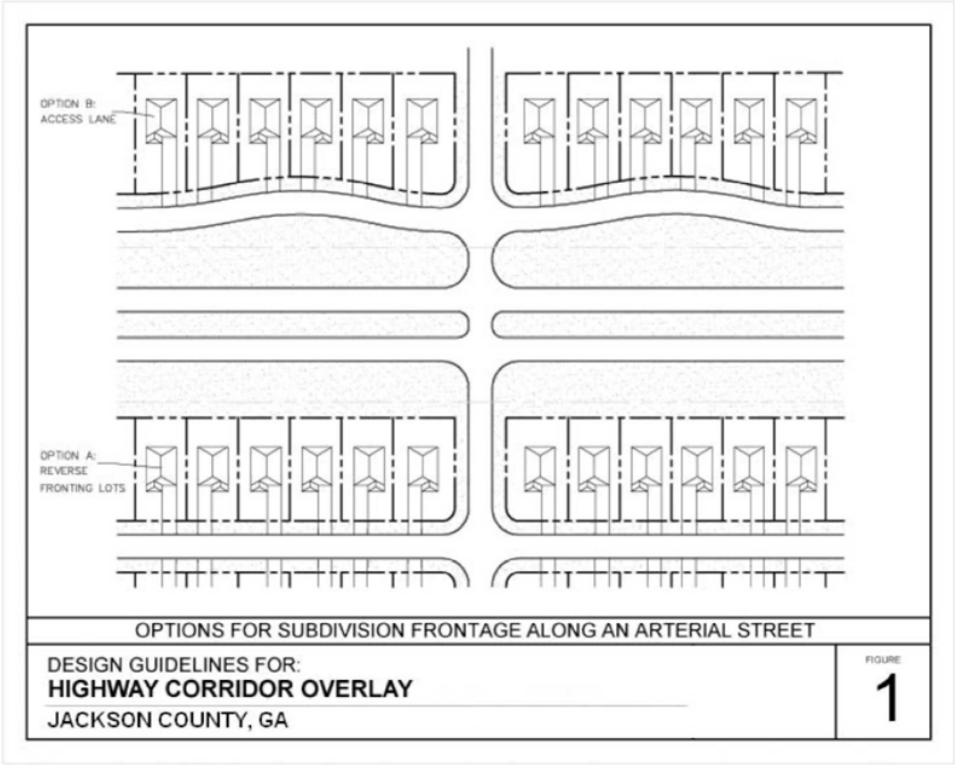
Sec. 4-207. Residential lot standards abutting collector or arterial street.

When a residential use or residentially zoned lot abuts a street with a functional classification of collector or arterial as determined by the zoning administrator, said lot shall have frontage on a local street and a minimum twenty (20) foot wide no access easement shall be required along the entire frontage of the lot abutting a collector or arterial street. In addition, within the required twenty (20) foot wide no access easement, one of the following requirements shall be met along the entire lot frontage (excluding any required sight visibility triangle):

(a) A continuous solid wall no less than four (4) foot high, constructed entirely of brick or stone masonry shall be erected prior to a building permit being issued; or

(b) A fence no less than four (4) foot high constructed of iron pickets and intervening brick or stone masonry pillars, one for every fifty (50) feet of fence; or

(c) A vegetated strip of canopy trees and shrubs, impenetrable by vehicles, approved by the zoning administrator.



Sec. 4-208. Street and streetscape requirements.

Any proposed or future street must meet the requirements of this section. Rights of ways existing or proposed to be located within the highway corridor overlay district shall be classified by type (i.e., arterial, collector, local, or access) as determined by the zoning administrator. Existing and proposed streets shall be improved on both sides of the street in accordance with the following standards:

Street and Streetscape Requirements
Highway Corridor Overlay District

Requirement	Arterial Street	Collector Street	Local Street	Access Street (private)
Design speed	45 m.p.h. and over	35 m.p.h.	25 m.p.h.	25 m.p.h.
Right of way (min.)	150 feet	64 feet	50 feet	50 feet
Requirement	**Arterial Street**	**Collector Street**	**Local Street**	**Access Street (private)**
No. of travel lanes	Per GDOT	3	2	2
Travel lane width (min.)	Per GDOT	12 feet	11 feet	11 feet
Middle lane width	Per GDOT	14 feet	Not required	Not required
Curb and gutter	Per GDOT	Required 24-inch wide	Required 24-inch wide	Required 18-inch wide
Street lighting	Per GDOT	Required	Required	Optional
Pedestrian lighting	Required	Required	Required	Required
Sidewalk (width)	Required (6 feet)	Required (6 feet)	Required (6 feet)	Required (6 feet)
Crosswalks	Per GDOT	Required	Required	Required
Underground utilities	Required	Required	Required	Required

(See also street cross-sections at the end of this division)

Sec. 4-209. Street and pedestrian network connectivity standards.

This section shall apply to all nonresidential or multi-family developments and any single-family residential development of five (5) or more acres.

(a) **Continuation of streets.** All development plans shall incorporate and continue all collector, local, or access streets stubbed to the boundary of the development plan by previously approved development plans or existing development.

(b) **Future street connections.** All development plans shall provide for future public street connections (of a street type approved by the Public Development Director) to adjacent developable parcels by providing a street connection spaced at intervals not to exceed 600 feet along each development plan boundary that abuts potentially developable or re-developable land.

(c) **Maximum local street length.** No local street may be longer than six-hundred (600) feet without an intersection with another local through street. Cul-de-sac streets shall not count as through streets.

(d) **Maximum cul-de-sac street length.** Dead-end streets, including cul-de-sac streets, shall not exceed three-hundred (300) feet in length and shall not serve more than thirty (30) dwelling units.

(e) **Interparcel vehicular access.** Developments abutting an arterial or collector street shall provide an access street to abutting commercial or multi-family residential development, whether existing or planned (i.e., according to either the zoning map and/or the future land use map, as determined by the zoning administrator), so as to provide a vehicular connection among all adjacent parcels also abutting an arterial or collector street. This requirement may necessitate driveway aprons, stub-outs, or other design features to provide for cross-connection access to abutting properties as determined by the zoning administrator.

(f) **Interparcel pedestrian access.** New commercial or multi-family residential development that abuts a planned, new or existing multi-family residential property or commercial property shall provide for a six (6) foot wide sidewalk connecting the two uses. This provision shall require such developments to construct the required sidewalk to the property line so that it may be continued by the adjacent development for future connectivity.

(g) **Cul-de-sac pedestrian connection.** A cul-de-sac street that ends within two-hundred (200) feet of the right-of-way of an adjacent collector or arterial street shall provide a six (6) foot wide sidewalk within a minimum ten (10) foot wide easement connecting the sidewalk on the cul-de-sac to the sidewalk on the adjacent collector or arterial street.

(h) **Internal pedestrian connections.** Sidewalks shall be provided to connect building entrances to required sidewalks along street frontage.

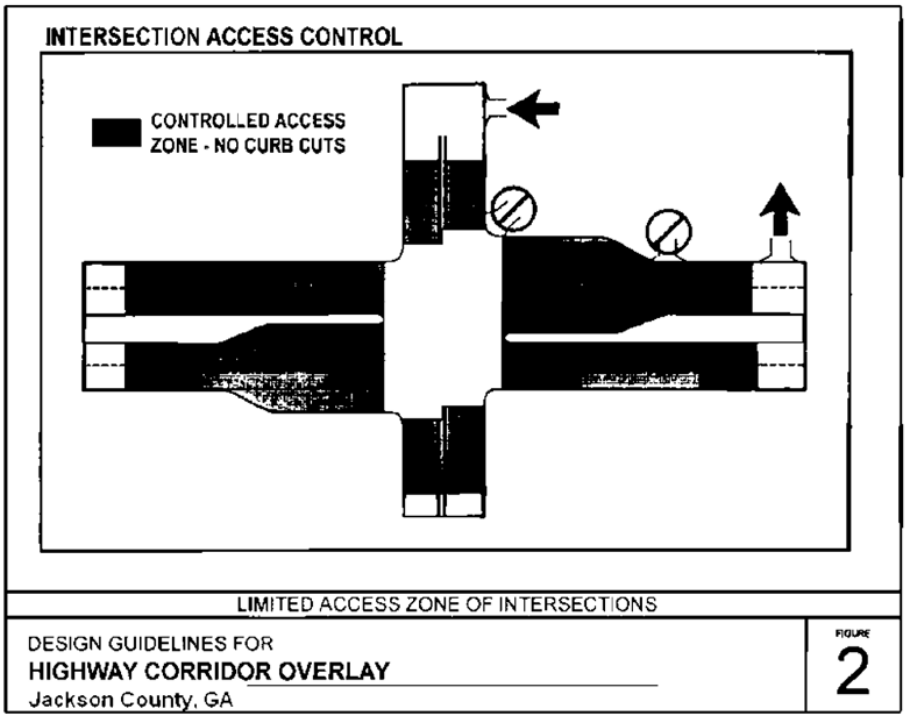
(i) **Recorded easement agreement required.** Whenever easements are required to facilitate compliance of a development with the standards in this section, an easement agreement must be drafted by the developer and/or property owner and approved by the Zoning Administrator prior to approval of development plans. Said agreement must allow vehicular and pedestrian access from neighboring developments as they currently exist or any future developments as provided in this Section. Said agreement must also be noted on all development plans, and the easement agreement must be recorded in the records of the Jackson County Superior Court Clerk.

Sec. 4-210. Driveways.

(Amended 01/16/2023)

Unless the driveway connects with a state route and is governed by more restrictive requirements of the Georgia Department of Transportation for driveways, all driveways shall conform to the following requirements.

(a) **Location precluded.** Driveways shall not be permitted within the controlled access zone of an intersection (See Figure 2).



(b) **Minimum number of vehicular access points.** The minimum number of vehicular access points for nonresidential development shall be as follows:

Number of Required Parking Spaces Serving Nonresidential Development	Minimum Number of Vehicular Access Points to Public Streets
Less than 50	1
50 to 299	2
300 to 999	3
1000 or more	4

(c) **Access for outparcels.** Outparcels with less than two-hundred (200) feet of road frontage are restricted to access from within the commercial or industrial development only.

(d) **Driveways at signalized intersection.** Driveways connecting with a collector or arterial road that are served with a traffic signal must have at least two outbound lanes and one inbound lane with a minimum width of eleven (11) feet per lane.

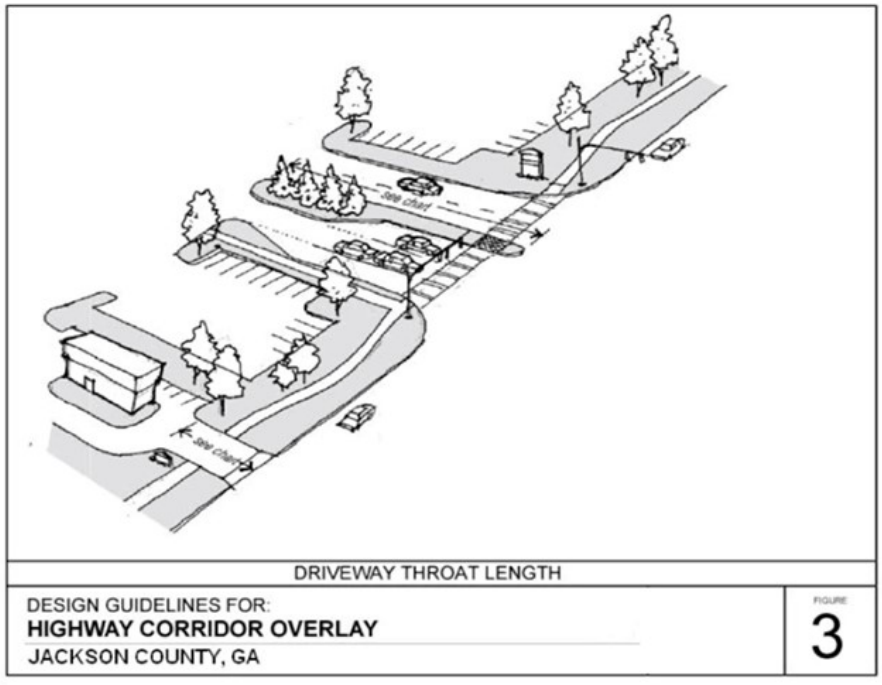
(e) **Driveway grades.** Except for single-family and two-family residences, driveway grades shall conform to the requirements of the Georgia Department of Transportation Regulations for Driveway and Encroachment Control.

(f) **Driveway alignment.** Except where driveways are on opposite sides of a raised median, driveways on opposite sides of a street shall either directly align or have offsets of a minimum of one-hundred twenty-five (125) feet, as measured between the extended centerlines of such driveways. Whenever possible, driveways on undivided arterial, collector, or local streets should align with driveways (if any) on the opposite side of such street. On a divided arterial street that includes a median, driveways should align with median breaks whenever possible. Driveways not meeting this standard shall be limited to right turn in and right turn out only.

(g) **Driveway throat length.** The driveway "throat length" (i.e., distance between the driveway intersection and the first turning movement interior to the development) for a commercial or industrial development shall meet the following applicable minimum requirement: provided, a non-residential development shall be designed in accordance with the vehicle storage required for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site vehicle circulation. The Zoning Administrator may be authorized to reduce the minimum required throat length for driveways with right turns only by one-third of the applicable requirement, for good cause shown (see Figure 3)

Minimum Driveway Throat Length by Land Use

Land Use	Minimum Driveway Throat Length (Feet)
Residential	40
Institutional	40
Commercial	50
Industrial	85



Sec. 4-211. Deceleration lanes.

(a) Driveways connecting to state routes may require a deceleration lane per standards of the Georgia Department of Transportation for driveways. Unless the driveway connects with a state route and is governed by more restrictive requirements of the Georgia Department of Transportation for driveways, all driveways entering an arterial street with a posted speed limit greater than thirty-five (35) miles per hour shall provide a deceleration lane meeting specifications required by this UDC.

(b) Any deceleration lane that ends within seventy-five (75) feet of another driveway or intersecting street shall be lengthened so that it connects with the adjacent street or driveway.

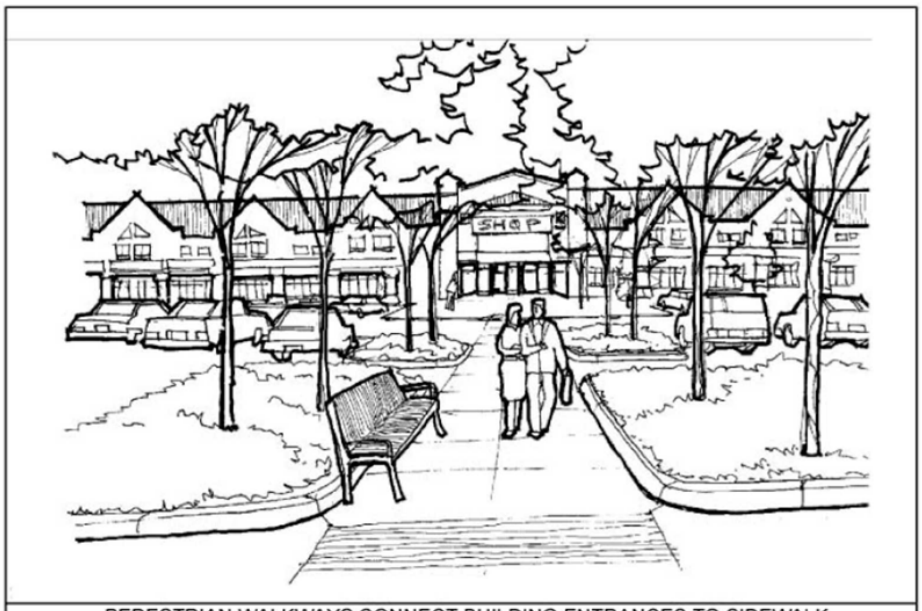
(c) County owned and maintained roads will be determined by Jackson County regulations. An approved permit from Jackson County must be presented to the Zoning Administrator prior to the issuance of a land disturbance permit.

Sec. 4-212. Off-Street Parking.

(a) **Maximum number of parking spaces**. The maximum number of parking spaces that may be constructed on impervious surfaces shall be no more than 105% percent of the minimum number of required parking spaces. Parking spaces in excess of 105% shall be constructed on pervious surfaces. Recommended pervious surfaces are porous pavers, porous concrete, or porous asphalt.

(b) **Pedestrian circulation.** Parking areas shall be designed to facilitate safe and convenient use by pedestrians. Institutional, commercial and multi-family developments shall provide designated pedestrian pathways or sidewalks connecting the front entrance of the principal building to the sidewalk along the abutting street, including marked crosswalks across interior driveways.

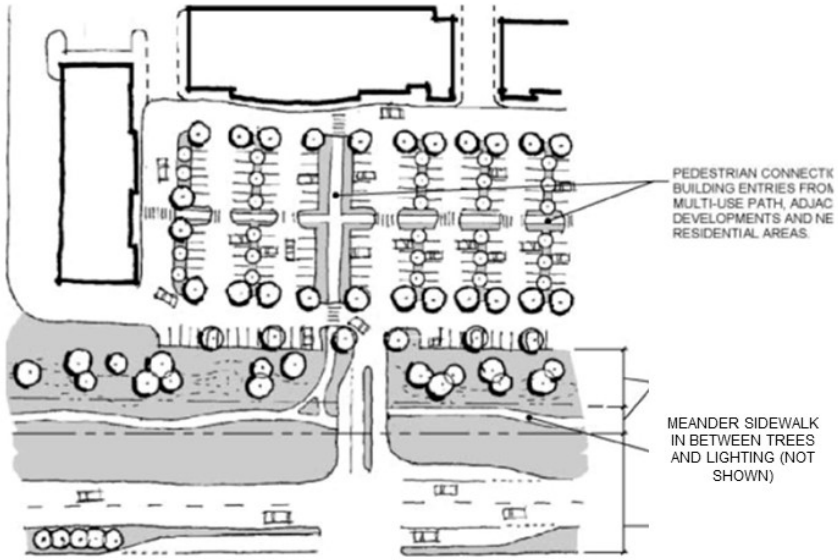
(c) **Screening.** Where a parking lot or loading area for a commercial, industrial, or institutional use abuts a public right-of-way, the required front landscape strip shall provide screening, as defined by this UDC, from the public right-of-way along the entire property line. The location of the required front landscape strip shall be setback from the future right of way for the road, not the existing right of way of the road, as determined by the zoning administrator.



PEDESTRIAN WALKWAYS CONNECT BUILDING ENTRANCES TO SIDEWALK

DESIGN GUIDELINES FOR:
HIGHWAY CORRIDOR OVERLAY
JACKSON COUNTY, GA

FIGURE 4



TYPICAL LANDSCAPE/TREATMENTS AND PEDESTRIAN ACCESS

DESIGN GUIDELINES FOR; **HIGHWAY**
CORRIDOR OVERLAY
JACKSON COUNTY, GA

FIGURE 5

(d) **Paving.** All parking areas shall be paved with asphalt or concrete meeting specifications of this UDC, pervious materials may be substituted subject to the approval of the zoning administrator.

Sec. 4-213. Dumpsters.

(a) **Location.** Dumpsters and trash receptacles shall be located to the rear of the principal building so that they are not visible from any public street or any adjacent residentially zoned and residentially used properties. Dumpsters shall be set back a minimum of five (5) feet from all property lines. Dumpsters shall not be located within any required buffer or landscape strip.

(b) **Screening.** Dumpsters shall, regardless of location, be screened on three (3) sides with a solid masonry wall to match the principal building, eight (8) feet in height with an opaque gate on the accessible side.

(c) **Pad.** Dumpsters shall be placed on concrete pads of sufficient size and strength to support the weight of service vehicles. Restaurants and other food service establishments shall place dumpsters on concrete pads that are designed to slope into a drain that is equipped with a grease trap.

Sec. 4-214. HVAC and mechanical equipment.

(a) All ground mechanical, HVAC, and like systems shall be screened from public street view (within 300 feet) on all sides by an opaque masonry wall or landscaping.

(b) For all buildings, roof-mounted mechanical, HVAC, and like systems shall be screened from public street view (within 300 feet) on all sides by a raised parapet or pitched roof along the edge of the roofline.

Sec. 4-215. Building architecture, materials, and colors.

(a) **Applicability.** The following design guidelines and standards apply to all newly constructed buildings. In addition, the design guidelines and standards will apply to all existing buildings upon a change of use. Buildings include, but are not limited to, multi-family residential, office, institutional, commercial, or industrial purposes to include all accessory structures. These standards do not apply to single-family residential uses approved prior to the enactment of the overlay district(s) unless there is a change of use.

(b) **Architectural review.** All design and construction for buildings subject to this section shall require architectural review by the Zoning Administrator for consistency with the provisions of this division. All building plans must be submitted with the development plan for review, although the Zoning Administrator may authorize the deferral of architectural review to the building permit stage of development. All building plans shall clearly indicate all of the proposed building materials and colors for each façade sufficient to demonstrate compliance with this section. Approval of architecture must be granted by the Zoning Administrator prior to issuance of a development permit, or if deferred to the building permit stage, prior to issuance of a building permit.

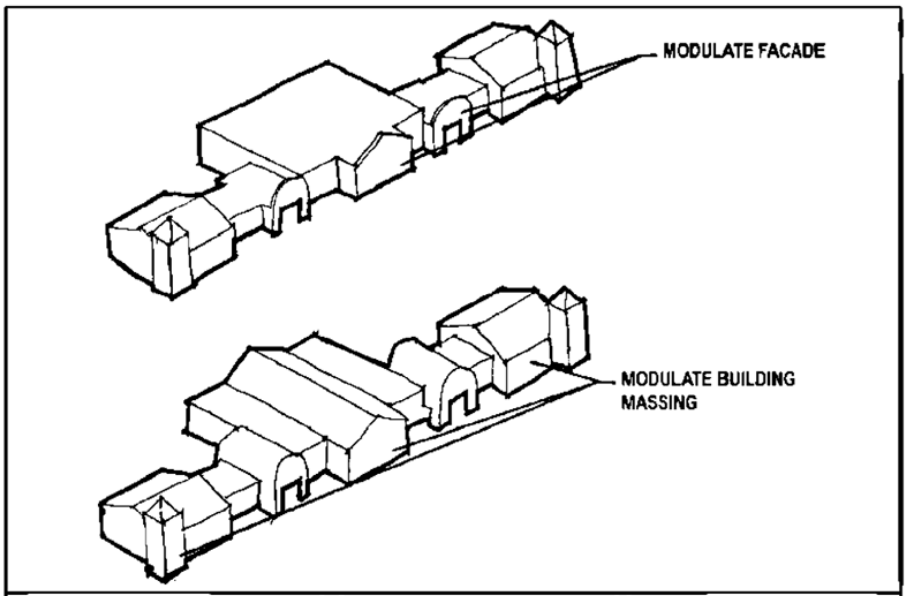
(c) **Consistent architectural identity.** Buildings that are located within the same development shall be constructed of similar materials and colors to show continuity between all out parcels, accessory buildings, and principal building. The use of a common palette of building materials should be maintained for building façades to create a consistent and traditional architectural identity. Traditional architecture shall include, for example, the use of brick, pitched roofs, low-profile signage, and subdued colors.

(d) **Building orientation.** Principal building entrances shall be oriented to public streets.

(e) **Modulation.** For projects with more than one commercial/retail building and multi-family residential developments, variations in façade, roofline and depth should be provided to lend the appearance of multi-tenant occupancy. The massing of building façades longer than one hundred and fifty (150) feet that are approximately parallel to the right-of-way and oriented to a public street shall be modulated to increase visual interest, as follows:

1. Building façades that are less than five-hundred (500) feet long shall be modulated at intervals no greater than one-hundred (100) feet in length.

2. Building façades that are more than five-hundred (500) feet long shall be modulated at intervals no greater than twenty percent (20%) of the length of the façade.



EXAMPLES OF DESIRABLE BUILDING MASSING

DESIGN GUIDELINES FOR:
HIGHWAY CORRIDOR OVERLAY
JACKSON COUNTY, GA

FIGURE 6

(f) **Contrasting base.** Building designs shall include a minimum two-foot high contrasting base, along the entire front façade of buildings and extending for a distance of at least ten (10) feet along the sides of buildings.

(g) **Primary building materials.** This subsection specifies the primary building materials that may be used and combined to create a consistent, attractive, interesting and long-lasting building design. There shall be no more than two primary building materials used on a single building façade (excludes authorized use of secondary or accent materials). This subsection does not apply to doors:

1. Brick, except that brick veneers that are intended to simulate brick exteriors are not acceptable.

2. Stone. Natural stone such as, but not limited to, granite, limestone, and acid marble are allowed building materials. Terra cotta and/or cast stone, which simulate natural stone, are also acceptable. Painted stone is not allowed.

3. Split-face block/concrete masonry unit (CMU) is restricted to ten percent (10%) of the surface area of the façade on institutional and commercial buildings and fifty percent (50%) on industrial buildings.

4. Tilt/architectural pre-cast concrete is permitted by special use approval only and with a design plan consistent with the surrounding development and area

5. High grade stucco is restricted to fifty percent (50%) of the surface area of a façade (the amount of material shall be calculated using the gross square footage of wall area per façade).

6. Natural wood and/or cement-based artificial wood siding are allowed only for residential buildings.

7. Glass is restricted to fifty percent (50%) of the wall area per façade.

8. Metal is restricted to use on the sides and rear of an industrial building to a maximum of 85% per building facade. The remaining percentage of the building facade must be brick or stone as set forth in this article. The front of the building (which could be multiple sides) shall be considered any facade that can be seen from a public or private roadway leading to or past the building. Metal exterior siding is prohibited on all sides of residential and commercial structures.

9. Exposed concrete block, concrete tile, and vinyl siding are not allowed as building materials on a façade.

(h) **Secondary (accent) materials.** Other building materials not authorized as primary building materials in this Section, including but not limited to wood, tile, or metal, may be used as secondary or accent building materials to enhance the façade of the building or for decorative elements not to exceed fifteen percent (15%) of total wall area per façade for institutional and commercial buildings and thirty percent (30%) of total wall area per façade for industrial buildings.

(i) **Accent colors.** Contrasting accent colors on any single façade shall be limited to no more than ten (10) percent of the total wall area for any single façade. If permitted, any exterior lighted bands shall be considered as part of the maximum ten (10) percent of contrasting accent colors.

(j) **Canopy support columns.** The support columns for drive under canopies for gasoline pumps shall be made of the same material as the primary building on the property and shall match the trim and accent material. Trim or accent material may account for up to ten percent (10%) or one-hundred twenty (120) square feet, whichever is less, of any facade. Any signage on the canopy shall be counted towards the ten percent (10%) accent material maximum, in addition to having to meet signage requirements of this UDC.

(k) **Arcade or structural canopy for retail use.** For any multi-tenant commercial development, a covered arcade/structural canopy shall be provided along the front façade of the building. Arcades are covered walkways connected to the principal building. They should be a minimum of five feet in width and designed to provide covered areas for relief from the weather. Different arcade/structural canopy designs may be used for each individual tenant/business within a multi-tenant commercial development, provided that they blend aesthetically with the front façade of the building and are approved by the zoning administrator.

(l) **Roof requirements.**

1. **Pitched roofs.** Pitched roofs of at least 3:12 are required for one-story buildings and may be required for taller buildings. A combination of flat roof and pitched roof may be acceptable for buildings of two or more stories if the pitched portion of the roof screens the view from the frontage of any flat roof. Arcades, porches, and other features must be designed with pitched roofs.

2. **Mansard roofs.** Mansard roofs shall have a maximum pitch of 12:12 with a minimum 12-foot vertical surface length.

3. **Flat roofs.** Building materials for flat roofs shall meet the state building code requirements for nonresidential buildings. Exposed metal flashing shall be copper or factory finished sheet metal. If factory finished metal flashing is used, such as standing seam, the color must be subdued to blend with other materials or of a color to simulate weathered copper or bronze. All buildings and structures with flat roofs should include parapet articulation on the front façade(s) of such building or structure. There shall be roof articulations/offsets at a minimum of one per each one-hundred twenty-five (125) linear feet of length by a change in the top line of the parapet. Additional articulation may occur at any lesser distance. If the front façade is less than one-hundred twenty-five (125) linear feet of length, then a minimum of one (1) roof articulation must be provided.

4. **Canopies.** Drive under canopies for gasoline pumps may have flat roofs with vertical or factory formed facing of finished sheet metal.

(Amended 09/16/2024, 06/15/2026)

Sec. 4-216. Outdoor and street lighting.

(a) Along the entire property frontage of any new development fronting on and accessing a city or county road (excludes State Routes) in the highway corridor overlay district, streetlights shall be required to be installed by the developer at no installation cost to the city consistent with the specifications of this section.

(b) Developer will provide engineered lighting plans subject to review and approval by the Zoning Administrator to ensure adequate lighting coverage.

(c) Lighting shall be designed to prevent light spillover onto adjacent properties.

Lighting Specifications
Highway Corridor Overlay District

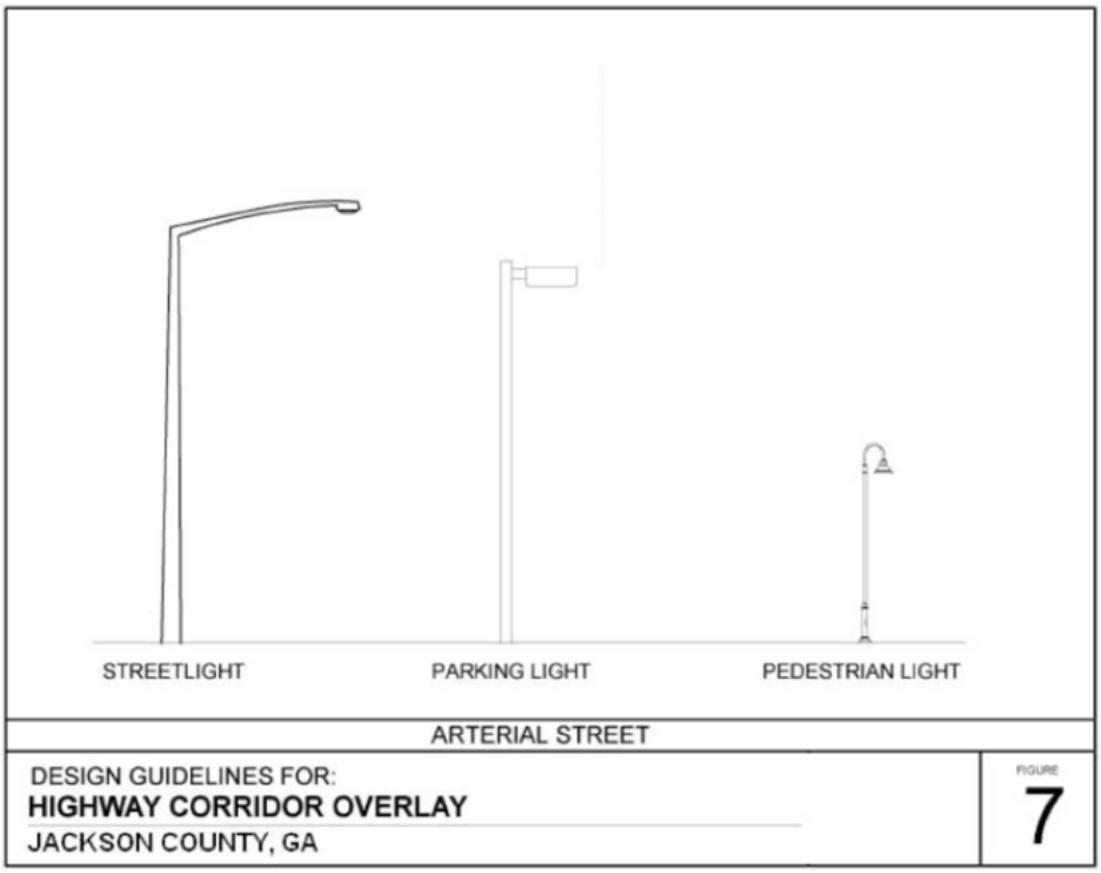
Requirement	Street lights	Pedestrian lights	Parking lot lights
Maximum height (feet)	40	16	35
Minimum height (feet)	35	8	20
Color	Black	Black	Black
Pole type	Not specified	Fluted	Fluted
Fixture type	Cobra head	See guidelines	Box head
Shielding	Full cutoff	Semi-cutoff, cutoff, or full cutoff	Full cutoff
Spacing (feet on center)	150	50	Not specified

(d) Security lighting shall be semi-cutoff luminaires. The Zoning Administrator may limit the number of luminaires remaining activated for security lighting to one-fourth of the total number of each type of luminaire used.

(e) Permanent mounted exposed exterior neon lights shall not be allowed.

(f) Roof-mounted lighting is prohibited unless specifically approved by the zoning administrator, who may require a lighting plan as part of that approval for security purposes.

(g) Light fixtures for drive-under canopies shall be recessed into the canopy ceiling so that the bottom of the luminaire does not extend below the ceiling of the canopy.



(Amended 06/15/2026)

Sec. 4-217. Signage.

Except as provided in this section, signage shall comply with the sign regulations in Article 17 of this UDC.

(a) **Prohibitions.** Electronic multiple message signs, animated signs, neon signs, and the outlining of windows or doors with any lights are prohibited. Externally illuminated signs are allowed, but only with full cut-off luminaires that are directed downward and away from streets and adjacent properties. Internally illuminated signs shall comply with the provisions of this Article.

(b) **Monument ground signs.** Freestanding and project entrance signs shall be monument signs. The base and sign structure shall be constructed of materials such as brick, or stone, consistent with the architecture and primary building materials for the building or buildings served.

(c) **Ground sign maximum height.** Ground signs for lots zoned commercial or industrial shall be limited to a height of no greater than fifteen (15) feet, including the base and sign structure.

(d) **Maximum ground sign area.** Ground signs shall not exceed the following maximum areas:

1. Ground signs on lots zoned commercial or industrial with one (1) tenant: fifty (50) square feet.

2. Ground signs on lots zoned commercial or industrial, including shared signs, on lots with more than one (1) tenant: one-hundred (100) square feet.

3. All other ground signs: Thirty-two (32) square feet.

(e) **Lighting Restrictions.**

1. No brightly illuminated signs shall be allowed in, or within 200 feet and facing, any residential zoning district.

2. Exposed neon tubing and signs containing words or symbols shaped or formed directly from neon tubes LED lighting, or similar illuminating device is prohibited.

3. Only sign text areas and logos may be illuminated on an internally illuminated sign.

Sec. 4-218. Landscaping.

(a) Development within the highway corridor overlay district shall comply with the following landscaping requirements in addition to those landscaping requirements generally applicable to the development as provided in Article 9 of this UDC.

(b) The minimum width of landscape strips abutting a public or private access street shall be fifteen (15) feet. The landscape strip shall be planted with one (1) shrub for each five (5) feet of landscape strip frontage and street trees which shall be spaced at approved intervals depending on the type and size of tree planted, as provided in the list of approved tree species provided below.

(c) The Zoning Administrator may, upon application, approve different species than those listed in this section, provided that the applicant for modification of approved tree species submits a proposed plan showing desired placement, prepared and stamped by a registered landscape architect, and which includes a planting list with common names, minimum size, and required spacing.

(d) No more than twenty-five percent (25%) of the trees installed in a development may be of any one genus. No more than fifty percent (50%) of the street trees used in a single development shall be of the small tree species.

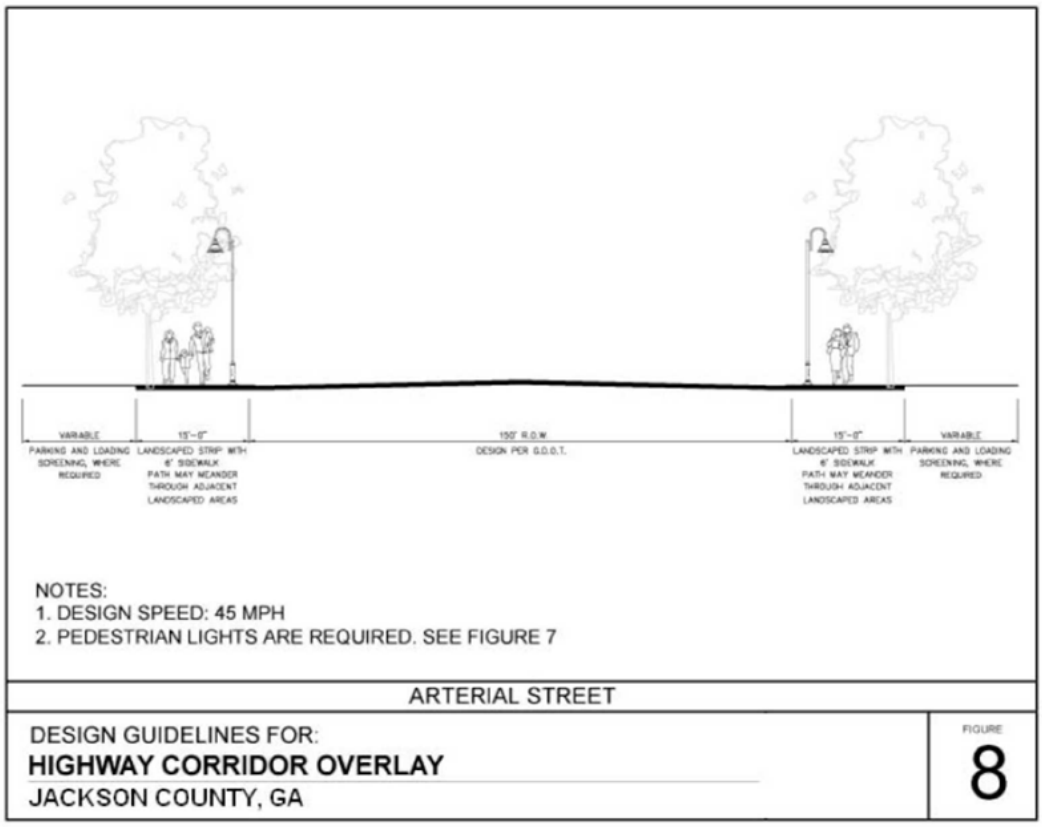
Approved Species with Required Spacing and Permitted Placement
Highway Corridor Overlay District

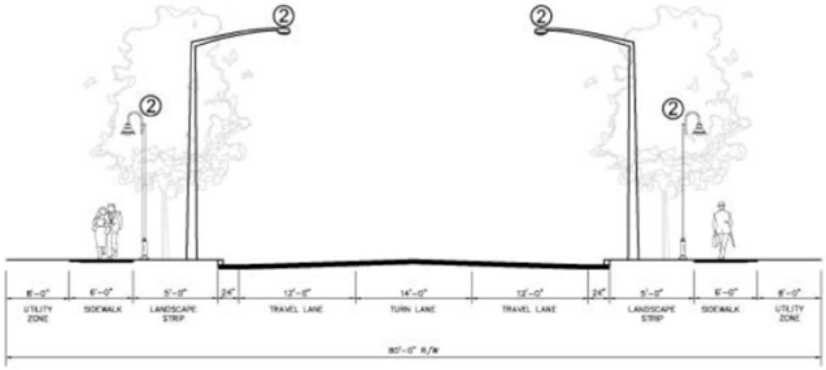
Scientific Name	Common Name	Required Spacing on Center	Permitted Placement
Acer palmatum	Japanese Red Maple	20 Feet	landscape strip, parking & under power lines
Acer rubrum	Red Maple	40 Feet	buffer, landscape strip, & parking
Acer saccharum	Sugar Maple	40 Feet	buffer, landscape strip, & parking
Amelanchier alnifolia	Serviceberry	20 Feet	landscape strip, parking & under power lines
Betula nigra	River Birch	50 Feet	buffer
Carya illinoensis	Pecan	50 Feet	buffer
Carya laciniosa	Shellbark Hickory	40 Feet	buffer, landscape strip, & parking
Castanea mollissima	Chinese Chestnut	50 Feet	buffer
Cercis canadensis	Eastern Redbud	30 Feet	landscape strip, parking & under power lines
Cotinus coggygria	Smoketree	10 Feet	landscape strip, parking & under power lines
Crataegus phaenopyrum	Washington Hawthorn	20 Feet	landscape strip & parking
Cupress cyparis leylandii	Leyland Cypress	20 Feet	buffer
Faqus grandifoila	American Beech	40 Feet	buffer, landscape strip, & parking
Fraxinas Pennsylvania	Green Ash	20 Feet	buffer, landscape strip, & parking
Fraxinus americana	White Ash	50 Feet	buffer
Halesia carolina	Carolina Silverbell	20 Feet	buffer, landscape strip, & parking
Juniperus virginiana	Eastern Red Cedar	20 Feet	buffer
Koelreuteria paniculata	Golden Raintree	30 Feet	buffer, landscape strip, & parking

Scientific Name	Common Name	Required Spacing on Center	Permitted Placement
Lagerstroemia indica	Crape Myrtle	10 Feet	landscape strip, parking & under power lines
Liquidambar styraciflua	American Sweetgum	40 Feet	buffer, landscape strip, & parking
Liriodenendron tulipifera	Yellow Poplar	40 Feet	buffer, landscape strip, & parking
Magnolia grandiflora	Southern Magnolia	40 Feet	buffer, landscape strip, & parking
Magnolia stellata	Centennial Star Magnolia	10 Feet	landscape strip, parking & under power lines
Magnolia virginiana	Sweetbay Magnolia	10 Feet	landscape strip, parking & under power lines
Magnolia x soulangeana	Saucer Magnolia	20 Feet	landscape strip, parking & under power lines
Malus sargentii	Sargent Crabapple	10 Feet	landscape strip, parking & under power lines
Malus snowdrift	Snowdrift Crabapple	20 Feet	landscape strip, parking & under power lines
Metasequoia glyptostroboides	Dawn Redwood	20 Feet	buffer
Nyssa sylvatica	Black Gum	20 Feet	buffer, landscape strip, & parking
Oxydendrum arboreum	Sourwood	20 Feet	buffer, landscape strip, & parking
Pinus strobes	White Pine	30 Feet	buffer
Plantanus racemosa	California Sycamore	50 Feet	buffer
Quercus accutissima	Sawtooth Oak	50 Feet	buffer
Quercus alba	White Oak	60 Feet	buffer
Quercus falcata	Southern Red Oak	40 Feet	buffer, landscape strip, & parking
Quercus palustris	Pin Oak	30 Feet	buffer, landscape strip, & parking
Quercus phellos	Willow Oak	30 Feet	buffer, landscape strip, & parking

Scientific Name	Common Name	Required Spacing on Center	Permitted Placement
Quercus prinus	Chestnut Oak	60 Feet	buffer
Querous shumardi	Shumard Oak	50 Feet	buffer
Querus coccinea	Scarlet Oak	40 Feet	buffer, landscape strip, & parking
Sequoia sempervirens	Coast Redwood	50 Feet	buffer
Taxodium disticum	Baldcypress	20 Feet	buffer
Tsuga candensis	Canadian Hemlock	30 Feet	buffer
Ulmus parvifolia	Lacebark Elm	40 Feet	buffer, landscape strip, & parking
Zelkova serrata	Japanese Zelkova	50 Feet	buffer

Sec. 4-219. Street cross-sections.





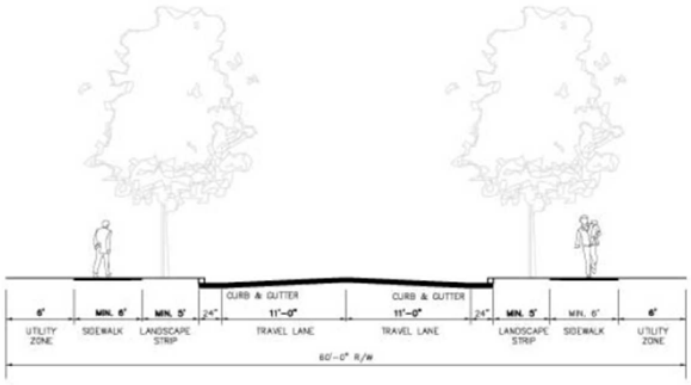
NOTES:
1. DESIGN SPEED: 35 MPH
2. STREET LIGHTS AND PEDESTRIAN LIGHTS ARE REQUIRED. SEE FIGURE 7

OPTIONS:
A. 3 TRAVEL LANES AS SHOWN
B. 2 TRAVEL LANES AT 12'-0" WIDTH 7'-0" WIDE LANES FOR ON-STREET PARKING ON BOTH SIDES

COLLECTOR STREET

DESIGN GUIDELINES FOR:
HIGHWAY CORRIDOR OVERLAY
JACKSON COUNTY, GA

FIGURE 9

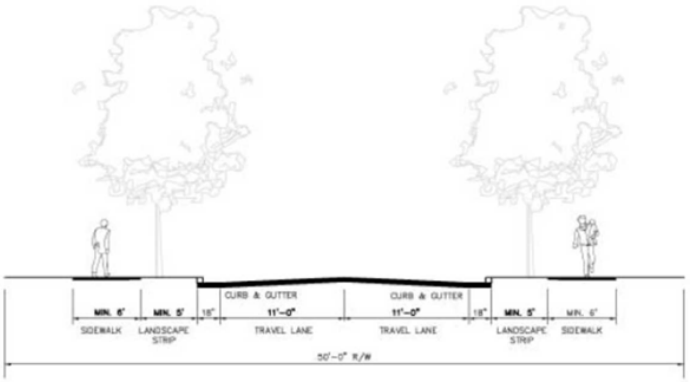


NOTES:
1. DESIGN SPEED: 25 MPH
2. STREET LIGHTS ARE REQUIRED. SEE FIGURE 7

LOCAL STREET

DESIGN GUIDELINES FOR:
HIGHWAY CORRIDOR OVERLAY
JACKSON COUNTY, GA

FIGURE 10



NOTES:
1. DESIGN SPEED: 15 MPH
2. MAXIMUM STREET GRADE 8%

NONRESIDENTIAL ACCESS STREET

DESIGN GUIDELINES FOR:
HIGHWAY CORRIDOR OVERLAY
JACKSON COUNTY, GA

FIGURE
11

ARTICLE 5

ENVIRONMENTAL OVERLAY DISTRICTS

DIVISION I ENVIRONMENTAL OVERLAY DISTRICTS GENERALLY

Sec. 5-101. Establishment.
Sec. 5-102. Boundaries and interpretation.
Sec. 5-103. Amendment of boundaries.
Sec. 5-104. Relationship to underlying zoning district.
Sec. 5-105. Definitions.
Sec. 5-106. Mitigation of violation.

DIVISION II NORTH OCONEE PROTECTED RIVER CORRIDOR

Sec. 5-201. Authority.
Sec. 5-202. Findings.
Sec. 5-203. Establishment.
Sec. 5-204. Applicability.
Sec. 5-205. Exemptions.
Sec. 5-206. Natural vegetative buffer required.
Sec. 5-207. Uses permitted in river corridor.
Sec. 5-208. Uses prohibited in river corridor.
Sec. 5-209. Vegetative buffer restoration after disturbance.

DIVISION III WATER SUPPLY WATERSHEDS

Sec. 5-301. Authority.
Sec. 5-302. Findings.
Sec. 5-303. Establishment.
Sec. 5-304. Applicability.
Sec. 5-305. Exemptions.
Sec. 5-306. Regulations for large water supply watersheds.
Sec. 5-307. Regulations for small water supply watersheds.

DIVISION IV SIGNIFICANT GROUNDWATER RECHARGE AREAS

Sec. 5-401. Authority.
Sec. 5-402. Findings.
Sec. 5-403. Adoption by reference of hydrologic atlases.
Sec. 5-404. Establishment.
Sec. 5-405. Applicability.
Sec. 5-406. Regulations for significant groundwater recharge areas.

DIVISION V PROTECTED WETLANDS

Sec. 5-501. Authority.
Sec. 5-502. Findings.
Sec. 5-503. Establishment.
Sec. 5-504. Applicability.
Sec. 5-505. Relationship to federal regulation.
Sec. 5-506. Permitted uses.
Sec. 5-507. Wetland statement on plans and plats.

DIVISION I

ENVIRONMENTAL OVERLAY DISTRICTS GENERALLY

Sec. 5-101. Establishment.
Sec. 5-102. Boundaries and interpretation.
Sec. 5-103. Amendment of boundaries.
Sec. 5-104. Relationship to underlying zoning district.
Sec. 5-105. Definitions.
Sec. 5-106. Mitigation of violation.

Sec. 5-101. Establishment.

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

North Oconee Protected River Corridor
North Oconee River Large Water Supply Watershed
Sandy Creek Reservoir Small Water Supply Watershed
Significant Groundwater Recharge Areas
Protected Wetlands

Sec. 5-102. Boundaries and interpretation.

(d) The boundaries of the environmental overlay districts established in this Article shall be shown on the Official Zoning Map adopted per Article 2 of this UDC, or via a separate map made a part of the Official Zoning Map. Whether shown on the official zoning map or on a separate environmental overlay district map or maps, environmental overlay district boundaries are and shall be considered an integral part of the official zoning map.

(e) If an environmental overlay district regulation specifically describes the boundaries of an environmental overlay district, then the specific description regarding that environmental overlay district shall apply.

(f) All applicable provisions regarding the official zoning map provided in Article 2 of this UDC shall be considered applicable to environmental overlay districts, including but not limited to, provisions regarding determination and interpretation of zoning district boundaries, as provided in Sec. 2-104 and Sec. 2-105 of this UDC respectively, which may be considered applicable by thein the determination and interpretation of environmental overlay district boundaries.

Sec. 5-103. Amendment of boundaries.

The boundaries of any environmental overlay district may be amended from time to time, following the same requirements and procedures of this UDC for an amendment to the official zoning map to change an underlying zoning district (See Article 13 of this UDC).

Sec. 5-104. Relationship to underlying zoning district and other overlay districts.

(c) The requirements of any environmental overlay district established by this Article are in addition to the regulations established for the zoning districts (Article 2) and overlay districts (Article 4), if applicable, in which a given property is located.

(d) In any case where the requirements of an environmental overlay district conflict with requirements of an applicable zoning district, another overlay district where applicable, or any other provision of this UDC, the requirements of the more restrictive section or provision shall apply.

Sec. 5-105. Definitions.

Acre-foot: The volume (as of irrigation water) that would cover one acre to a depth of one foot.

Aquifer: Any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well. (Note: this is the same definition as in the Georgia Groundwater Use Act).

Buffer: A natural or enhanced vegetated area with no or limited minor land disturbances, such as trails and picnic areas.

DRASTIC: The standardized system for evaluating groundwater pollution potential using the hydrogeologic settings described in U.S. Environmental Protection Agency document EPA-600/2-87-035. (Note: the DRASTIC methodology is the most widely used technique for evaluation pollution susceptibility).

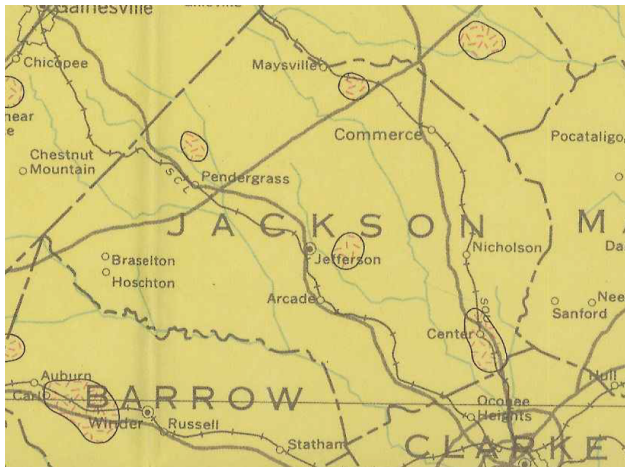
Hazardous waste: Any solid waste which has been defined as a hazardous waste in regulations, promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act, which are in force and effect on February 1, 1988, codified as 40 C.F.R. Section 261.3. (Note: This is the same definition as used in the Georgia Hazardous Waste Management Act.)

Hydrologic Atlas 18: A map prepared by the Georgia Department of Natural Resources (DNR) and published by the Georgia Geologic Survey in 1989, which identifies the most significant groundwater recharge areas of Georgia as spotted areas labeled as “areas of thick soils.”

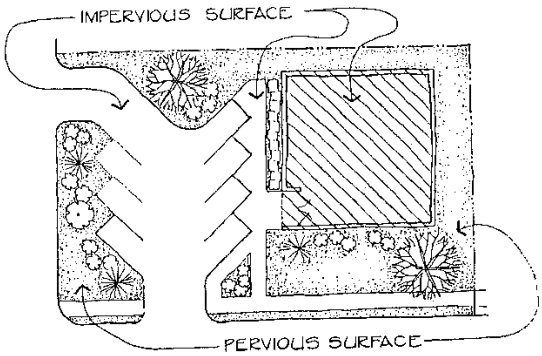
Hydrologic Atlas 20: A multicolored map of Georgia at a scale of 1:500,000, prepared by the Georgia Department of Natural Resources using the DRASTIC methodology and published by the Georgia Geologic Survey in 1992, which shows areas of high, average (or medium), and low susceptibility of groundwater to pollution in Georgia. This map is also commonly known as the Groundwater Pollution Susceptibility Map of Georgia.

Figure caption: Excerpt of Hydrologic Atlas 20 as it applies in Jackson County:

Explanation: The yellow background indicates all of Jackson County is a lower susceptibility area. The spotted circular areas are the most significant groundwater recharge areas as mapped in Hydrologic Atlas 18 and are the "significant groundwater recharge areas" regulated by division IV of this Article.



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



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

Land-disturbing activity: Any grading, scraping, excavating, or filling of land; clearing of vegetation; and any construction, rebuilding, or alteration of a structure. Land-disturbing activity shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, yard and grounds upkeep, repairs, additions or minor modifications to a single-family dwelling, and the cutting of firewood for personal use.

Perennial stream: A stream which flows throughout the whole year as indicated on a United States Geological Survey (USGS) quadrangle map (7.5-minute topographic map prepared at a scale of 1:24,000).

Pollution susceptibility: The relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, applications of chemicals, injections and other human activities in a recharge area.

Pollution susceptibility maps: Maps of relative vulnerability to pollution prepared by the Georgia Department of Natural Resources, using the DRASTIC methodology. Pollution susceptibility maps categorize the land areas of the State into areas having high, medium, and low groundwater pollution potential. This mapping has been formalized as Hydrologic Atlas 20.

Protected river: Any perennial river or watercourse with an average annual flow of at least 400 cubic feet per second as determined by appropriate U.S. Geological Survey documents; and any river identified in this Article as a protected river. For purposes of this Article, within the City of Commerce, the North Oconee River is hereby defined as a protected river.

Recharge area: Any portion of the earth's surface where water infiltrates into the ground to replenish an aquifer.

Reservoir boundary: The edge of a water supply reservoir defined by its normal pool level.

Riverbank: The rising ground, bordering a river, which serves to confine the water to the natural channel during the normal course of flow.

River corridor: All land, inclusive of islands, in areas of a protected river and being within 100 feet horizontally on both sides of the river as measured from the riverbanks. Because river channels move due to natural processes such as meandering, riverbank erosion, and jumping of channels, the river corridor may shift with time. Also, the area between the top of the bank and the edge of the river shall be considered part of a river corridor, even though it is not measured for purposes of establishing river corridor buffers.

Sensitive natural areas: Any area, as identified now or hereafter by the Georgia Department of Natural Resources, which contains one or more of the following: habitat, including nesting sites, occupied by rare or endangered species; rare or exemplary natural communities; significant landforms, hydroforms, or geological features; or other areas so designated by the Georgia Department of Natural Resources; and which is sensitive or vulnerable to physical or biological alteration.

Significant recharge areas: Those areas mapped by the Georgia Department of Natural Resources in Hydrologic Atlas 18 (1989 edition). Mapping of recharge areas is based on outcrop area, lithology, soil type and thickness, slope, density or lithologic contacts, geologic structure, the presence of karst, and potentiometric surfaces.

Single-family dwelling: A dwelling structure that is designed for the use of one family or one household.

Utility: Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, storm water systems and railroads or other utilities identified by Jackson County.

Water supply reservoir: A governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water systems. This excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.

Water supply watershed: The area of land upstream of a governmentally owned public drinking water intake. Water supply watersheds are classified as small (less than 100 square miles within

the drainage basin above the drinking water intake) and large (100 square miles or more within the drainage basin above the drinking water intake).

Water supply watershed protection plan: A land use and environmental protection plan prepared and adopted by a local government for the protection of the quality of drinking water obtained from the watershed.

Wetlands: Freshwater areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar freshwater areas.

Wetland protected: Those wetlands identified on the protected wetlands environmental overlay district map, which are based on best available information including but not limited to National Wetlands Inventory maps prepared by the U.S. Fish and Wildlife Service. Areas approved by the U.S. Army Corps of Engineers based on studies prepared by a competent professional shall be considered a protected wetland, whether or not such wetland area is shown on the protected wetlands environmental overlay district map. Any new wetland area constructed as a best management practice for stormwater control shall also be considered a protected wetland once construction is complete, whether or not such wetland area is shown on the protected wetlands environmental overlay district map.

Sec. 5-106. Mitigation of violation.

When a building or other structure has been constructed in violation of this Article, the violator may be required to remove the building or structure. When removal of vegetative cover, or excavation or fill has taken place in violation of this Article, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, at the discretion of the City.

(a) Any person who commits, takes part in or assists in any violation of any provision of this Article may be fined not more than $500.00 for each offense. Each violation shall be a separate offense and, in the case of a continuing violation, each day's continuance shall be deemed a separate and distinct offense.

(b) If the City discovers a violation of this Article that also constitutes a violation of any provision of the Clean Water Act as amended, the City shall issue written notification of the violation to the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, and the landowner.

(c) Suspension; revocation. The City may suspend or revoke a permit if it finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of work set forth in the permit. The City shall cause notice of denial, issuance, conditional issuance, revocation, or suspension of a permit to be published in the newspaper of record in the area where the wetland is located.

DIVISION II

NORTH OCONEE PROTECTED RIVER CORRIDOR

Sec. 5-201. Authority.
Sec. 5-202. Findings.
Sec. 5-203. Establishment.
Sec. 5-204. Applicability.
Sec. 5-205. Exemptions.
Sec. 5-206. Natural vegetative buffer required.
Sec. 5-207. Uses permitted in river corridor.
Sec. 5-208. Uses prohibited in river corridor.
Sec. 5-209. Vegetative buffer restoration after disturbance.

Sec. 5-201. Authority.

This division is adopted to implement the requirements of Section 391-3-16-.04, "Criteria for River Corridor Protection" of the Rules of the Georgia Department of Natural Resources, Environmental Protection Division, Chapter 391-3-16, "Rules for Environmental Planning Criteria." Said rules were adopted under the authority of Section 12-2-8 (as amended) of Article 1, Chapter 2, Title 12 of the Official Code of Georgia Annotated (O.C.G.A.).

Sec. 5-202. Findings.

(a) River corridors, or those strips of land that flank major rivers in Georgia, are of vital importance to Georgia in that they help preserve those qualities that make a river suitable as a habitat for wildlife, a site for recreation, and a source for clean drinking water. River corridors also allow the free movement of wildlife from area to area within the state, help control erosion and river sedimentation, and help absorb flood waters. The method mandated in O.C.G.A. 12-2-8 for the protection of river corridors is the establishment of natural vegetative buffer areas bordering each protected river.

(b) In preparing and adopted river corridor plans, the Commerce City Council finds that it is appropriate to designate a river corridor along the North Oconee River, even if it may not meet the minimum water flow specification in cubic feet per second, defining a protected river by state rule.

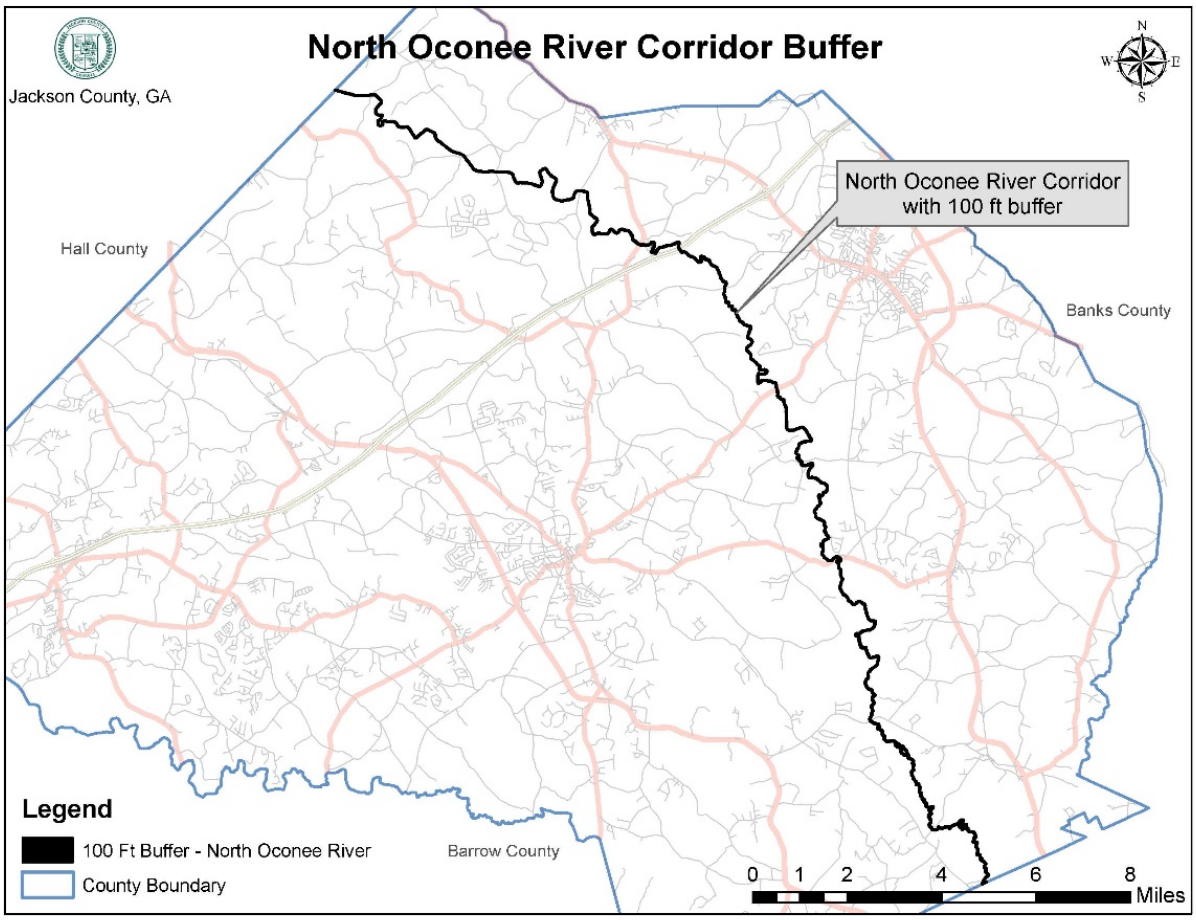
Sec. 5-203. Establishment.

There is hereby established a river corridor environmental overlay district along both sides of the North Oconee River.

Sec 5-204. Applicability.

(a) Unless specifically exempted by this division, this division shall apply within 100 feet of both sides of the riverbanks along the North Oconee River in the City of Commerce.

(b) This division shall apply to all private lands and to all state owned or administered land that contains a protected river within its boundaries. All state agencies shall comply with the requirements of this division. Failure by a state agency to comply with such requirements shall be considered an indicator of a governmental action which may significantly adversely affect the quality of the environment under the Environmental Policy Act (O.C.G.A. 12-16-1 et seq.).



Sec. 5-205. Exemptions.

(a) Land uses existing prior to the initial adoption by the city of river corridor regulations shall be exempt from the requirements of this division; provided, however, that any expansion in land area or building area of such existing land use shall not be exempt from the requirements of this division.

(b) Although a use may be exempt from this division, any such use shall not impair the drinking quality of the river water and must be in compliance with all local, state and federal environmental rules and regulations.

Sec. 5-206. Natural vegetative buffer required.

(a) Within the river corridor environmental overlay district established in this division, there shall be maintained a natural vegetative buffer for the entire width of the river corridor, except as otherwise provided in this division. For purposes of this division, the river corridor and the required river buffer are the same width (i.e., 100 feet in width from the riverbanks).

(b) For purposes of this division "natural vegetative buffer or "buffer area" means a river corridor containing the flora native to that area. The natural floras for specific areas are described in Georgia Geologic Survey Bulletin 114, "The Natural Environments of Georgia." Habitats for endangered and threatened species may require human management of the river corridor in order to maintain those species. Species and practices identified by the Georgia Exotic Pest Plant Species Council shall be removed and replaced with flora native to the area.

Sec. 5-207. Uses permitted in river corridors.

The following uses shall be permitted in the river corridor overlay district:

(a) Agricultural production and management, provided that it shall be consistent with best management practices established by the Georgia Soil and Water Conservation Commission, all state and federal laws, and all regulations promulgated by the Georgia Department of Agriculture and shall not impair the drinking quality of the river water as defined by the federal Clean Water Act, as amended.

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(b) Single-family dwellings, including the usual appurtenances, subject to compliance with the following requirements:

1. The dwelling shall be in compliance with all other requirements of this UDC.

2. The dwelling shall be located on a tract of land containing at least two (2) acres. For the purposes of this subsection, the size of the tract of land shall not include any area that lies within the protected river (that is, for tracts of land that include portions of a protected river, the area between the riverbanks cannot be counted towards the two (2) acre minimum size).

3. There shall be only one such dwelling on each two-acre or larger tract of land.

4. Septic tanks and septic tank drain fields shall not be located within the buffer area.

(c) Timber production and harvesting, subject to the following conditions: Forestry activity shall be consistent with best management practices established by the Georgia Forestry Commission; and forestry activity shall not impair the drinking quality of the river water as defined by the federal Clean Water Act, as amended.

(d) Wildlife and fisheries management activities consistent with the purposes of O.C.G.A. 12-2-8.

(e) Waste-water treatment.

(f) Recreational usage consistent either with the maintenance of a natural vegetative buffer or with river-dependent recreation. This includes a boat ramp, paths, and walkways, but excludes hard-surface tennis courts and parking lots.

(g) Natural water quality treatment or purification.

(h) Utilities, if such utilities cannot feasibly be located outside the buffer area, provided that: the utilities shall be located as far from the riverbank as reasonably possible; and provided the utilities are installed and maintained such as to protect the integrity of the buffer area as well as is reasonably possible and shall not impair the drinking quality of the river water. Construction of any road or utility crossing a river corridor, is permitted, provided that it shall meet all requirements of the Georgia Erosion and Sedimentation Control Act of 1975, as amended, and any applicable requirements of this UDC including but not limited to soil erosion and sedimentation control.

(i) Other uses permitted by the Georgia Department of Natural Resources or under Section 404 of the Clean Water Act.

Sec. 5-208. Uses prohibited in river corridors.

The following uses shall be prohibited within the river corridor environmental overlay district:

(a) Septic tanks and septic tank drain fields, except as specifically authorized by this UDC for single-family dwellings.

(b) Handling areas for the receiving and storage of hazardous waste.

(c) Hazardous waste or solid waste landfills.

(d) All construction within the buffer area shall be prohibited unless specifically authorized in this Division.

Sec. 5-209. Vegetative buffer restoration after disturbance.

The natural vegetative buffer shall be restored as quickly as possible following any land-disturbing activity within the river corridor.

DIVISION III

WATER SUPPLY WATERSHEDS

Sec. 5-301. Authority.
Sec. 5-302. Findings.
Sec. 5-303. Establishment.
Sec. 5-304. Applicability.
Sec. 5-305. Exemptions.
Sec. 5-306. Regulations for large water supply watersheds.
Sec. 5-307. Regulations for small water supply watersheds.

Sec. 5-301. Authority.

This division is adopted to implement the requirements of Section 391-3-16-.01, "Criteria for Water Supply Watersheds" of the Rules of the Georgia Department of Natural Resources, Environmental Protection Division, Chapter 391-3-16, "Rules for Environmental Planning Criteria." Said rules were adopted under the authority of Section 12-2-8 (as amended) of Article 1, Chapter 2, Title 12 of the Official Code of Georgia Annotated (O.C.G.A.).

Sec. 5-302. Findings.

The quality of public drinking water supplies deserves protection. Land-disturbing activities associated with development can increase erosion and sedimentation, which threaten the storage capacity of reservoirs and impair the quality of public drinking water supplies. Stormwater runoff, particularly from impervious surfaces, can introduce toxins, nutrients, and sediments into drinking water supplies, making water treatment more complicated and expensive, and rendering water resources unusable for recreation and other uses. Industrial land uses that involve the manufacture, use, transport, and storage of hazardous or toxic waste materials result in potential risks of contamination of nearby public drinking water supplies. Therefore, land use activities within water supply watersheds require regulation to ensure that public water supplies remain clean. The regulations in this division are intended to minimize the transport of pollutants and sediment to water supplies, to maintain the yield of water supply watersheds, and to ensure water can be treated to meet federal and state drinking water standards.

Sec. 5-303. Establishment.

There are hereby established water supply watershed environmental overlay districts in the City of Commerce, as shown on the environmental overlay districts map, and as described further in this section. Each of these watersheds shall be considered a separate environmental overlay district.

(a) **North Oconee River.** The North Oconee River water supply watershed lies upstream of a public drinking water intake in Athens-Clarke County), which extends into the City of Commerce. It is a "large" water supply watershed.

(b) **Sandy Creek.** The public drinking water intake for this watershed is on Sandy Creek in Athens-Clarke County. The watershed extends into unincorporated Jackson County. It is a "small" water supply watershed.

Sec. 5-304. Applicability.

No land shall be disturbed, and no use shall be established unless it is consistent with the requirements of this division, except as otherwise specifically exempted from the requirements of this division.

Sec. 5-305. Exemptions.

(a) **Existing land uses.** Land uses existing prior to the initial adoption of water supply watershed protection regulations by the city are exempt from the requirements of this division.

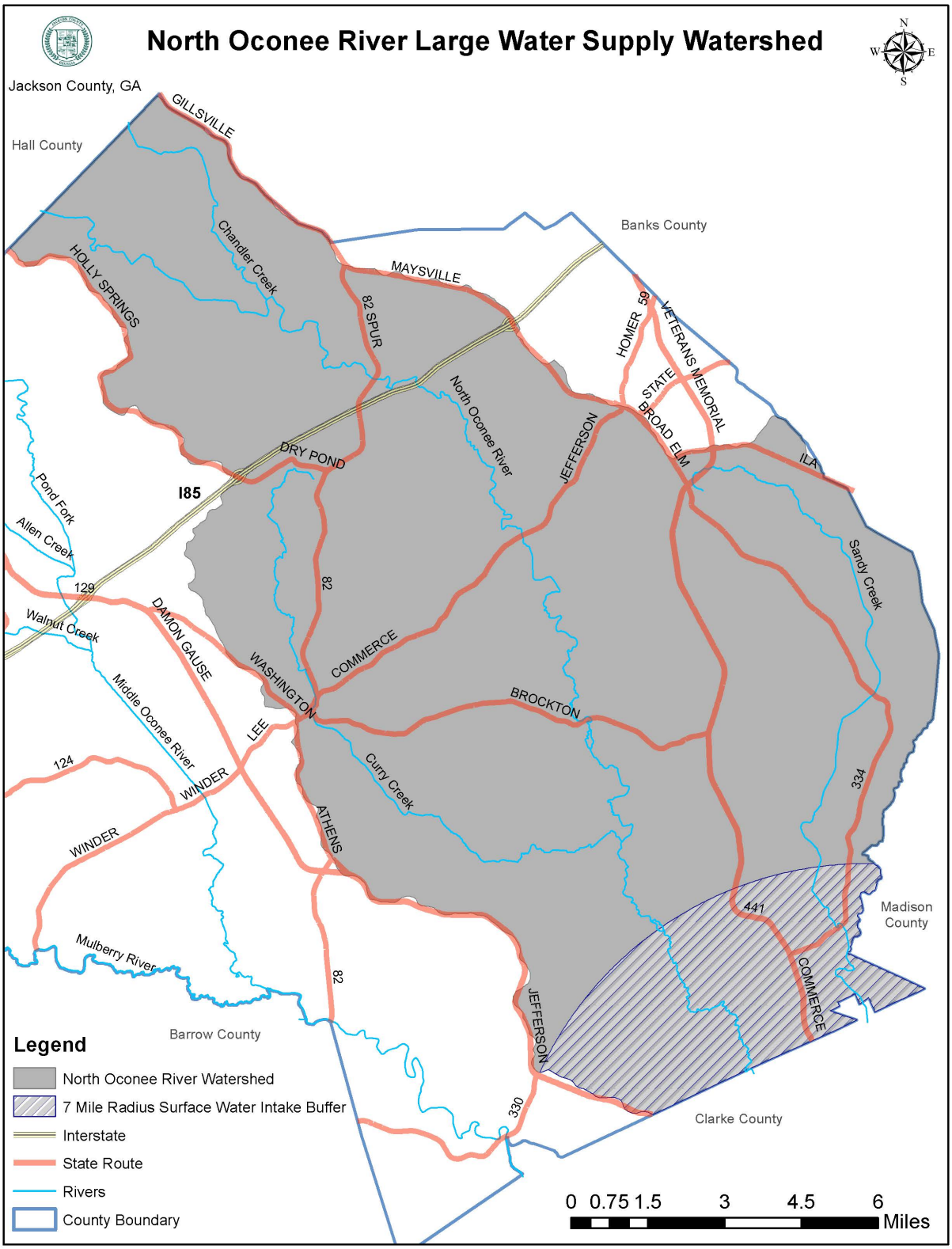
(b) **Utilities.** Utilities are exempt from the stream corridor and impervious surface setback area provisions of this division if the utilities to be located in the buffer or impervious surface setback areas cannot feasibly be located outside these areas, subject to the following requirements:

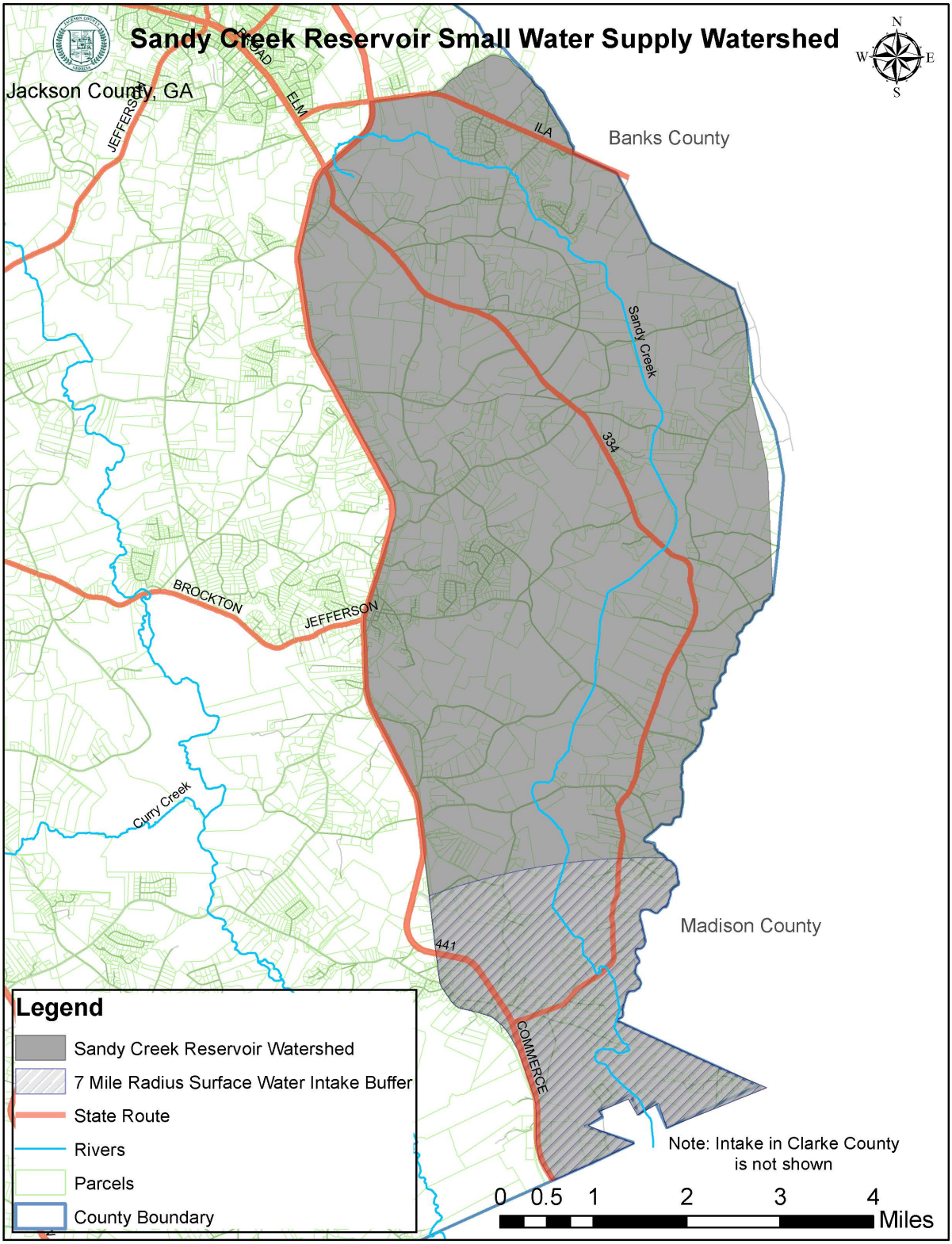
1. The utilities shall be located as far from the stream bank as reasonably possible.

2. The installation and maintenance of the utilities shall be such to protect the integrity of the buffer and setback areas as best as reasonably possible.

3. The utilities shall not impair the quality of the drinking water stream.

(c) **Forestry and agriculture.** Forestry and agricultural activities are exempt from the stream corridor buffer and impervious surface setback area provisions of this Division, provided that such activities shall be consistent with best management practices established by the Georgia Forestry Commission or the Georgia Department of Agriculture and shall not impair the quality of the drinking water stream.


North Oconee River Large Water Supply Watershed
Jackson County, GA
Hall County
Banks County
Barrow County
Clarke County
Madison County
GILLSVILLE
HOLLY SPRINGS
Chandler Creek
MAYSVILLE
82 SPUR
HOMER
59
VETERANS MEMORIAL
STATE
BROAD ELM
ILA
North Oconee River
JEFFERSON
DRY POND
I85
Pond Fork
Allen Creek
129
Walnut Creek
DAMON GAUSE
82
COMMERCE
WASHINGTON
BROCKTON
Sandy Creek
Middle Oconee River
LEE
124
WINDER
Curry Creek
ATHENS
334
441
Mulberry River
330
Legend
North Oconee River Watershed
7 Mile Radius Surface Water Intake Buffer
Interstate
State Route
Rivers
County Boundary
0 0.75 1.5 3 4.5 6
Miles


Sandy Creek Reservoir Small Water Supply Watershed
Jackson County, GA
Banks County
Madison County
JEFFERSON
ELM
ILA
Sandy Creek
334
BROCKTON
JEFFERSON
Curry Creek
441
COMMERCE
N
W
E
S
Legend
Sandy Creek Reservoir Watershed
7 Mile Radius Surface Water Intake Buffer
State Route
Rivers
Parcels
County Boundary
Note: Intake in Clarke County is not shown
0 0.5 1 2 3 4
Miles

Sec. 5-306. Regulations for large water supply watersheds.

Stream corridors of all perennial streams in all large water supply watersheds tributary to a water supply reservoir outside a seven (7) mile radius of a reservoir boundary are protected by criteria specified in this section. Where the requirements of this section are more restrictive than the requirements imposed for river corridors as specified in division II of this Article, the more restrictive requirements of this section shall apply.

(a) **Buffer.** A buffer shall be maintained for a distance of 50 feet on both sides of the stream as measured from the stream banks.

(b) **Impervious surface setback.** No impervious surface shall be constructed within a 75-foot setback area on both sides of the stream as measured from the stream banks.

(c) **Septic tanks and drain fields.** Septic tanks and septic tank drain fields are prohibited in the impervious surface setback area.

Sec. 5-307. Regulations for small water supply watersheds.

Stream corridors of all perennial streams within a small water supply watershed tributary to a water supply reservoir are protected by criteria specified in this section. Where the requirements of this section are more restrictive than the requirements imposed for river corridors as specified in division II of this Article, the more restrictive requirements of this section shall apply.

(a) **Buffer.** A buffer shall be maintained for a distance of 50 feet on both sides of the stream as measured from the stream banks.

(b) **Impervious surface setback.** No impervious surface shall be constructed within a 75-foot setback area on both sides of the stream as measured from the stream banks.

(c) **Septic tanks and drain fields.** Septic tanks and septic tank drain fields are prohibited in the impervious surface setback area.

(d) **Hazardous waste.** New hazardous waste treatment or disposal facilities are prohibited.

(e) **Maximum impervious surface areas by land use.**

1. **Intent.** It is the intent of this subsection that the impervious surface area, including all public and private structures, utilities, or facilities, of the entire small water supply watershed shall be limited to twenty-five (25) percent. Due to the fact that small water supply watersheds extend into areas other than the City of Commerce and are outside the regulatory authority of the Commerce City Council, a watershed-wide limit is not currently enforceable without an intergovernmental agreement and more careful study of existing land uses in the watershed. To meet the intent of this subsection with regard to watershed-wide impervious surface limitations is met, there are hereby established maximum impervious surface limits by land use.

2. **Applicability.** The limitations on total impervious surface area of this subsection apply on a lot-by-lot basis or any portion of a lot within a small water supply watershed except as otherwise provided in this subsection for subdivisions. In the case of a lot only partially located within a small water supply watershed boundary, impervious surface should be concentrated on that portion of the lot outside of the watershed where possible.

3. **Demonstration of compliance.** To ensure compliance with this subsection, the Zoning Administrator may require a numerical estimate and graphical depiction of impervious cover areas be prepared by a registered land surveyor or other qualified professional.

4. **Maximum impervious surface.** Development within a small water supply watershed shall not exceed the following maximum impervious surface limitations for the respective land use as determined by the zoning administrator, except as specifically provided otherwise in this subsection.

Land Use	Maximum Impervious Surface (Percent of Total Land Area of the Site Being Developed)
Agricultural	10%
Residential, single-family detached	25%
Residential, two-family or multi-family	30%
Institutional	40%
Commercial	60%
Industrial	60%

5. **Single-family residential subdivisions.** When a residential subdivision for detached, single-family dwellings is proposed on land within a small water supply watershed, the applicant shall demonstrate compliance with the twenty five percent (25%) maximum impervious surface requirement for the land within the entire subdivision. Roads, sidewalks, and other impervious surfaces within public right of ways shall be calculated and the total impervious area shown on the final recorded subdivision plat. A maximum impervious surface for each lot shall be established and shown on the final recorded subdivision plat. Lot development within the subdivision shall not exceed the maximum impervious surface as indicated on the final recorded subdivision plat. Compliance with this section may require that conservation areas be set aside, or lots be larger in area than required by the zoning district in which the lots are located.

6. **Exceptions for water quality enhancement or low impact development.** Upon application, the Zoning Administrator may approve increases in the maximum impervious surface area limitations of this subsection, if the land development incorporates and implements water quality enhancement or low impact development techniques. Such increase authorized shall not exceed one-hundred twenty-five

percent (125%) of the maximum impervious surface percentage established in this subsection.

7. **Pervious pavements.** Pervious pavements, where approved and utilized, shall not count as impervious surfaces for purposes of compliance with this subsection.

DIVISION IV

SIGNIFICANT GROUNDWATER RECHARGE AREAS

Sec. 5-401. Authority.
Sec. 5-402. Findings.
Sec. 5-403. Adoption by reference of hydrologic atlases.
Sec. 5-404. Establishment.
Sec. 5-405. Applicability.
Sec. 5-406. Regulations for significant groundwater recharge areas.

Sec. 5-401. Authority.

This division is adopted to implement the requirements of Section 391-3-16-.02, "Criteria for the Protection of Groundwater Recharge Areas" of the Rules of the Georgia Department of Natural Resources, Environmental Protection Division, Chapter 391-3-16, "Rules for Environmental Planning Criteria." Said rules were adopted under the authority of Section 12-2-8 (as amended) of Article 1, Chapter 2, Title 12 of the Official Code of Georgia Annotated (O.C.G.A.).

Sec. 5-402. Findings.

(a) It is essential to the health, safety, and welfare of the public that the quality of subsurface public drinking water be maintained. Groundwater resources exist in underground reservoirs known as aquifers. These aquifers are zones of rock beneath the earth's surface that are capable of providing water for a well. They occupy vast regions of the subsurface and are replenished by infiltration of surface water runoff in zones of the surface, known as groundwater recharge areas. Groundwater is susceptible to contamination when development occurs within groundwater recharge areas.

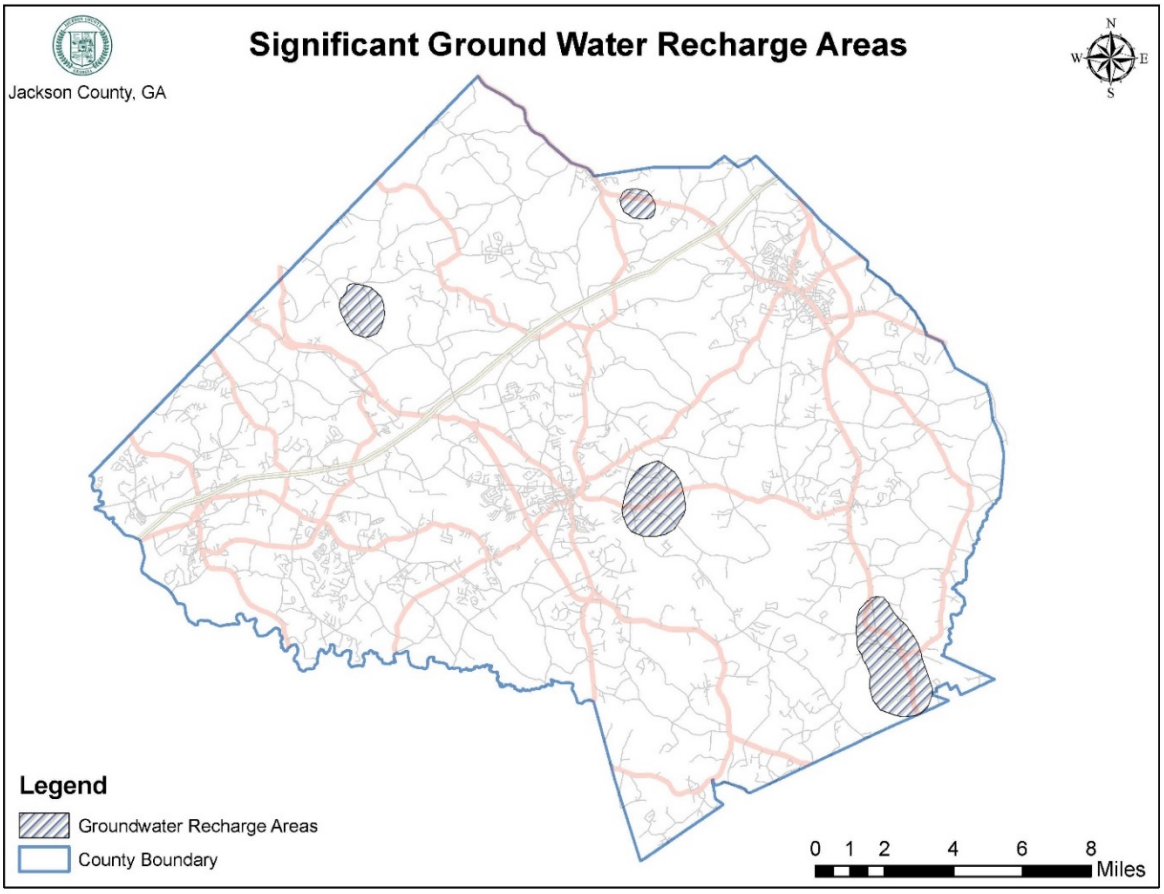
(b) Certain land use activities, such as septic tanks, underground tanks, and chemical spills, pose a significant threat to the quality of groundwater supplies. Therefore, it is necessary to manage land uses within groundwater recharge areas in order to ensure that pollution threats and development impacts are minimized. To this end, this ordinance establishes minimum lot sizes to provide for the orderly and safe development of property utilizing on-site sewage management systems.

(c) Recharge area protection criteria of the state are based on the state's hydrogeology. Recharge area protection within significant recharge areas has been refined by the state based on high, medium, and low susceptibility or vulnerability to human induced pollution.

(d) All significant groundwater recharge area mapped by the state within the boundaries of the City of Commerce, as shown on Hydrologic Atlas 18 are within lower pollution susceptibility areas as shown on Hydrologic Atlas 20. This makes state criteria regarding medium and higher pollution susceptibility inapplicable in the City of Commerce and such criteria are properly excluded from this division.

Sec. 5-403. Adoption by reference of hydrologic atlases.

Hydrologic Atlas 18 and Hydrologic Atlas 20 are hereby adopted for purposes of applying the state's environmental planning criteria for significant groundwater recharge areas.



Sec. 5-404. Establishment.

There are hereby established significant groundwater recharge areas in the City of Commerce as established by state rule, as shown on the significant groundwater recharge area environmental overlay district map, and as further described in this division.

Sec. 5-405. Applicability.

(a) This division shall apply to all lands within the city that are mapped as significant recharge areas as defined by this Article.

(b) No land shall be disturbed, and no use shall be established within an area regulated by this division, unless it is consistent with the requirements of this division.

Sec. 5-406. Regulations for significant groundwater recharge areas.

The following criteria shall apply in significant recharge areas established by this division:

(a) **Minimum lot size.** New homes or lot divisions for homes or other uses and served by septic tank/drain field systems shall be on lots having a minimum lot size of at least 110% of the minimum size identified on Table MT-1 of the Georgia Department of Human Resources' Manual for On-Site Sewage Management Systems (hereinafter "DHR Table MT-1"); provided, however, that any lot of record existing on the date of initial adoption of significant groundwater recharge area regulations by the City shall be exempt from the minimum lot size established by this paragraph. No construction may proceed on a home to be served by a septic tank unless the Jackson County Environmental Health Department first approves the proposed septic tank installation as meeting the requirements of the Georgia Department of Human Resources' Manual for On-Site Sewage Management Systems.

(b) **Hazardous material handling and hazardous waste.** New facilities permitted or to be permitted to treat, store, or dispose of hazardous waste shall perform such operations on an impermeable pad having a spill and leak collection system. New facilities which handle hazardous materials of types and in amounts determined by the Georgia Department of Natural Resources, shall perform their operations on impermeable surfaces having spill and leak collection systems, as prescribed by Georgia Department of Natural Resources. Land disposal of hazardous waste is prohibited in any area regulated by this Division.

(c) **Above-ground storage tanks.** New above-ground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall have secondary containment for 110% of the volume of such tanks or 110% of the volume of the largest tank in a cluster of tanks. (Note: These figures are consistent with US EPA rules for oil pollution prevention, 40 CFR 112.1). Such tanks used for agricultural purposes are exempt, provided they comply with all Federal requirements. A concrete, asphalt, or other impervious material pad is required.

DIVISION V

PROTECTED WETLANDS

Sec. 5-501. Authority.
Sec. 5-502. Findings.
Sec. 5-503. Establishment.
Sec. 5-504. Applicability.
Sec. 5-505. Relationship to federal regulation.
Sec. 5-506. Permitted uses.
Sec. 5-507. Wetland statement on plans and plats.

Sec. 5-501. Authority.

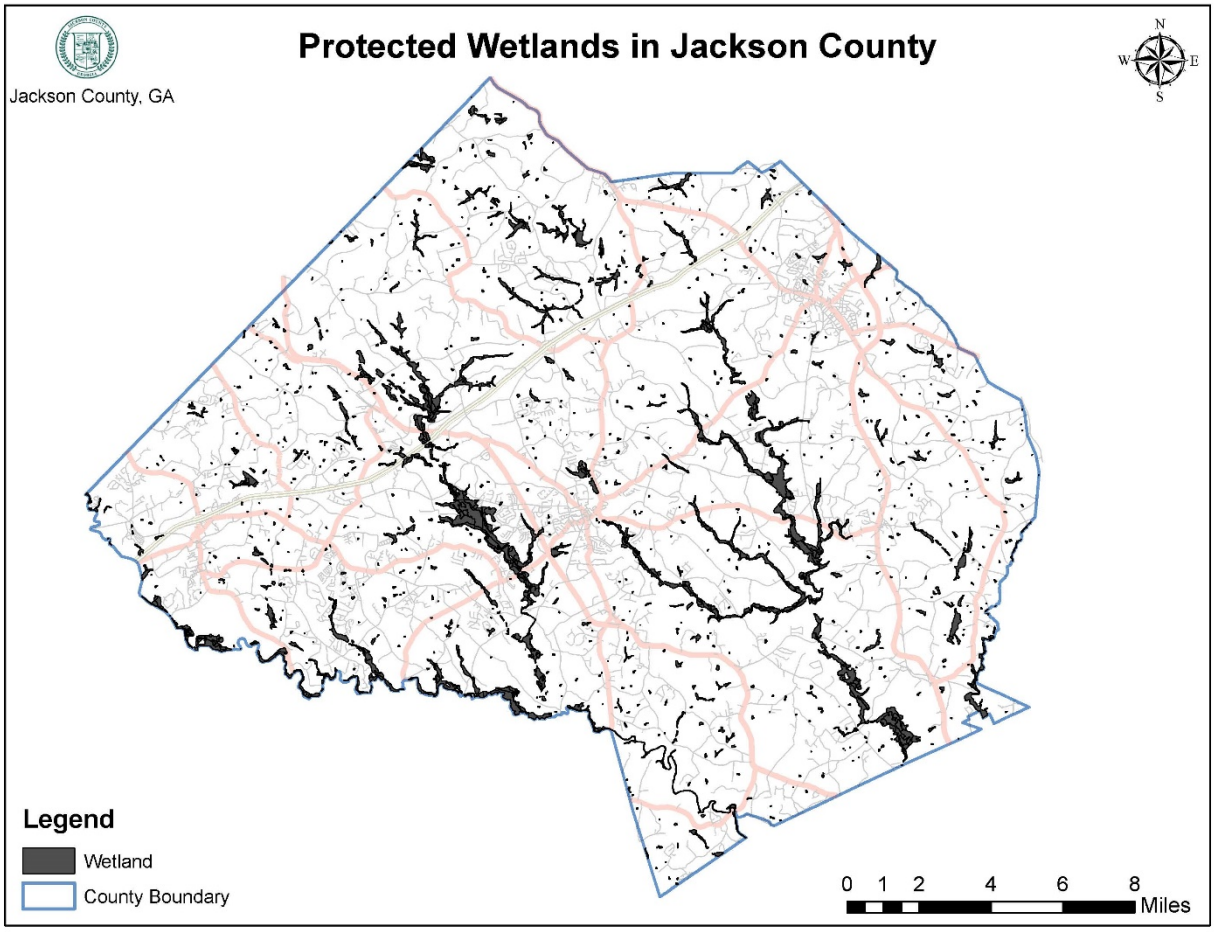
This division is adopted to implement the requirements of Section 391-3-16-.03, “Criteria for Wetlands Protection” of the Rules of the Georgia Department of Natural Resources, Environmental Protection Division, Chapter 391-3-16, “Rules for Environmental Planning Criteria.” Said rules were adopted under the authority of Section 12-2-8 (as amended) of Article 1, Chapter 2, Title 12 of the Official Code of Georgia Annotated (O.C.G.A.).

Sec. 5-502. Findings.

Wetlands are indispensable and fragile natural resources with significant development constraints due to flooding, erosion, and soils limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife and vegetation; water quality maintenance and pollution control; flood control; erosion control; natural resource education; scientific study; and open space and recreational opportunities.

Sec. 5-503. Establishment.

There are hereby established protected wetlands in the city as shown on the protected wetlands environmental overlay district map.



Sec. 5-504. Applicability.

(a) This division shall apply to all lands within the city that are mapped as protected wetlands as defined by this Article.

(b) No land shall be disturbed, and no use shall be established within an area regulated by this division, unless it is consistent with the requirements of this division.

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

Sec. 5-505. Relationship to federal regulation.

(a) The wetlands permit program under Section 404 of the Clean Water Act provides a federal permit process that may allow activities in wetlands after a public interest review. Most activities in wetlands will require a Section 404 permit from the U.S. Army Corps of Engineers. If wetlands are altered or degraded, mitigation to offset losses will be required as a condition of a Section 404 Permit. Under current federal policy, alterations or degradations of wetlands should be avoided unless it can be demonstrated that there will be no long-term adverse impacts or net loss of wetlands. Section 401 of the Clean Water Act requires certification by the State for any permit issued under Section 404. Other state and federal laws are also applicable to wetlands and wetlands protection.

(b) The provisions of this division shall be in addition to any requirements of federal regulations.

Sec. 5-506. Permitted uses.

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

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

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

(c) Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission and as specified in Section 404 of the Clean Water Act.

(d) The cultivation of agricultural crops. Agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture.

(e) The pasturing of livestock, provided that riparian wetlands are protected, that soil profiles are not disturbed, and that approved agricultural Best Management Practices are followed.

(f) Education, scientific research, and nature trails.

Sec. 5-507. Wetland statement on plans and plats.

Design professionals shall indicate wetlands and protected wetlands on all plans required for land disturbance, development, and building, and on any plats required for subdivision. The design professional that prepared the required plan or plat accompanying the permit or plat

application shall provide a statement on the plan sheet or plat sheet indicating whether or not a wetland or protected wetland is located on the property.

ARTICLE 6

ACCESS, STREETS, PARKING, AND LOADING

DIVISION I GENERAL PROVISIONS

Sec. 6-101. Findings and purposes.
Sec. 6-102. Definitions.
Sec. 6-103. Compliance required.

DIVISION II ACCESS

Sec. 6-201. Access to entire parcel.
Sec. 6-202. Access required.
Sec. 6-203. Access control on state routes.
Sec. 6-204. Access easements.
Sec. 6-205. Common access easements for shared driveways.
Sec. 6-206. Substandard access.
Sec. 6-207. Improvement of existing street adjoining subdivision or land development.
Sec. 6-208. Inter-parcel access.
Sec. 6-209. Inter-parcel pedestrian access.
Sec. 6-210. Traffic control signage.
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DIVISION III STREETS

Sec. 6-301. Standards generally.
Sec. 6-302. Functional classification.
Sec. 6-303. Street right of way.
Sec. 6-304. Planned streets.
Sec. 6-305. Continuation of existing streets.
Sec. 6-306. Dead-end streets and cul-de-sacs.
Sec. 6-307. Alleys.
Sec. 6-308. Street alignment and offsets/jogs.
Sec. 6-309. Street intersection angles.
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Sec. 6-311. Street grades.
Sec. 6-312. Horizontal alignment of streets.
Sec. 6-313. Minimum sight distance.
Sec. 6-314. Pavement width and paving specifications.
Sec. 6-315. Street base.
Sec. 6-316. Pavement topping.
Sec. 6-317. Testing requirements for street base and paving.
Sec. 6-318. Curb and gutter -- required.
Sec. 6-319. Curb and gutter -- detail.

Sec. 6-320. Slopes and shoulder improvements.
Sec. 6-321. Deceleration and turning lanes.
Sec. 6-322. Street names and street name signs.
Sec. 6-323. Traffic signs and striping.
Sec. 6-324. Street lighting.
Sec. 6-325. Traffic calming devices.
Sec. 6-326. Private streets.
Sec. 6-327. On-street parking for local residential streets.

DIVISION IV SIDEWALKS

Sec. 6-401. Sidewalks required.
Sec. 6-402. Sidewalk installation waiver.
Sec. 6-403. Sidewalk placement.
Sec. 6-404. Sidewalk construction.

DIVISION V DRIVEWAYS

Sec. 6-501. Driveways and deceleration lanes on state routes.
Sec. 6-502. Driveway compliance.
Sec. 6-503. Residential driveways.
Sec. 6-504. Nonresidential driveways.

DIVISION VI DESIGN AND IMPROVEMENT REQUIREMENTS FOR PARKING LOTS

Sec. 6-601. Applicability.
Sec. 6-602. Plans and development permit required.
Sec. 6-603. Vehicular circulation.
Sec. 6-604. Backing movements prohibited.
Sec. 6-605. Distance of parking space from right of way.
Sec. 6-606. Improvement setback.
Sec. 6-607. Area per parking space.
Sec. 6-608. Demarcation.
Sec. 6-609. Access aisle dimensions.
Sec. 6-610. Parking lot surfacing.
Sec. 6-611. Curbing.
Sec. 6-612. Parking lot drainage.
Sec. 6-613. Lighting.
Sec. 6-614. Landscaping.
Sec. 6-615. Pedestrian facilities.

DIVISION VII OFF-STREET PARKING REQUIREMENTS

Sec. 6-701. Off-street parking required.
Sec. 6-702. Interpretations.
Sec. 6-703. Minimum number of off-street parking spaces required.
Sec. 6-704. Minimum number of accessible parking spaces required.
Sec. 6-705. Administrative variances.
Sec. 6-706. Stacking spaces for drive-through facilities or service windows.
Sec. 6-707. Shared use of parking spaces.
Sec. 6-708. Reduction for demand management.

DIVISION VIII OFF-STREET LOADING

Sec. 6-801. Off-street loading required.
Sec. 6-802. Minimum number of on-site loading spaces required.
Sec. 6-803. Location of loading spaces.
Sec. 6-804. Loading area specifications.
Sec. 6-805. Permanent reservation
Sec. 6-806. Administrative variance.

DIVISION I

GENERAL PROVISIONS

Sec. 6-101. Findings and purposes.
Sec. 6-102. Definitions.
Sec. 6-103. Compliance required.

Sec. 6-101. Findings and purposes.

(a) **Proper access.** This Article sets forth regulations designed to ensure property access to each lot and each development, via connection to the public street system.

(b) **Need for parking.** Space for the parking of motor vehicles is needed to serve every property that contains a principal use, for the safety and convenience of the people who live or work on the property, shop or do business on the property, or otherwise visit the property in the normal course of activity of the principal use. It is in the public interest to establish minimum off-street parking and loading areas in proportion to the need created by each use, considering reductions for the provision of alternative modes of travel.

(c) **Need for loading and unloading spaces.** Space for the loading and unloading of equipment, supplies, and products is needed to serve properties engaging in such loading and unloading operations. If not required, adequate and proper loading spaces in acceptable locations tend not to be provided.

(d) **Environment.** Poor design of parking lots can lead to damage to the environment and may require the community to subsidize the interests of a private property owner at the expense of the community's environment. It is reasonable to require good design of parking lots. Possible negative effects of parking and loading areas include changes to microclimate, isolation of pedestrians, increased stormwater runoff, and reduced stormwater infiltration into the ground.

(e) **Stormwater management.** Parking lot surfaces such as asphalt and concrete contribute to the degradation of local water quality. Parking lots can be more compatible environmentally if protection measures are incorporated into design standards and regulations. Porous pavement and grass pavers reduce runoff by allowing it to pass through the paved surface and infiltrate back into the soil and groundwater. Utilizing porous pavements and grass pavers also reduces or eliminates land dedicated to surface storm water management facilities. Porous pavement designs and grass pavers are appropriate in some instances. Other types of stormwater management facilities are environmentally compatible, such as vegetative swales and bioretention. It is therefore appropriate to provide for alternative pavement materials, such as porous asphalt, turf block, gravel, and cobbles which have higher degrees of water quality effectiveness than conventional asphalt and pervious concrete.

(f) **Pedestrian mobility.** Areas of paving are necessary to accommodate automobiles, but they can be unfriendly to pedestrians without specific regulations requiring that designers accommodate pedestrians. Large, open parking areas are conducive to high speeds and random maneuvers which can endanger pedestrians. Wide driveway aisles and access roads also increase speeds and discourage pedestrian travel. Street and parking lot design can balance the needs to accommodate automobile-centered standards with approaches that take into account the needs of pedestrians. It is in the public interest to establish on-site circulation patterns conducive to safe pedestrian as well as vehicular and truck access.

(g) **Overbuilding of parking lots.** Off-street parking requirements, as conventionally implemented, have resulted in excess, unnecessary parking around commercial development because it remains unused for most of the year. Parking lot construction is a considerable factor in the cost of development. Reducing parking areas reduces development costs. Therefore, reductions in the size of paved parking and flexibility in the types of pavement and parking designs are beneficial to all concerned. It is in the public interest to establish maximum off-street parking limitations.

(h) **Connectivity.** Abutting properties which do not provide interconnecting access to one another make it difficult, dangerous, and inefficient if not impossible, for motorists to travel between those properties. Between compatible uses, provisions requiring inter-parcel access meet substantial public purposes of convenience and safety. It is therefore in the public interest to promote and require inter-parcel access to facilitate movement of customers from business to business without generating additional turning movements on the public street, thus increasing public safety.

(i) **Public improvements.** It is in the public interest to establish design and improvement specifications for the development of driveways and the connection of parking lots to public streets.

Sec. 6-102. Definitions.

AASHTO: The American Association of State Highway and Transportation Officials.

Access: A way or means of approach to provide physical entrance to a property.

Arterial, principal: A term used in the functional classification of roads. These roads, which include interstates and rural freeways: serve “substantial” statewide or interstate trips, as defined by high mileage or volume; connect most urban areas of 25,000 or more and virtually all urban areas of 50,000 or more; and provide an integrated network without stub connections except where geography dictates otherwise. Arterials are the longest roads with the highest speed limits.

Arterial, minor: A term used in the functional classification of roads. With the principal arterial system, these roads form a rural network that links other cities, larger towns, and other traffic generators, such as major resort areas, capable of attracting travel over long distances; link all developed areas of the state; and serve corridors with trip lengths and travel density greater than

those predominantly served by rural collector or local systems. Minor arterials, therefore, constitute routes whose design should be expected to provide for relatively high overall travel speeds, with minimum interference to the through-movement.

Collector, major: A term used in the functional classification of roads. These roads, with minor collectors, primarily serve the city rather than state traffic. Consequently, more moderate speeds are typical. They serve any places not on an arterial route, and other traffic generators of equivalent intra-county importance, such as consolidated schools, shipping points, county parks, and important mining and agricultural areas; link the latter places with nearby larger towns or cities, or arterials and freeways; and serve the more important intra-county travel corridors. Collectors are shorter roads with slower travel speeds than arterial roads.

Collector, minor: A term used in the functional classification of roads. Serving county-wide or city-wide traffic, these roads should evenly collect traffic from local roads and bring all developed areas within a reasonable distance of a collector road; provide service to the remaining smaller communities; and link the locally important traffic generators with the hinterlands.

Curb cut: Any interruption or break in the line of a street curb for the purpose of connecting a driveway to a street, or otherwise to provide vehicular access to abutting property.

Deceleration lane: A speed-change lane, including tapered areas, for the purpose of enabling a vehicle that is making an exit turn from a roadway to slow to a safe turning speed after it has left the mainstream of faster-moving traffic. Also called a “decel lane”; it denotes a right turn lane or a left turn lane into a development.

Driveway: A constructed vehicular access serving one or more properties and connecting to a public or private street.

Driveway, residential: Any private passageway to any property used for dwelling purposes. However, if a driveway provides access for more than four dwelling units, it shall be considered a commercial driveway.

Driveway width: The narrowest width of a driveway measured perpendicular to centerline of the driveway, from edge of pavement to edge of pavement or edge of curb to edge of curb.

Functional classification of roads: A system for the classification of roads used by the Federal Highway Administration, the Georgia Department of Transportation and the county and city. The system is based on several factors, including: the amount of traffic currently on the road plus if any new major traffic generators (e.g., new schools, new subdivisions, new community level commercial centers, or new major employers) are being built in the near future along that roadway; the length of the roadway in comparison with the functional classification of other roads in the same area.

Gated community: Residential areas that restrict access to normally public roads and spaces. Gates can include guard houses, electronic arms operated by card, codes, or remote control devices. Visitors must stop to be verified for entry.

Handicapped parking space: A space for parking a standard sized passenger vehicle, laid out and designated by signage in accordance with the requirements of the federal Americans with Disabilities Act.

Highway: A term applied to streets and roads that are under the jurisdiction of the Georgia Department of Transportation or federal highway agency. Highways are major arteries of the circulation network, carry significant volumes of traffic for both long and short trips, and are designed with access to abutting properties with some degree of control and safe standards of design.

Horizontal alignment: Horizontal geometrics of a roadway.

Horizontal curve: A curve by means of which a road can change direction to the right or left.

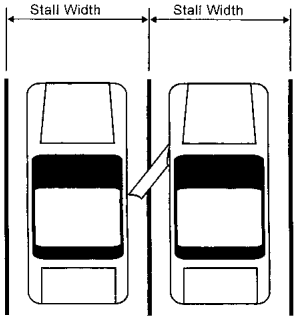
Inter-parcel access: A roadway or series of connecting roads within a property providing access to interior lot frontage or other properties, not connected to a public road or state route.

Intersection: The general area where two or more roads join or cross, including the roadway and roadside facilities for traffic movements within the area.

Parking aisle: The traveled way, which is not the public right-of-way, by which cars enter and depart parking spaces and maneuver within a designated parking lot.

Parking lot: Any public or private area at grade used for the express purpose of temporarily parking automobiles and other vehicles otherwise in operation for personal or business use.

Parking space: A space identified and set aside for the temporary parking of an automobile or other motor vehicle. The typically acceptable parking space has a dimension of 9 feet in width by 20 feet in length, although this Article permits reductions in parking space widths in certain circumstances.



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 9-13, p. 9-24.

Pavement markings: Devices or paint placed on the roadway to mark pavement for vehicular and pedestrian traffic control.

Pavement width: The width of a given lane, road, or other road pavement width, measured from back-of-curb to back-of-curb or to the edge of pavement where no curbs are required or exist.

Profile: A longitudinal section of a roadway, drainage course, etc.

Public improvement: The construction, enlargement, extension or other construction of a facility intended for dedication to the city or to a facility already owned by the city, including but not

limited to a street, curb and gutter, sidewalk, cross drain, catch basin, other roadway appurtenance, domestic water supply system main, fire hydrant, valve or other water system appurtenance, or sanitary sewerage main or outfall, lift station, force main, manhole or other appurtenance. Utility supply lines to a building are not considered public improvements.

Reservation: The designation by plat or deed of a certain area reserved for possible future public purposes. A reservation does not transfer title of the reserved area to the public unless the Commerce City Council accepts the area for public purposes.

Right-of-way: Land reserved for and immediately available for public use as a street or other purpose.

Right-of-way, private: That area, distinguished from an access easement or public right-of-way, dedicated to property owners of the subdivision involved or to other individuals, and which affords permanent access to abutting property or properties. A private right-of-way is distinguishable from a public road right-of-way in that maintenance and ownership of the road and accessory improvements is by private individuals or a private association rather than the county, state, or another governmental entity.

Right-of-way, public: That area, distinguished from an easement or private road right-of-way, which is owned in fee-simple title or via prescription by the City of Commerce, the Jackson County Board of Commissioners, State of Georgia, or other government, for the present or future use of roads, roads and highways, together with its drainage facilities and other supporting uses and structures.

Right-of-way miter: A right-of-way line at a street or highway intersection, which is parallel to neither road but forms a triangle with extensions of the right-of-way lines of the adjacent sides of the intersecting roads. The purpose of a right-of-way miter is to provide improved visibility for vehicles approaching the intersection by enabling the elimination of visual obstructions or to provide room for a traffic signal support pole or guy wire.

Road: A state highway, a county road, a road adopted as a county-owned right of way approved for county maintenance, a street owned and/or maintained by a municipality, or where permitted, a private road. Roads afford the principal means of access to abutting property or properties and are required to meet specifications contained in this UDC. The term includes “street” but does not include “access easement.”

Road, private: An improved road, distinguished from a public road in that the right-of-way which affords a principal means of access to abutting property or properties is privately owned and maintained. Private roads are required to meet specifications contained in this UDC.

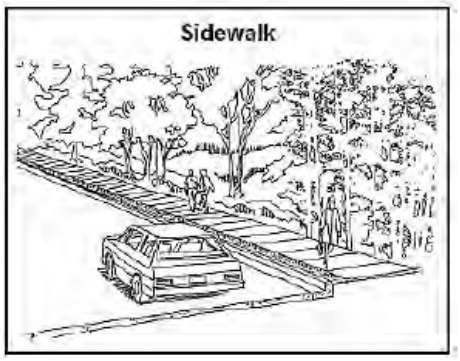
Road, public: A state highway, county road, a road adopted as a county-owned right of way approved for county maintenance, or a street owned and/or maintained by a municipality. New public roads are required to meet specifications contained in this UDC.

Roadway: The portion of a highway or road, including shoulders, for vehicle use.

Roadway drainage structure: A device such as a bridge, culvert, or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Sidewalk: A hard-surfaced pedestrian access area adjacent to or within the right-of-way of a street.

Sight distance: The length of roadway ahead visible to a driver.



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

Traveled way: The portion of a roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Sec. 6-103. Compliance required.

(a) Before any land disturbance permit, development permit or building permit is issued for a given development or building, the access (including driveways), parking lot layout and area, and if applicable loading area, must be found by the Zoning Administrator to be in compliance with all applicable requirements of this Article. No such permit shall be issued if the access and improvements fail to comply with the requirements of this Article.

(b) The Building Official shall not issue a building permit and shall not allow occupancy or use of a building until advised by the Zoning Administrator that access, parking, and loading as applicable meet the requirements of this Article.

(c) No lot shall be subdivided unless it complies with the requirements of this Article.

(d) When located in the Highway Corridor Overlay District established in Article 4 of this UDC, additional requirements apply.

DIVISION II

ACCESS

Sec. 6-201. Access to entire parcel.
Sec. 6-202. Access required.
Sec. 6-203. Access control on state routes.
Sec. 6-204. Access easements.
Sec. 6-205. Common access easements for shared driveways.
Sec. 6-206. Substandard access.
Sec. 6-207. Improvement of existing street adjoining subdivision or land development.
Sec. 6-208. Inter-parcel access.
Sec. 6-209. Inter-parcel pedestrian access.
Sec. 6-210. Traffic control signage.
Sec. 6-211. Roadway curve protection.

Sec. 6-201. Access to entire parcel.

(a) The entire parcel, rather than simply a particular project, shall be considered in formulating and approving access plans. To this end, the Zoning Administrator may require a development project or subdivision on only part of a lot (unsubdivided parcel) to design and provide access through the remainder of the parcel not proposed for land development at the time or reserve such future access by easement or right of way.

(b) Where land proposed to be subdivided or developed includes only part of the tract owned or intended for subdivision or development by the subdivider or land developer, a tentative plan of a future road system for the portion not slated for immediate subdivision or land development consideration shall be required by the zoning administrator. When such tentative plan is required, it shall be prepared and submitted by the subdivider or land developer no later than the time of submission of lot subdivision or development plan approval, whichever occurs first.

Sec. 6-202. Access required.

(a) A publicly approved street meeting the requirements of this Article shall serve every development and every lot within a subdivision, unless otherwise specifically provided in this Article.

(b) Every development and every major subdivision shall have access to the public right-of-way via a standard city street.

Sec. 6-203. Access control on state routes.

(a) Access onto a state road shall meet the Georgia Department of Transportation *Regulations for Driveway and Encroachment Control*, Revision 4.0, dated March 15, 2016, as may be amended from time to time. For driveways accessing U.S. or State

highways, the requirements of the Georgia Department of Transportation shall apply whenever more restrictive than the standards in this UDC.

(b) A copy of the Georgia Department of Transportation permit, if required, shall be submitted to the Zoning Administrator before plans for land development are approved or permits can be issued for building. Proposed subdivisions along state routes also require prior review and recommendation by the Georgia Department of Transportation. No project proposals will be reviewed by the City of Commerce Planning Commission until the Georgia Department of Transportation review is completed and approved.

Sec. 6-204. Access easements.

(a) For any lot of record which existed prior to adoption of this UDC but which does not have frontage on a public street or private street meeting the requirements of this UDC, access may be obtained to and from that lot of record solely via any access easement which was lawfully established for access to such lot prior to the adoption of this UDC.

(b) A new access easement shall not be authorized as the sole means of access to a lot.

Sec. 6-205. Common access easements for shared driveways.

Shared driveways between two parcels along the common property line of the two parcels may be required by the Zoning Administrator at the time of lot subdivision.

Sec. 6-206. Substandard access.

In the event that any development or major subdivision, other than minor subdivisions and infill lot development, has access to a substandard road (i.e., a dirt, gravel or surface treated pavement road), the following project access improvements shall be required.

(a) The street shall be upgraded by the developer or subdivider to a standard city street from the project entrance to the nearest standard paved road along the route of access.

(b) The roadway section shall meet the requirements for the functional classification of street as determined by the Zoning Administrator based on the functional classification assigned by the city or county transportation plan or other official standards and guidelines as may be appropriate.

(c) The developer or subdivider shall design the road and provide the labor, equipment and materials required for roadway improvements and necessary drainage improvements.

(d) The right-of-way required for these off-site improvements shall be acquired by the developer or subdivider at no expense to the city. If the developer or subdivider cannot acquire adequate right-of-way, the city attorney shall initiate acquisition proceedings at the expense of the developer after authorization by the City Council.

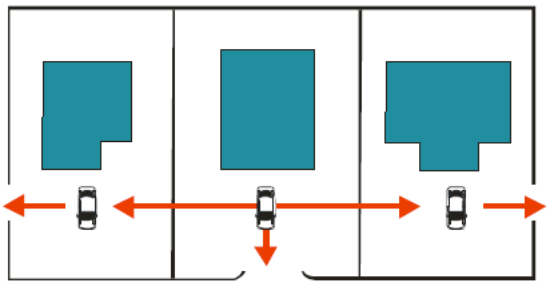
(e) If the city desires the roadway to be improved to a standard greater than the functional classification of street as determined by the zoning administrator, the city shall provide or pay the cost of the additional right-of-way, materials, and labor.

Sec. 6-207. Improvement of existing street adjoining subdivision or land development.

At the time of any non-single-family residential development or major subdivision, existing roads that adjoin the development or subdivision shall be improved to meet the minimum standards of this UDC along the entire length of the development's road frontage. Such standards include standard right of way width, standard pavement width, curbs, gutters, and sidewalk for the street's functional classification as determined by the zoning administrator.

Sec. 6-208. Inter-parcel access.

(a) Developments abutting an arterial or collector street shall provide vehicular access to abutting commercial or multi-family residential development, whether existing or planned (i.e., according to either the zoning map and/or the future land use map, as determined by the zoning administrator), so as to provide a vehicular connection among all adjacent parcels also abutting an arterial or collector street.



Source: Florida Department of Transportation. 2008. Driveway Information Guide.

(b) This requirement may necessitate driveway aprons, stub-outs, or other design features to provide for cross-connection access to abutting properties as determined by the zoning administrator. If inter-parcel access is required, the property owner shall grant an access easement to facilitate the movement of motor vehicles from site to site.

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

Sec. 6-209. Inter-parcel pedestrian access.

New multi-family residential, institutional, commercial development that abuts a planned, new or existing multi-family residential property, institutional property, or commercial property shall provide a sidewalk connecting the two uses, unless the Zoning Administrator determines that it is unnecessary to provide inter-parcel pedestrian access due to the unlikelihood of patrons walking among two or more existing or proposed uses on abutting or nearby sites. This provision shall require such developments to construct the required sidewalk to the property line so that it may be continued by the adjacent development for future connectivity.

(a) Internal to each building site, non-single-family residential developments shall provide safe routes of pedestrian access between points of departure and destinations. Such provisions for pedestrian access shall be shown on plans, including site plans for development permits, and building permits.

(b) When multiple buildings are proposed, they shall be linked with on-site pedestrian walkways.

(c) All walkways internal to the site shall be a minimum of 5 feet wide.

(d) The internal sidewalk system shall connect to the public sidewalk system along streets and highways, where it exists or is planned.

Sec. 6-210. Traffic control signage.

All land developments shall be provided with traffic control signs (e.g., speed limits, direction of travel, etc.) if necessary, that meet or exceed The *Manual on Uniform Traffic Control Devices for Streets and Highways* published by the Federal Highway Administration of the U.S. Department of Transportation, as may be amended from time to time, subject to the approval of the zoning administrator.

Sec. 6-211. Roadway curve protection.

(a) This section shall apply to new subdivisions which abut an arterial road with a designated speed limit of greater than 30 miles per hour at the point of a simple circular curve, compound curve, reverse curve, transition curve, or a vertical curve including both sag and crest curves.

(b) Guardrails shall be installed if the development is on an arterial road and in an applicable curve. The Zoning Administrator may require an additional buffer on the lots in an applicable curve of up to 25 feet in width if the existing right of way of the arterial road is less than 60 feet.

(c) Uniform fencing and/or walls shall be installed along the entire property line abutting the arterial road.

DIVISION III

STREETS

Sec. 6-301. Standards generally.
Sec. 6-302. Functional classification.
Sec. 6-303. Street right of way.
Sec. 6-304. Planned streets.
Sec. 6-305. Continuation of existing streets.
Sec. 6-306. Dead-end streets and cul-de-sacs.
Sec. 6-307. Alleys.
Sec. 6-308. Street alignment and offsets/jogs.
Sec. 6-309. Street intersection angles.
Sec. 6-310. Street intersection curb radii.
Sec. 6-311. Street grades.
Sec. 6-312. Horizontal alignment of streets.
Sec. 6-313. Minimum sight distance.
Sec. 6-314. Pavement width and paving specifications.
Sec. 6-315. Street base.
Sec. 6-316. Pavement topping.
Sec. 6-317. Testing requirements for street base and paving.
Sec. 6-318. Curb and gutter -- required.
Sec. 6-319. Curb and gutter -- detail.
Sec. 6-320. Slopes and shoulder improvements.
Sec. 6-321. Deceleration and turning lanes.
Sec. 6-322. Street names and street name signs.
Sec. 6-323. Traffic signs and striping.
Sec. 6-324. Street lighting.
Sec. 6-325. Traffic calming devices.
Sec. 6-326. Private streets.
Sec. 6-327. On-street parking for local residential streets.

Sec. 6-301. Standards generally.

Public streets contained wholly within a subdivision or land development shall be improved to the full standards contained in this Article.

Sec. 6-302. Functional classification.

The functional classification of a given street in the city shall be as designated in the Jackson County Comprehensive Transportation Plan, as may be amended from time to time. Where the county transportation plan does not classify a certain street in the city, it shall be the responsibility of the Zoning Administrator to determine the functional classification based on the definitions in this Article.

Sec. 6-303. Street right of way.

(a) All State or U.S. numbered highways shall meet all design requirements of and be approved by the Georgia Department of Transportation.

(b) All other roads shall meet the minimum street right-of-way requirements of Table 6-3-1.

Table 6-3-1
Minimum Required Street Right-of-Way
(Excludes State and U.S. Numbered Highways)

Street Classification	Minimum Required Right-of-Way Width
Arterial	120 feet
Major collector	100 feet
Minor collector	80 feet
Local commercial or industrial street	60 feet
Local residential street with swale ditches	60 feet
Local residential street with curb and gutter	50 feet
Local residential street with on-street parking	66 feet

(c) Additional right of way may be required to accommodate turning lanes or other improvements.

(d) In residential subdivisions or land developments, streets that serve 100 dwelling units or more shall be improved to or exceed “minor collector” street standards, while those serving fewer than 100 dwelling units shall be improved to or exceed “local” street standards.

(e) Subdivisions or developments that adjoin an existing street that does not meet the right-of-way width required by this development code for said street as classified, shall dedicate up to one-half of the right-of-way needed to meet the minimum right-of-way width required for the street along the entire property frontage. If any part of a subdivision or land development fronts on both sides of an existing street, all of the right-of-way needed for the existing street to meet the right-of-way standards of this development code for the street shall be dedicated along the entire property frontage.

Sec. 6-304. Planned streets.

When a future street or road, proposed in the comprehensive plan or comprehensive transportation plan, adjoins or traverses a subdivision or development project, the future right-of-way shall be platted as part of the subdivision or development project. No development will be allowed within the platted future right-of-way except for drives and landscaping, and the platted future right-of-way is to be treated as a lot line for the provision of all setback lines as required by this Article.

Sec. 6-305. Continuation of existing streets.

When a new street is proposed within a development or subdivision, the development or subdivision shall provide for the continuation or projection of any existing street adjoining the development or subdivision at the same or greater right-of-way and pavement width. Where, in the opinion of the zoning administrator, it is necessary to provide for street access to adjoining property, proposed streets shall be extended by dedication of right-of-way to the boundary of such property through the development.

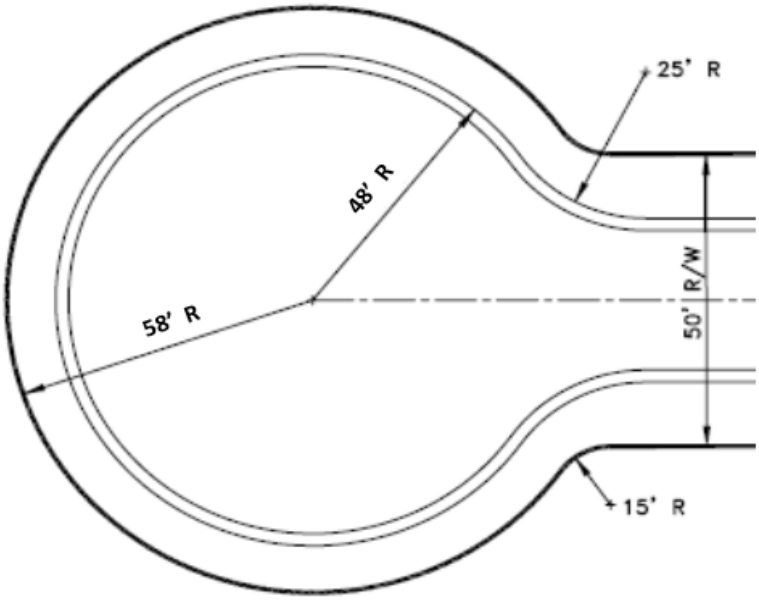
Sec. 6-306. Dead-end streets and cul-de-sacs.

(a) **Cul-de-sac required.** Streets that dead-end shall terminate in a cul-de-sac meeting the requirements of this Article or as approved by the zoning administrator. A dead-end street other than a cul-de-sac shall not be allowed except as a temporary stage of construction of a street that will be extended in a later stage of construction.

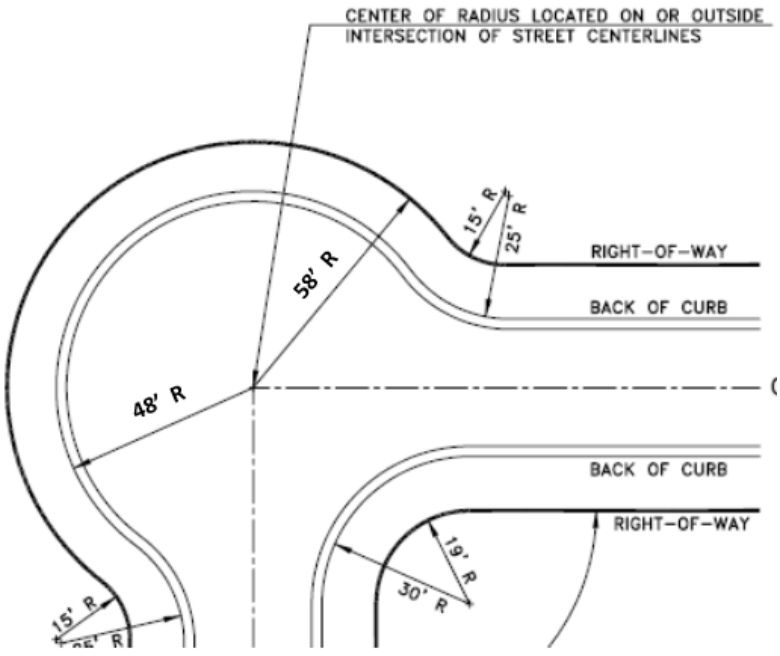
(b) **Minimum length.** A cul-de-sac street shall have a minimum length of at least 125 feet.

(c) **Maximum length.** The maximum length of a cul-de-sac street shall be 600 feet, unless necessitated by topographic or other conditions and approved by the zoning administrator.

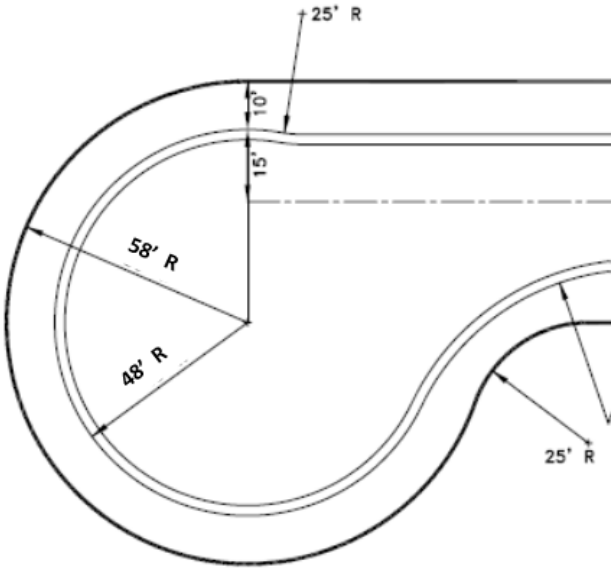
(d) **Residential street.** Cul-de-sacs in residential subdivisions shall terminate in a circular turnaround having a minimum right-of-way of at least 116 feet in diameter (58-foot radius) and a paved turnaround with a minimum outside diameter of 96 feet (48-foot radius). (see figures below)



Centered



Eyebrow



Teardrop

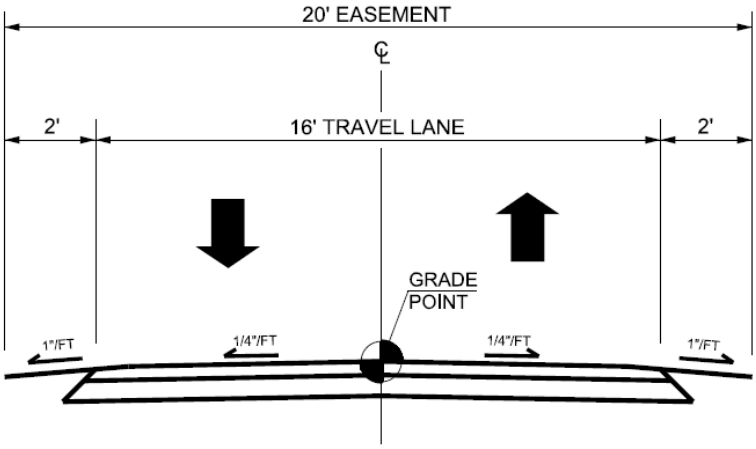
(e) **Commercial and industrial street.** Cul-de-sacs in commercial and industrial subdivisions shall terminate in a circular turnaround having a minimum right-of-way of at least 120 feet in diameter (60-foot radius), and a paved turnaround with a minimum outside diameter of 100 feet (50-foot radius).

(f) **Temporary cul-de-sac.** Streets that are planned to continue at some future date shall provide a temporary cul-de-sac as required by the zoning administrator. The minimum radius for a temporary cul-de-sac shall be 48 feet. Temporary turnarounds shall consist of 3 inches of graded aggregate base and 1 inch of asphalt. A temporary cul-de-sac shall be made permanent within 12 months if the next phase is not permitted.

Sec. 6-307. Alleys.

(a) Alleys may be required at the rear of all lots used for multi-family, commercial or industrial developments. Alleys may be provided to facilitate rear-access to garages on each lot at the discretion of the subdivider/developer with approval of the zoning administrator.

(b) If alleys are provided, they must be paved. The minimum easement shall be 20 feet in width; the travel way shall be a minimum of 16 feet with 2-foot shoulders on each side (see figure):



Alley Section

(c) If alleys are provided, they must be private and shall not be publicly dedicated.

(d) Dead-end alleys shall be avoided were possible; but if unavoidable, they shall be provided with a turn-around having a radius of at least 40 feet, or a "T-head" turn-around approved by the zoning administrator.

Sec. 6-308. Street alignment and offsets/jogs.

(a) Streets shall be aligned to join with planned or existing streets.

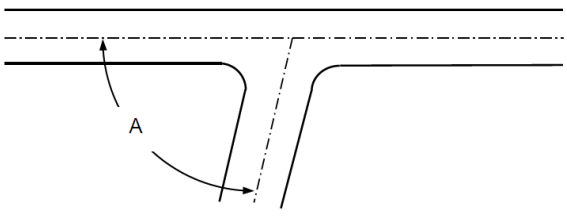
(b) No new street that intersects a State or U.S. numbered highway shall be approved unless there is maintained a separation of at least 800 feet from any other street.

(c) The Georgia Department of Transportation may require a greater separation between streets intersecting a State or U.S. numbered highway.

(d) Other, local, adjoining street intersections shall be spaced at least 250 feet apart measured from edge of right-of-way to edge of opposing right-of-way.

Sec. 6-309. Street intersection angles.

All streets shall intersect at no less than 75 degrees, and as near a right angle as possible. The angle of intersection is to be measured at the intersection of the street centerlines.



Such intersecting streets shall provide an uninterrupted line of sight from the center point of the intersection for not less than the minimum sight distance required in accordance with this UDC.

Sec. 6-310. Street intersection curb radii.

Turning radii for street intersections shall be provided as follows, based on the highest street classification involved in the intersection as listed below. Where the angle of street intersection is less than 90 degrees, a longer radius may be required.

(a) Arterial: 50-foot radius.

(b) Major collector: 35-foot radius.

(c) Minor collector: 25-foot radius.

(d) Local street: 25-foot radius.

Sec. 6-311. Street grades.

(a) **Minimum grades.** All streets shall have a minimum grade of 0.5 percent.

(b) **Maximum grades and minimum design speeds.** Maximum grades and minimum design speeds for proposed streets by street type shall be as required in Table 6-3-2. Design exceptions must be justified and approved by the zoning administrator.

Table 6-3-2
Maximum Grades and Minimum Design Speeds

Street Type	Maximum Grade	Minimum Design Speed
Arterial street	6%	55 mph
Major collector street	6%	45 mph
Minor collector Street	8%	35 mph
Local street	12%	25 mph
Alleys	12%	15 mph

Sec. 6-312. Horizontal alignment of streets.

Where a deflection angle of more than 5 degrees in the alignment of a street occurs, the radius of curvature of the center line of said street shall be not less than as shown on Table 6-3-3.

Table 6-3-3
Horizontal Alignment of Streets

Street Classification	Minimum Radius of Curvature of Center Line
Arterial street	800 feet
Major collector street	350 feet
Minor collector street	200 feet
Local street	100 feet

Curved streets shall have a minimum tangent of 100 feet at intersections as measured from the centerline of cross streets. A tangent of at least 200 feet in length shall be introduced between reverse curves on collector streets, and 100 feet on local streets.

Sec. 6-313. Minimum sight distance.

(a) Sight distance requirements at intersections and driveways shall be as required in Table 6-3-4. The design speed for sight distance requirements at entrance intersections shall be the existing posted speed limit. Distances shall be measured from a point on the centerline of the entering road or driveway 10 feet back from the edge of the nearest traffic way in the abutting street and extending in both directions along the abutting street. Minimum sight distances shall be measured from the driver's eyes, which are assumed to be 3.75 feet in height above the pavement surface, to an object 6 inches high on the pavement in the center of every on-coming travel lane. The sight distance shall be clear along its entire minimum length and unimpaired by intervening changes in street grade, horizontal alignment, or obstructions. Examples of obstructions are vegetation, ground cover, signs, existing topography, etc.

Table 6-3-4
Minimum Sight Distance Requirements

Design Speed (miles per hour)	Distance in Feet (Each Way)
25	125*
30	125*
35	150
40	185
45	230
50	475
55	350
60	450
65	550

* 125' street spacing for internal residential streets only. Any external non-residential street spacing shall be a minimum of 150'

(b) Minimum sight distance requirements of this section may be designed in accordance with AASHTO's *Geometric Design of Highways and* Streets if such standards conflict with the requirements of this Section.

Sec. 6-314. Pavement width and paving specifications.

Roadways shall be constructed and paved with top courses meeting the following standards. The minimum pavement width, measured from edge of pavement to edge of pavement, (or from the inner edge of curb where curbing exists) shall be as required for the street type in Table 6-3-5.

Table 6-3-5
Street Base and Pavement Width

Street Classification	Width of Pavement	Base	Binder	Topping
Arterial, Principal	72 feet	Per GDOT	Per GDOT	Per GDOT
Arterial, Major	72 feet	Per GDOT	Per GDOT	Per GDOT
Arterial, Minor	48 feet	Per GDOT	Per GDOT	Per GDOT
Collector, Major	48 feet	10 inches GAB	3 inches B	2 inches E
Collector, Minor	36 feet	6 inches GAB	3 inches B	1½ inches E
Local Commercial or Industrial Street	26 feet	10 inches GAB	4 inches B	2 inches E
Local Residential Street	22 feet	6 inches GAB	2 inches B	1½ inches E
Local Residential Street – On Street Parking (Major Subdivisions)	32 feet	6 inches GAB	2 inches B	1½ inches E

GDOT = Georgia Department of Transportation
GAB = graded aggregate base.
Note: width of pavement excludes curb and gutter.

Sec. 6-315. Street base.

(a) **Graded aggregate base course.** The base course shall consist of mineral aggregate and may be a combination of natural deposit or a blend of the materials specified. All materials are subject to approval of the zoning administrator. If a blend of materials is used, it shall be blended through a base plant that meets the latest specifications of the Georgia Department of Transportation Specification 815.

(b) **Thickness of material.** Street base material shall conform to the thickness as required for the street type (see Table 6-3-5).

(c) **Extension.** For streets without curbs, the base shall extend at least 1 foot beyond the edge of payment.

(d) **Replacement of unsuitable material.** Wherever unsuitable material is found in the subgrade, the unsuitable material shall be replaced with graded aggregate stone.

Sec. 6-316. Pavement topping.

(a) **Prime.** After the base has been placed, mixed, compacted, shaped, inspected and accepted, it shall be primed with suitable asphaltic materials as specified in Department of Transportation Specification 412.

(b) **Roadway binder.** After the prime has been inspected and accepted, the roadway or street shall be surfaced with Type "B" binder as required for the street type (see Table 6-3-5).

(c) **Tack coat.** Tack coat shall be applied on a prepared road surface according to the requirements of Georgia Department of Transportation Specification 413.

(d) **Final topping.** Final topping shall consist of a course of Type "E" asphaltic cement as required for the street type as required (see Table 6-3-5).

Sec. 6-317. Testing requirements for street base and paving.

(a) Tests shall be conducted of street base and paving as per Table 6-3-6.

Table 6-3-6
Testing Requirements and Standards

Type of Test to be Performed	Minimum Number of Tests	Testing Standards
Sub-grade Compaction	Each 500 linear feet of roadway	95% Max Density ASTM-1557 Field Tests ASTM D-1556 F-2922 and D-2167
Base Compaction	Each 500 linear feet of roadway	100% Max Density ASTM-1557 Field Tests ASTM D-1556 F-2922 and D-2167
Asphalt Density	Each 1,000 linear feet of roadway	92% Laboratory Density
Asphalt Thickness	Each 500 linear feet of roadway	Deficient in thickness not more than ¼"

When testing is required, it is the responsibility of the developer to ensure that all required tests are made and reported to the Zoning Administrator for review and approval. The cost of all testing and quality control shall be performed at the expense of the developer by qualified testing laboratories. The developer is also required to repair any defects or damages caused by testing such that the roadway still meets the required standard following repair.

Sec. 6-318. Curb and gutter -- required.

Curb and gutter are required along:

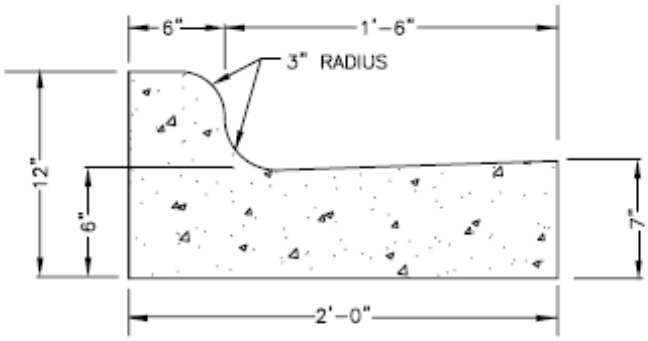
(a) All new commercial and industrial streets;

(b) Existing city streets that abut a subdivision where curb and gutter are required, or abut a multi-family or nonresidential development; and

(c) Deceleration lanes and travel lane widenings on existing city streets.

Sec. 6-319. Curb and gutter -- detail.

(a) Curbs along collectors, local commercial or industrial streets, and residential streets shall be Portland cement concrete, 6-inch x 24-inch x 10-inch vertical type only, with a minimum strength of 3,000 psi at 28 days.



2'-0" STANDARD CURB & GUTTER

(b) All curbing shall be backfilled. The curb and gutter shall be constructed so as to present a smooth, even line both horizontally and vertically. There shall be no areas of ponding.

Sec. 6-320. Slopes and shoulder improvements.

(a) On streets with curb and gutter, the shoulders shall slope ¼ inch to the foot toward the roadway for at least 7 feet from back of curb, and no more than ½ inch to the foot for the remainder of the right-of way width.

(b) On streets with swale ditch drainage, the shoulders shall slope ¾ inch to the foot away from the roadway for at least 5 feet to the drainage channel. The maximum slope for the drainage channel shall be 2 feet of run for each 1 one foot of fall, with a minimum 2-foot-wide channel at the bottom of the swale.

(c) Immediately after grading and filling and re-spreading of topsoil, all areas of disturbed soil shall be fertilized and seeded (or in steep areas sodded or otherwise appropriately treated) with suitable vegetative cover to retard erosion.

(d) When all construction is completed, all slopes and shoulders shall be cleared of all rubbish and shall have a stand of grass to prevent undue erosion, either by sprigging or seeding.

Sec. 6-321. Deceleration and turning lanes.

(a) **Generally.** Access improvements such as deceleration lanes, dedicated left-turning lanes, center turn lanes, merge lanes, signalization, etc., required as deemed necessary for safe traffic operations by the Zoning Administrator shall be installed at all entrance roads into a development or major subdivision. The Zoning Administrator shall use the Georgia Department of Transportation Regulations for Driveway and Encroachment Control, Revision 4.0, dated March 15, 2016, Section 4.9, "Auxiliary Turn Lanes," as may be amended from time to time, as a basis for determining whether deceleration lanes and other lanes are required; unless otherwise determined appropriate by the zoning administrator, if the DOT driveway regulations would require an improvement if the road were a state route, the Zoning Administrator shall require the same such improvements. In addition, a deceleration lane shall be required at each street entrance to a multi-family development of 25 or more units, any residential subdivision of 25 lots or more, and any commercial or industrial subdivision.

(b) **Length.** Generally, deceleration lanes and turn lanes shall be a minimum length of 150 feet, with an additional 50-foot taper length, and a pavement width of 12 feet (exclusive of curb and gutter). Deceleration lanes and tapers may be required to be of greater length, based on the design speed of the road.

(c) **Right of way.** If needed, additional right-of-way to accommodate the deceleration lane or turn lane and a 10-foot shoulder shall be dedicated by the developer to the city.

(d) **Drainage.** Associated drainage improvements as deemed necessary by the city by the construction of the deceleration or turn lane shall also be required. The developer will pay the cost of any cross-drain pipe relocations and catch basins that must be constructed along an existing city street as a result of installing a required deceleration or turning lane.

(e) **Utilities.** Utilities shall be relocated at the developer's expense outside of a deceleration or turning lane. Waterlines can remain beneath the additional lanes.

Sec. 6-322. Street names and street name signs.

(a) Street names are subject to the approval of the Jackson County E-911 Coordinator (GIS Department) and the zoning administrator.

(b) Proposed public or private streets, which are extensions of, or in alignment with, existing or other proposed streets shall have the same name.

(c) Street names shall not duplicate or be phonetically similar to existing street names.

(d) Street name signs of a type approved by the city are to be placed at all intersections. Unless otherwise adopted by the zoning administrator, street signs shall be constructed of aluminum sheets with reflective backgrounds. Information on the street name signs shall

be readable from both sides of the sign. Signs shall be installed on a steel post. The vertical distance from the road elevation to the bottom of the sign face shall be 7 feet with a minimum burial depth of 3 feet.

(e) Street name signs shall be installed by the city at the developer's expense or the city shall direct the applicant to install said signs subject to the approval of the zoning administrator.

Sec. 6-323. Traffic signs and striping.

(a) Traffic control signs shall conform to the *Manual on Uniform Traffic Control Devices*, latest edition. The city shall install required traffic control signs at the subdivider's or developer's expense, or the city shall direct the applicant to install said signs subject to the approval of the zoning administrator.

(b) All newly constructed streets having 4 or more lanes (including auxiliary lanes) and existing streets being widened with one or more additional lanes shall be striped or the payment of said striping costs shall be required from the developer by the city prior to the approval of development conformance for the project. Striping shall be accomplished with paint meeting Georgia DOT standards conforming to the *Manual on Uniform Traffic Control Devices*.

Sec. 6-324. Street lighting.

(a) **Required.** Street lighting shall be required on all new public and private streets as follows:
1. At any new street intersection, regardless of use;

2. New residential subdivision streets; and

3. New commercial subdivision streets. Streets serving exclusively industrial uses shall not require street lighting except at street intersections.

(b) **Standard.** Street lighting, when required shall be installed according to design standards of the power company servicing the subdivision or development; provided however, the minimum height of a streetlight shall be 25 feet above the road surface.

(c) **Plan approval.** The subdivider or developer shall submit a street light layout prepared by the utility company which will provide the lighting service showing the exact location of streetlights within the subdivision. The lighting layout must be approved by the zoning administrator.

(d) **Operation cost responsibility.** The Commerce City Council will not assume responsibility for the operational costs of streetlights required by this section until the street right of way containing the streetlights has been accepted as a dedicated public right of way.

Sec. 6-325. Traffic calming devices.

All traffic calming devices shall be reviewed and approved by the Zoning Administrator prior to installation.

Sec. 6-326. Private streets.

(a) Private streets, if approved by the city, shall meet all requirements and standards that apply to public streets as specified in this Article and UDC.

(b) Any gate placed across a private street that limits access to a subdivision or development shall provide for unimpeded access by emergency vehicles, governmental vehicles on official business, and public and private delivery services including the U.S. Postal Service. Accessibility to such gated communities shall comply with all standards and requirements of the city for access activation and shall be of breakaway or other construction acceptable to the city.

Sec. 6-327. On-Street Parking for Local Residential Streets.

(a) **Required.** In addition to off-street parking such as driveways or other designated parking areas, all local residential streets constructed for and/or within major subdivisions shall include on-street parking to accommodate for a minimum of one (1) vehicle for every two (2) residences.

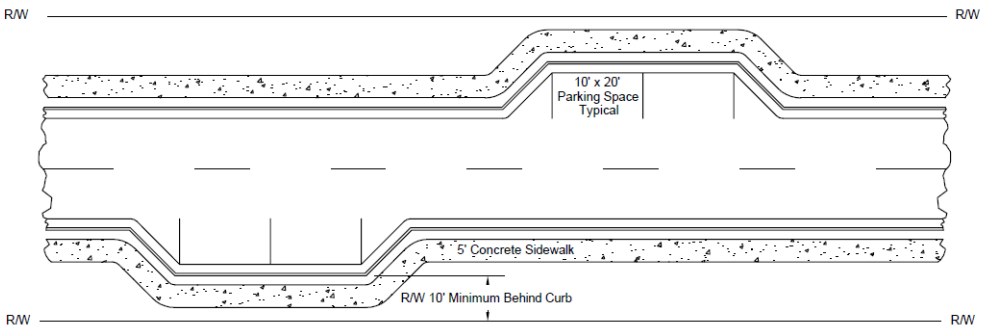
(b) **Design.** All on-street parking shall be included in the preliminary and final plat which shall be reviewed and approved by the Zoning Administrator prior to installation.

1. Parking shall be designated to one side of the street at a time and shall not extend to both sides of the street within the minimum pavement width (See figure below).

2. Designated parking shall be striped at the cost of the developer.

3. Designated parking shall be evenly dispersed throughout the development.

4. Off-street parking alternatives in addition to residential driveways may replace or supplement required on-street parking subject to review and approval at the discretion of the Zoning Administrator.



Example: On-Street Parking for Local Residential Street

(c) **Restrictions and Enforcement.** Homeowner's Association (HOA) covenants must include and enforce restrictions for on-street parking outside of designated areas. Signs shall be erected advising that on-street parking is only allowed in designated areas.

DIVISION IV

SIDEWALKS

Sec. 6-401. Sidewalks required.
Sec. 6-402. Sidewalk installation waiver.
Sec. 6-403. Sidewalk placement.
Sec. 6-404. Sidewalk construction.

Sec. 6-401. Sidewalks required.

Sidewalks are required to be installed by the developer at the time of development as follows:

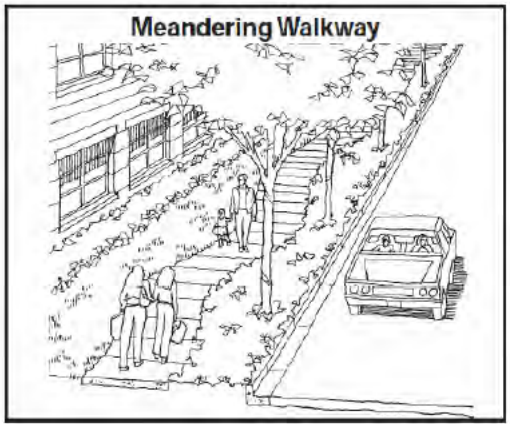
(a) On both sides of all new commercial and industrial streets.

(b) On both sides of streets serving residential subdivisions.

(c) Along the side of existing city streets and roads that abut a subdivision where sidewalks are required, or abut a multi-family or nonresidential development.

Sec. 6-403. Sidewalk placement.

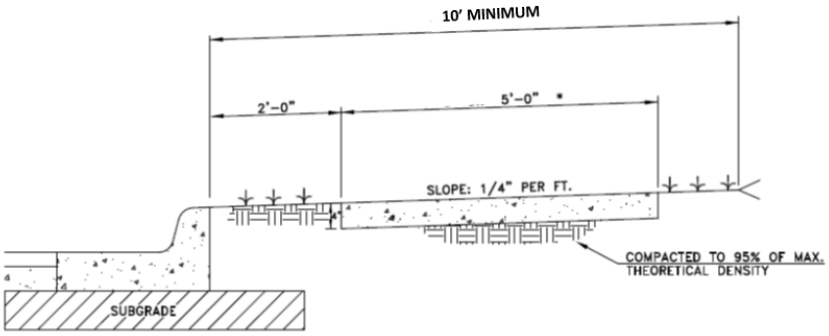
(a) Sidewalks shall be included within the dedicated non-pavement right-of-way of roads and shall parallel the street pavement as much as possible; provided, however, the Zoning Administrator may permit sidewalks to be designed and constructed so that they meander around permanent obstructions or deviate from a linear pattern for design purposes.



Sec. 6-404. Sidewalk construction.

(a) Sidewalks must comply with all requirements of the federal Americans with Disabilities Act.

(b) Concrete sidewalks shall be a minimum of 5 feet wide and 4 inches thick.



TYPICAL SECTION OF SIDEWALK

(c) Concrete shall be 3,000 psi at 28 days' strength.

(d) Sidewalks shall be backfilled and any strip between curb and sidewalk planted with grass sod or landscaped as approved by the zoning administrator.

(e) Sidewalk construction within subdivisions may be deferred to the builder. In such instances no certificate of occupancy for a building shall be authorized until said required sidewalk is constructed.

(f) All sidewalks shall be grinded for evenness.

(g) All sidewalks shall follow the outer perimeter of a cul-de-sac.

DIVISION V

DRIVEWAYS

Sec. 6-501. Driveways and deceleration lanes on state routes.
Sec. 6-502. Driveway compliance.
Sec. 6-503. Residential driveways.
Sec. 6-504. Nonresidential driveways.

Sec. 6-501. Driveways and deceleration lanes on state routes.

For subdivisions or land developments accessing state routes, the Georgia Department of Transportation requires a driveway permit and may require the installation of deceleration lanes and/or other improvements per its *Regulations for Driveway and Encroachment Control*, Revision 4.0, dated March 15, 2016, as may be amended from time to time. Such state approval and driveway permit shall be a precondition of subdivision and development permit approval.

Sec. 6-502. Driveway compliance.

(a) No driveway shall be connected to a city street or county road, and no curbs or medians on public streets or rights-of-ways shall be cut or altered for access unless approved by the Zoning Administrator, Public Works Director, or designee.

(b) No driveway or other improvement constructed on a city street or county road right of way shall be constructed or relocated or have its dimensions altered without the approval of the Zoning Administrator, Public Works Director, or designee.

(c) Driveways must be permitted. Approval of driveways shown on approved development plans shall constitute driveway approval unless specified otherwise in such approval. Approval of driveways shown on a building permit application shall constitute driveway approval unless specified otherwise by such permit approval. A separate driveway permit shall be required, if the driveway proposed has not been shown on approved development plans or approved as part of a building permit.

Sec. 6-503. Residential driveways.

Residential driveways shall meet the following requirements:

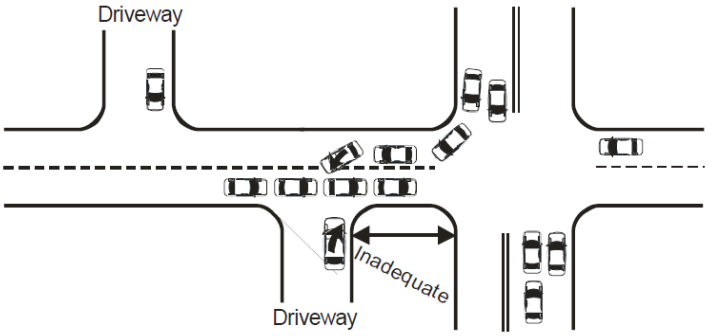
(a) **Limitation in number.** Residential driveways shall be limited to one per lot, except that a circular driveway with two entrances onto a city street or county public road may be authorized if the driveway connections are separated by 100 feet or more.

(b) **Width:** 10 feet minimum, except for shared driveways which shall be at least 12 feet wide. A residential driveway shall not exceed a width (measured at the right of way line of the street to which the driveway is connected) of 12 feet, unless the driveway serves a garage or carport designed to park two or more cars located within 40 feet of the right of

way, in which case the maximum residential driveway width shall be 20 feet. The maximum driveway widths of this paragraph shall not be construed to prevent additional surfacing for purposes of connecting the driveway to a garage or carport, or for additional uncovered parking, or for additional maneuvering space on the lot.

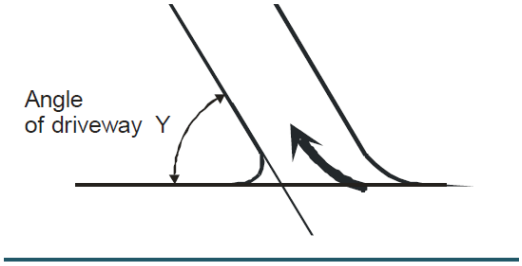
(c) **Spacing from road intersection:** Spacing of residential driveways shall be as required for purposes of observing minimum required sight distance, unless specifically approved otherwise as part of final plat approval for a common development or per individual driveway permit.

(d) **Locations:** Driveways will be restricted to locations where movements into and out of them can occur in a safe and orderly manner, subject to the approval of the zoning administrator.



Source: Florida Department of Transportation. 2008.
Driveway Information Guide.

(e) **Angle of intersection with street:** Driveway intersection with a street shall be right angled (80 degrees to 100 degrees).



Source: Florida Department of Transportation. 2008.
Driveway Information Guide.

(f) **Driveway apron.** The installation of concrete driveway aprons at any driveway connecting to a city street or county road are required and shall be constructed per the Georgia Department of Transportation Construction Detail “A1” Driveways with Tapered Entrances Concrete Valley Gutters.

(g) **Slope and elevation.** Any driveway entering on a roadway or street may be required to be sloped down from the street or roadway at a rate of ½ inch per 1 foot for a minimum of 10 feet. In any case, the finished driveway surface within the right-of-way where it abuts the adjacent road must be no higher in elevation than the roadbed.

(h) **Drainage:** As a condition of driveway approval, the Zoning Administrator is authorized to require a driveway applicant to install a storm drainage culvert of a size as approved by the Zoning Administrator (18-inch culvert typical where curb and gutter do not exist). All waters from driveways must enter onto the shoulders of adjacent roads and into the ditch or gutter. No water shall be permitted to enter onto the adjacent road surface or pavement.

(i) **Sidewalk transitions:** Where a sidewalk is provided or planned, the driveway shall be designed and constructed with sidewalk transitions as appropriate.

(j) **Sight visibility clearance.** With the exception of signposts and other structures less than 8 inches in diameter, structures and landscaping shall not exceed 3 feet in height within a triangle measuring 20 feet along the edge of a driveway and 20 feet along the street right-of-way line.

(k) **No access easement.** Residential lots in any major subdivision shall have no direct driveway access to a collector or arterial street unless approved by the zoning administrator, or to a State or U.S. numbered highway unless approved by the Georgia Department of Transportation and incorporated into the construction drawings for the project prior to issuance of a development permit by the city. An easement of at least 10 feet in width, across which there shall be no right of access, shall be provided along the entire width of lots in a major subdivision that abut any collector or arterial street.

Sec. 6-504. Nonresidential driveways.

Nonresidential driveways shall meet the following requirements. Driveways serving agricultural properties shall not require compliance with the requirements of this section.

(a) **Number.** Along any city street or county road, each lot shall be permitted no more than two points of vehicular access to each abutting public road; provided however, that lots with 150 feet of frontage or less shall have no more than one point of access to any one public street. The Zoning Administrator shall determine whether the points of access may be unrestricted or will have to be designed for right-in, right-out traffic flow.

(b) **Two-way width:** 24 feet minimum and 32 feet maximum.

(c) **One-way width:** 12 feet minimum and 18 feet maximum.

(d) **Spacing from road intersection:** Spacing of nonresidential driveways shall be as required by the Zoning Administrator for purposes of observing minimum required sight distance, unless specifically approved otherwise as part of final plat approval for a common development or per individual driveway permit.

(e) **Distance from property lines:** Curb cuts shall be located no closer than 20 feet from a property line, unless a common access driveway is approved by the zoning administrator, in which case there is no setback from the common property line.

(f) **Locations:** Driveways will be restricted to locations where movements into and out of them can occur in a safe and orderly manner, subject to the approval of the zoning administrator.

(g) **Angle of intersection with street:** Right angled (80 degrees to 100 degrees).

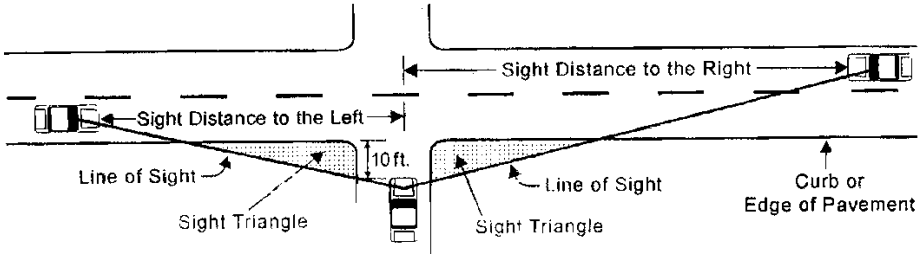
(h) **Driveway apron.** Installation of an asphalt or concrete driveway apron may be required for any nonresidential driveway connecting to a city street or county road. When a driveway apron is required, the minimum driveway radius for a shall be 15 feet for commercial and multi-family residential development and 25 feet for industrial development.

(i) **Slope and elevation.** Any driveway entering on a roadway or street may be required to be sloped down from the street or roadway at a rate of ½ inch per 1 foot for a minimum of 10 feet. In any case, the finished driveway surface within the right-of-way where it abuts the adjacent road must be no higher in elevation than the roadbed.

(j) **Drainage:** As a condition of driveway approval, the Zoning Administrator is authorized to require a driveway applicant to install a storm drainage culvert of a size as approved by the Zoning Administrator (18-inch culvert typical where curb and gutter do not exist). All waters from driveways must enter onto the shoulders of adjacent roads and into the ditch or gutter. No water shall be permitted to enter onto the adjacent road surface or pavement.

(k) Sidewalk transitions: Where a sidewalk is provided or planned, the driveway shall be designed and constructed with sidewalk transitions as appropriate.

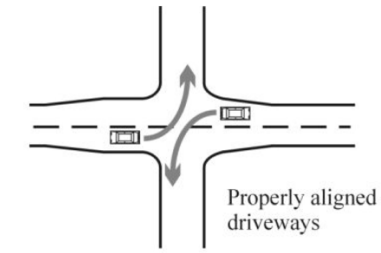
(l) Sight visibility clearance. With the exception of sign posts and other structures less than 8 inches in diameter, structures and landscaping shall not exceed 3 feet in height within a triangle measuring 10 feet along the edge of a driveway and 20 feet along the street right-of-way line.

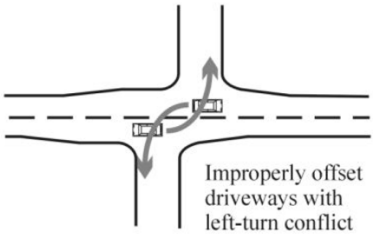


Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers.

(j) **Alignment:** Non-single-family residential driveways may be required to be aligned with existing or planned driveways on the opposite side of the road.

(k) **Additional location restriction:** A driveway shall not be allowed along a right-of-way miter.





(l) **Additional travel lane.** If the centerline of a driveway entrance on a major collector or arterial street is less than 400 feet from the centerline of an intersection, a continuous travel lane shall be constructed by the developer from the intersecting street to the driveway.

DIVISION VI

DESIGN AND IMPROVEMENT REQUIREMENTS FOR PARKING LOTS

Sec. 6-601. Applicability.
Sec. 6-602. Plans and development permit required.
Sec. 6-603. Vehicular circulation.
Sec. 6-604. Backing movements prohibited.
Sec. 6-605. Distance of parking space from right of way.
Sec. 6-606. Improvement setback.
Sec. 6-607. Area per parking space.
Sec. 6-608. Demarcation.
Sec. 6-609. Access aisle dimensions.
Sec. 6-610. Parking lot surfacing.
Sec. 6-611. Curbing.
Sec. 6-612. Parking lot drainage.
Sec. 6-613. Lighting.
Sec. 6-614. Landscaping.
Sec. 6-615. Pedestrian facilities.

Sec. 6-601. Applicability.

This division shall apply to construction of any new parking lot containing 5 or more spaces, and to the expansion of an existing parking lot by 5 or more parking spaces.

Sec. 6-602. Plans and development permit required.

(a) Construction of a new parking lot containing 5 or more spaces, or the addition of 5 or more spaces to an existing parking lot, shall require issuance of a development permit.

(b) To ensure compliance with this Article, parking and circulation plans shall include the number of spaces provided, the minimum parking spaces required, the location of entrances, exits, aisles, curbing where required, landscaping, screening, surface materials, provisions for drainage and other specifications necessary to ensure compliance with this Article.

Sec. 6-603. Vehicular circulation.

Efficient and easily recognized vehicular circulation routes within a development are vital and shall be provided. Internal vehicle circulation shall be designed or redesigned in a manner that avoids conflicts between through-traffic (i.e., traffic flowing into and out of the site) and local traffic (i.e., traffic through parking areas). Interior vehicular circulation shall also be facilitated by the following means:

(a) Considering the entire parcel and its anticipated development, rather than simply a particular project, in formulating and approving access plans;

(b) Avoiding dead-end parking areas;

(c) Visually orienting the driver with a regular, logical system of interior driveways and roadways;

(d) Identifying entrance drives with small entry signs; and

(e) Preventing vehicles from driving across or through designated larger parking areas by placing raised landscaped dividers or walkways between parking aisles.

Sec. 6-604. Backing movements prohibited.

Except for parcels of land serving one-family or two-family dwellings, all areas devoted to off-street parking shall be so designed such that no vehicle is required to back into a public street.

Sec. 6-605. Distance of parking space from right of way.

Except for parcels of land devoted to one-family or two-family dwellings, no parking space shall be located or accessed directly from a driveway within the first 40 feet of the driveway back from the street right-of-way line.

Sec. 6-606. Improvement setback.

Except for parcels of land devoted to one-family or two-family dwellings, off-street parking areas shall be set back from front, side, and rear property lines by at least 5 feet. Buffer and landscape strips may require larger setbacks. Unenclosed off-street parking for single-family and two-family dwellings and agricultural uses shall not be subject to compliance with this section.

Sec. 6-607. Area per parking space.

Every parking space shall provide a usable, rectangular area at least 9 feet wide by 20 feet long; provided, however that parking spaces may be reduced in width as specifically authorized in this section.

(a) In parking areas for uses which require 20 parking spaces to be provided, compact parking spaces, with widths of 8.5 feet may be used for employee parking or overflow customer parking areas, but only if the compact parking spaces are clearly marked.

(b) Where authorized to reduce parking space width, no more than 20 percent of the number of parking spaces provided in the entire parking area may be designated compact auto parking.

Sec. 6-608. Demarcation.

(a) Every paved parking space shall be clearly demarcated by lines painted on or otherwise applied to the parking lot surface.

(b) One-way traffic aisles, where utilized, must be clearly marked either with directional arrows on the pavement at each intersection with another aisle, driveway, or street entrance, or by traffic directional signs.

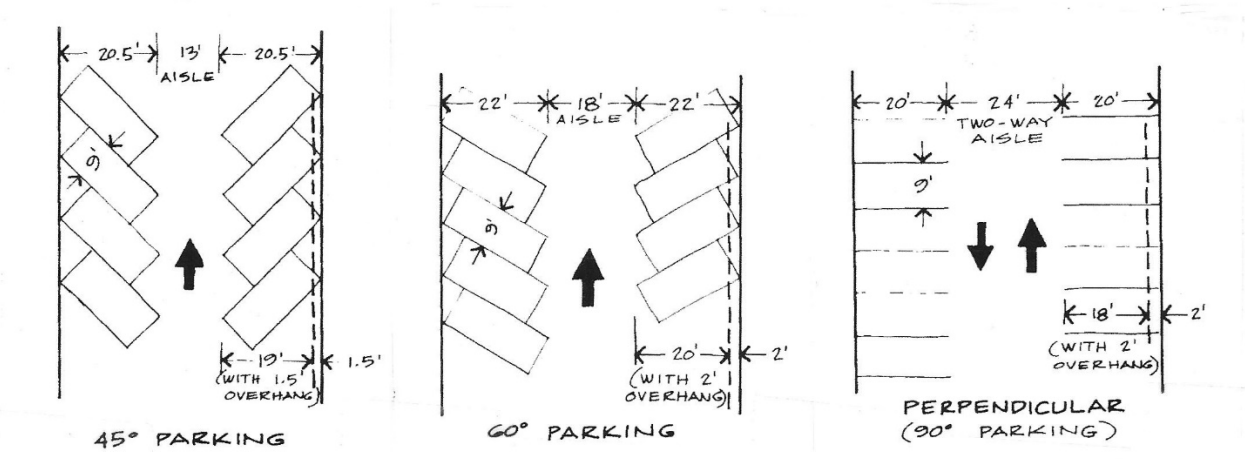
(c) The Zoning Administrator may require the installation of concrete parking “stops” or other improvement to avoid encroachment of a vehicle onto landscaped areas.

Sec. 6-609. Parking space angle aisles and access aisle dimensions.

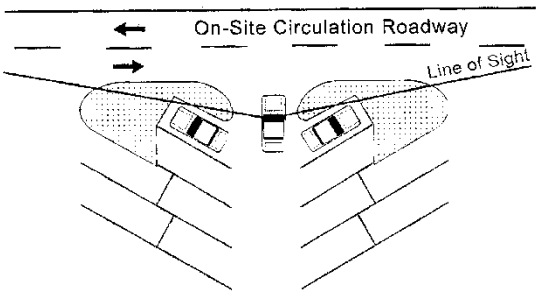
(a) Access aisles in parking lots serving parking spaces shall be perpendicular (90º) to the access aisle when serving two-way traffic (see figure).

(b) Parking spaces may be permitted with 60-degree or 45-degree angles to the access aisle, if one-way travel is required. Parking space angles less than 45 degrees to the access aisle are not allowed, except where the Zoning Administrator authorizes parking spaces that are parallel to the access aisle.

(c) Access aisle dimensions are required as provided in the following figure:



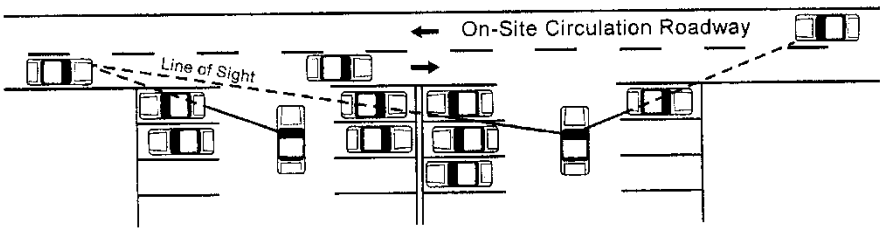
(d) The intersection of parking aisles with a ring road or other on-site roadway or driveway shall provide adequate intersection sight distance. Parking aisle end islands shall be curbed unless that requirement is waived for water quality purposes or in a rural/ exurban area; painted end islands are ineffective and are generally not permitted.



End Islands Preserve Sight Distance

Source: Stover,

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



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

Inadequate Sight Distance Due To No Parking Aisle End Islands

Sec. 6-610. Parking lot surfacing.

(a) Except as provided otherwise in this section, all off-street parking areas and all access drives for customer, visitor, and employee automobile parking serving uses other than single-family and two-family dwellings and agricultural uses shall be improved with a paved surface consisting of a minimum of a 6-inch graded aggregate base overlaid with a 2-inch Type B binder and a 1½-inch Type E or F asphalt surface.

(b) The Zoning Administrator may authorize other paving materials such as pervious pavers.

(c) The Zoning Administrator or may allow driveway approaches and parking lots to be graveled in rural residential districts and in other zoning districts where water quality effectiveness would be enhanced with use of alternative improvement materials. The Zoning Administrator may also waive paving requirements for developments in institutional, commercial and light industrial zoning districts but such waiver shall not be made for frequently used customer parking or handicapped parking as required by this division.

Sec. 6-611. Curbing.

Curbs meeting city specifications for vertical curbing shall be installed around the periphery of every parking lot, and shall extend along both sides of every access drive between the parking lot and the street or another parking lot or loading area, as applicable; provided, however, that the Zoning Administrator may waive the curbing requirement for unpaved parking areas and in cases where water quality effectiveness would be enhanced with use of infiltration devices, biofiltration swales, and other low impact development techniques in lieu of required curbs.

Sec. 6-612. Parking lot drainage.

Storm water drainage plans, including grading plans, shall be submitted to and approved by the Zoning Administrator as a part of and prior to the issuance of a development permit.

Sec. 6-613. Lighting.

(a) Any lights used to illuminate parking areas shall be arranged, located or screened to direct light away from any adjoining residential uses. “Shoe box” (full cutoff) lighting fixtures on poles shall be utilized for this purpose.

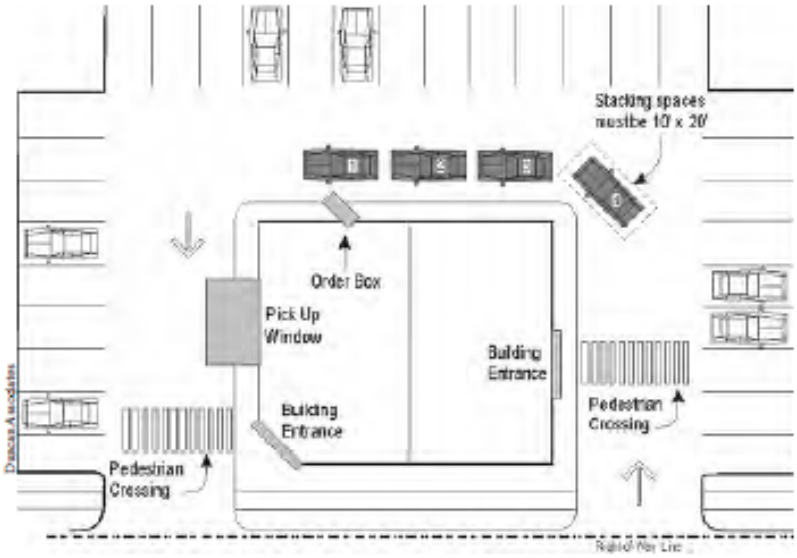
(b) Light poles should be located in landscaped strips. Where this cannot be accomplished, light poles must be placed on a reinforced concrete pedestal to protect them from damage or being knocked over.

Sec. 6-614. Landscaping.

All parking lots subject to compliance with this division must provide landscaping as required by this Article 9 of this UDC. Also, if located in the Highway Corridor Overlay District established by Article 4 of this UDC, additional landscaping requirements apply.

Sec. 6-615. Pedestrian facilities.

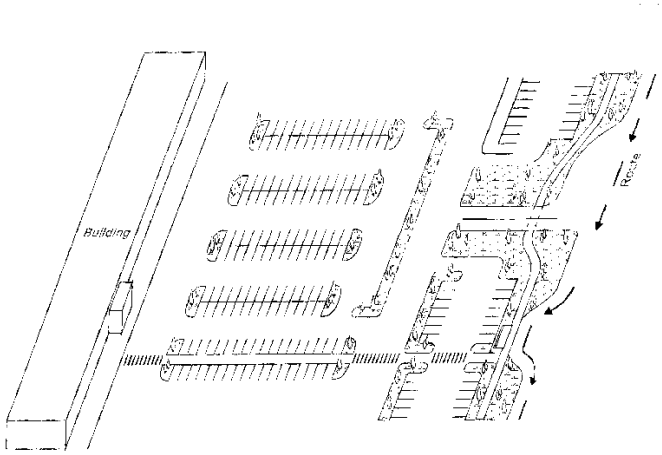
On any particular development site subject to this Article, where pedestrian circulation crosses vehicular routes, a change in grade, materials, textures or colors, or appropriate striping or demarcation, shall be provided to emphasize the point of intersection between pedestrians and vehicles and improve its visibility and safety. For instance, brick pavers and other special paving materials can help to distinguish pedestrian walkway surfaces from vehicular access ways.



Illustrative On-site Pedestrian Crossings

Source: Marya Morris. Smart Codes: Model Land-Development Regulations. Planning Advisory Service Report No. 566. Chicago: American Planning Association, 2009. Figure 2.3

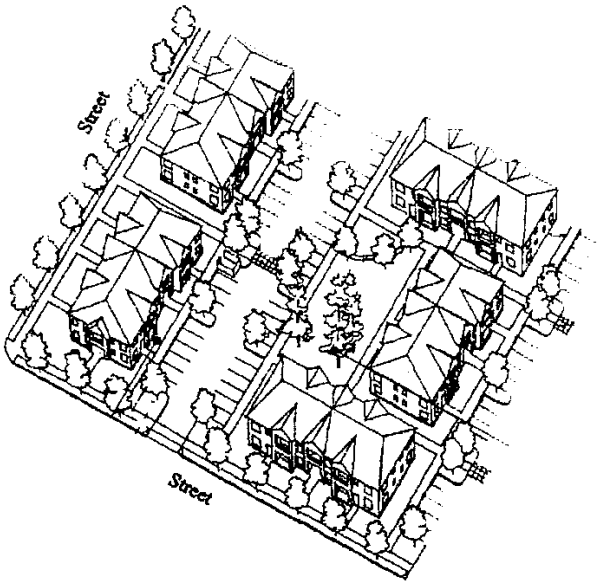
Except for detached, single-family dwellings, pedestrian access must be provided to individual developments and each establishment within the development. Pedestrian ways shall be well defined, take as direct a path as possible, and they should be separated where practical from automobile access ways.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



Direct Pedestrian Travel from Street to Store Front

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

When multiple buildings are proposed, they shall be linked with on-site pedestrian walkways of at least 5 feet in width. Sidewalks on individual properties must connect to the sidewalk system within public road right-of-way, where such system exists or is planned, and to adjacent parcels when determined to be compatible and required by the zoning administrator.



DIVISION VII

OFF-STREET PARKING REQUIREMENTS

Sec. 6-701. Off-street parking required.
Sec. 6-702. Interpretations.
Sec. 6-703. Minimum number of off-street parking spaces required.
Sec. 6-704. Minimum number of accessible parking spaces required.
Sec. 6-705. Administrative variances.
Sec. 6-706. Stacking spaces for drive-through facilities or service windows.
Sec. 6-707. Shared use of parking spaces.
Sec. 6-708. Reduction for demand management.

Sec. 6-701. Off-street parking required.

(a) Permanent off-street parking spaces shall be provided in accordance with the requirements of this Article at the time of the establishment of any use, or erection of any building; of occupancy of a building by a new use; and when any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area.

(b) Off-street parking shall be required for any change of use or change of operation that would result in a requirement for more parking than the existing use. Additional parking shall be required only in proportion to the extent of the change, not for the entire building or use.

(c) All required off-street parking areas shall be ready for use, including surfacing as required, prior to occupancy of the property.

(d) Loading spaces, including truck trailer storage spaces, if provided, shall not count toward meeting the minimum off-street parking requirements of this division.

(e) Development within the CBD zoning district shall be exempt from compliance with the off-street parking requirements of this division.

Sec. 6-702. Interpretations.

(a) **Fractions.** Where a calculation of minimum or maximum parking or loading spaces results in a fraction, the required number of parking spaces shall be construed to be (rounded up to) the next highest whole number of spaces.

(b) **Parking space requirement not specified.** Where the parking requirement for a particular use is not described in this Article, and where no similar use is listed, the Zoning Administrator shall determine the number of spaces to be provided based on requirements for similar uses, location of the proposed use, the number of employees on the largest shift, total square footage, potential customer use, and other expected demand

and traffic generated by the proposed use. At the discretion of a development applicant, a parking generation study prepared by a qualified professional may be submitted to aid the Zoning Administrator in making such a determination; if submitted, it shall be considered by the Zoning Administrator prior to making a determination.

(c) **Computations for multiple floor uses within a building.** In cases where a building contains some combination of office space, retail or wholesale sales area, and/or bulk storage area, the Zoning Administrator may authorize that the building space be divided into such floor space use areas and combined computations of floor areas (e.g., warehousing, retail, and/or office) utilized in meeting the off-street parking or loading space requirements of this Article.

(d) **Maneuvering lanes not considered parking.** Areas designated for temporary occupancy of vehicles while maneuvering on a site, such as queuing lanes for a drive-in window, are not considered and shall not be counted as parking spaces for purposes of meeting the requirements of this Article.

Sec. 6-703. Minimum number of off-street parking spaces required.

(a) **Reference to requirements table.** Unless specifically provided otherwise in this division, on each lot where a building, structure, or use exists, each site shall be designed to provide and shall provide for off-street parking in the minimum amounts specified in Table 6-7-1.

(b) **Reduction.** No existing or future off-street parking area shall be reduced in capacity to less than the minimum required number of spaces or altered in design or function to less than the minimum standards, unless specifically provided for otherwise in this Article.

Table 6-7-1
Minimum Number of Off-Street Parking Spaces Required

USE	MINIMUM PARKING REQUIRED
COMMERCIAL USES	
Adult entertainment	1 per 200 square feet
Animal hospital; kennel	1 per 400 square feet
Appliance sales and repair	1 per 500 square feet
Art gallery	1 per 400 square feet
Auction house or yard	1 per 300 square feet of building or 1 per 1,000 square feet of open area
Automated teller machine, no drive-through	2 per machine
Auto parts store	1 per 500 square feet
Automobile sales	1 per 200 square feet of repair space plus 1 per 400 square feet of showroom/office
Automobile service and repair	1 per 250 square feet
Bank, credit union, savings and loan	1 per 300 square feet
Barber shop or beauty parlor	1 per 300 square feet
Bed and breakfast inn	2 for the owner-operator plus 1 per guest bedroom
Bowling alley	3 per lane
Carpet or floor covering store	1 per 300 square feet of retail sales and office area, plus if applicable, warehouse requirements for designated storage, receiving, and shipping area
Car wash, staffed or automated	2 stacking spaces for each car wash lane plus 2 drying spaces per lane
Contractor's establishment	1 per 300 square feet of office space and 1 per 2,000 square feet of outdoor storage
Convenience store without franchise food outlet	1 per 200 square feet
Convenience store with franchise food outlet	1 per 150 square feet
Dance hall	1 per 125 square feet
Day care center	1 per 300 square feet
Day care center, adult	1 per 400 square feet
Dry cleaner	1 per 250 square feet
Equipment rental	1 per 300 square feet
Farm equipment or supply	1 per 600 square feet
Farmer's market	1 per 250 square feet
Flea market	1 per merchant booth plus 1 per 250 square feet of floor or open market area
Funeral home or mortuary	1 per 3 seats in largest chapel or viewing room (15 spaces minimum)
Furniture and home furnishing store	1 per 600 square feet
Grocery store	1 per 300 square feet
Hardware store	1 per 400 square feet
Health or fitness club	1 per 200 square feet
Hotel, extended stay	1.5 per unit lodging unit
Hotel or motel	1 per lodging unit, plus one per each 150 square feet of banquet, assembly, meeting, or restaurant seating area
Laundromat	1 for each 3 washer/dryer combinations
Nursery or garden center	1 per 300 square feet plus 1 per 1,500 square feet outdoor sales or display area
Office, general or professional	1 per 300 square feet
Office, medical or dental	1 per 250 square feet
Open air sales	1 per 250 square feet of indoor floor space plus 1 per 600 square feet of outdoor sales

USE	MINIMUM PARKING REQUIRED
Personal service establishment	1 per 250 square feet
Photographic studio	1 per 300 square feet
Radio or television station	1 per employee plus 5 spaces
Restaurant, bar, or tavern	1 per 100 square feet
Retail store (not otherwise listed)	1 per 275 square feet
Salvage yard	1 per employee plus 1 per 1,000 square feet of salvage area
Self-storage facility (mini-warehouse)	See Sec. 3-112
Service station	1 per 250 square feet of office space plus 2 per service bay
Shopping center	1 per 275 square feet
Tire store	1 per employee plus 1 per 500 square feet
Tow service	1 per employee plus 1 per tow truck plus 2 spaces
Truck stop	1 semi-trailer space per 200 square feet
Manufacturing, processing, assembling	1 per 1,300 square feet
Warehouse or wholesale	1 per 4,000 square feet
Airport	1 per employee on the largest shift, plus 1 per 1,000 square feet of terminal space
Amphitheater	1 per 4 fixed seats and/or 1 per 25 square feet of open spectator area
Assembly hall; auditorium; nonprofit club or lodge	1 per 4 seats in room with greatest seating capacity or 1 per 40 square feet in largest assembly area without fixed seating
Church, temple, synagogue and place of worship	1 per 4 seats in room with greatest seating capacity or 1 per 40 square feet in largest assembly area without fixed seating
Community center	1 per 400 square feet
Correctional institution	1 per employee plus 1 per 25 inmates
Crisis center	1 per 400 square feet
Fire and/or emergency medical service station	1 per employee plus 1 per each 3 volunteer personnel + 1 per 200 square feet
Government office	1 per 300 square feet
Group home or boarding house	1 per 3 residents or beds
Hospital	1.5 per bed
Library	1 per 400 square feet
Museum	1 per 500 square feet
Nursing home	1 per 3 beds
Post office	1 per 200 square feet
Retirement community	0.75 per dwelling unit
.School	1 per 300 square feet
.School for the arts	1 per 300 square feet
.School, trade or business, or college	1 per 200 square feet
.RESIDENTIAL USES	
.Apartment, one bedroom	1.5 per unit plus 0.1 per unit for guest space
.Apartment, two bedroom	1.5 per unit plus 0.1 per unit for guest space
.Apartment, three bedroom	2 per unit plus 0.2 per unit for guest space
.Boarding or rooming house or group home	1 per employee plus 0.5 per rooming unit
.Dormitory, fraternity or sorority house	1 per rooming unit plus 5 spaces
.Home occupation	
Residence within building containing a non-residential use	1 per unit
Single family detached or attached (townhouse)	2 per unit
Two-family dwelling (duplex)	2 per unit

Athletic field	20 spaces per field
USE	**MINIMUM PARKING REQUIRED**
Billiard hall/amusement arcade	1 per 200 square feet
Bowling alley	2 per each bowling lane (add parking for billiard hall/ amusement arcade, if provided)
Community center	1 per 300 square feet
Golf course	2.5 per hole, plus 1 per 250 square feet of pro shop and/or club house
Golf driving range, principal use	0.75 per tee
Ice or roller skating rink	1 per 200 square feet
Miniature golf	2 per hole
Stadium or sport arena	1 per 12 feet of bench seating
Swimming pool – subdivision amenity	1 per 150 square feet of surface water area
Swimming pool – public	1 per 125 square feet of surface water area
Tennis or racquet ball court	2 per court
Theater, cinema	1 per four fixed seats
AGRICULTURAL/OTHER	
Animal shelter	1 per 400 square feet
Landfill	1 per employee plus 5 spaces
Quarry or extractive industry	1 per employee plus 5 spaces

Note: Unless otherwise noted, the parking requirement shall be based on the gross square footage of the building or buildings devoted to the particular use specified.

Sec. 6-704. Minimum number of accessible parking spaces required.

(a) **Reference to requirements.** Regulations and dimensions for handicapped parking spaces shall be per requirements of the Americans with Disabilities Act (ADA) (Public Law 101-136) and the Georgia Accessibility Code (Chapter 120-3-20 adopted by the Safety Fire Commissioner). The required number of handicapped accessible spaces, which must be provided on-site, shall be as provided in Table 6-7-2.

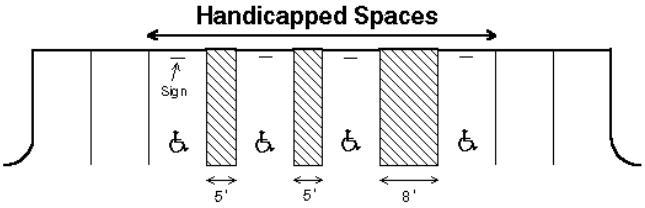
Table 6-7-2

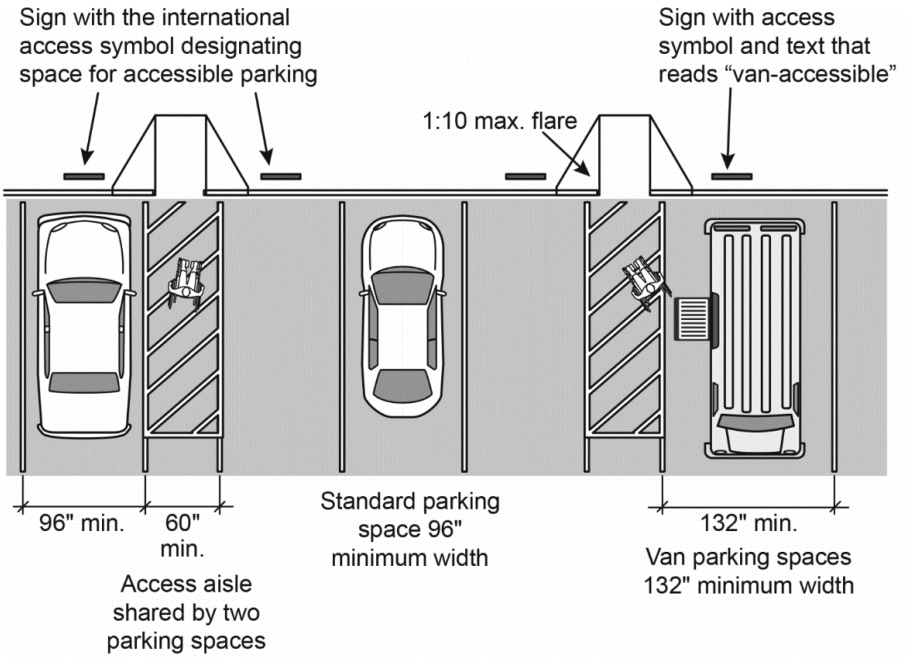
Handicapped Parking Requirements

Total Required Parking Spaces	Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000

(b) **Part of overall requirements.** Said spaces shall count toward the requirements for off-street parking as specified in Table 6-7-1.

(c) **Aisle specifications and van accessibility.** Handicap accessible parking spaces shall have an adjacent aisle 5 feet wide. If 8 or more handicapped spaces are required, then one in every 8 handicapped spaces shall be adjacent to an aisle 8 feet wide and the space shall be signed "van accessible." For van spaces, the width of the parking space shall be at least 11 feet. Handicapped parking space aisles shall be clearly demarcated by lines painted on or otherwise applied to the parking lot surface.





Parking Spaces and Access Aisles

(d) **Surface slope.** Handicap accessible parking spaces shall be located on a surface with a slope not exceeding 1 vertical foot in 50 horizontal feet (1:50).

(e) **Ramps.** Wheelchair ramps shall be provided in accordance with applicable specifications at locations appropriate to normal travel routes from the parking lot to the principal use.

(f) **Signage.** Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility, per applicable state law requirements. Such signs shall be located so that they cannot be obscured by a vehicle parked in that space.

Sec. 6-705. Administrative variances.

(a) Upon application and for a fee as determined appropriate by the City Council, the Zoning Administrator may authorize an administrative variance to reduce minimum required parking to a rate of no more than 20 percent below the minimum required, based upon the scale and impacts of the request, for good cause shown.

(b) The Zoning Administrator may require an applicant for administrative variance to include documentation from an acceptable industry publication (e.g., Institute of Transportation Engineers, Urban Land Institute, American Planning Association, etc.) or a study prepared by a qualified professional that documents parking demands.

(c) In approving administrative variances to the reduce the minimum parking requirements of this division, the Zoning Administrator may as a condition of approval require certain area on the same lot to be reserved or set-aside for additional parking area for future use if needed.

Sec. 6-706. Stacking spaces for drive-through facilities or service windows.

Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas in accordance with this section.

(a) Stacking spaces shall begin at the window or communication/mechanical device (e.g., order board) first encountered by the vehicle user. Financial institutions with drive-through windows, car washes (automated or staffed facilities), drive-through coffee sales facilities, and any other uses with drive-through facilities shall provide 3 stacking spaces for each window or drive-through service facility. Restaurants with drive-through facilities shall at least provide 5 stacking spaces for each window or drive-through service facility.

(b) Stacking spaces and lanes for drive-through stations shall not impede on- and off-site traffic movements, shall not cross or pass-through off-street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.

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

(d) All drive-through facilities shall be provided with a bypass lane with a minimum width of 10 feet, aside the drive-through lane.

(e) Approach lanes for drive-through facilities shall be provided with a bypass lane with a minimum width of ten (10) feet.

(f) Alleys or driveways in residentially zoned areas adjacent to drive-through facilities shall not be used for circulation of customer traffic.

(g) Each stacking space shall be a minimum of ten feet by 20 feet.

(h) The number of stacking spaces shall be provided as follows:

Activity Type	Minimum Stack	Measured From
Automated teller machine	3 per machine	Teller Machine
Bank teller lane	3 per lane	Teller or Window
Car wash stall, automatic	6	Entrance
Car wash stall, self-service	1	Entrance
Convenience store drive-through	Prohibited	
Gasoline Pump Island	20 feet from each end of the pump island	
Restaurant, drive-through	6	Order Box. Stacking for at least 4 of the 6 vehicles shall be provided between the order box and pick-up window.
Other	Determined by the Zoning Administrator	

Sec. 6-707. Shared use of parking spaces.

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

(a) **Shared parking between day and night users.** One-half of the parking spaces assigned to a church, theater, or assembly hall whose peak attendance will be at night or on Sundays may be assigned to a use that will be closed at night or on Sundays.

(b) **Mixed use developments.** Parking spaces may be shared by more than one use if the Zoning Administrator finds that the total number of spaces will be adequate at the peak hours of the uses they serve. The ratios shown on Table 6-7-3 may be used in determining the time of day and the day of the week at which the maximum number of spaces will be needed by the uses served by the shared parking facility.

Table 6-7-3
Percentage of Parking Spaces Demanded by Time Period

Use	Weekdays		Weekends		Night
	6 a.m. to 5 p.m.	5 p.m. to 1 a.m.	6 a.m. to 5 p.m.	5 p.m. to 1 a.m.	1 a.m. to 6 a.m.
Office	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment/ Recreation	40%	100%	80%	100%	10%
Church	10%	25%	100%	100%	10%
Medical	80%	20%	10%	10%	10%

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

	Factor	For	Spaces
Office	3.5/1,000	100,000 sf	350
Retail	5/1,000	1000,000 sf	500
Hotel w/Restaurant	1.5/Room	100 rooms	150
Family Restaurant	9.5/1,000	20,000 sf	190
Theater	¼ seats	200 seats	50
Church	¼ seats	400 seats	100
Total	If figured separately		1,340

Spaces required applying the peak demand percentages to the example:

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

Highest demand = 978 (instead of 1,340)

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

(d) **Recordation of shared parking agreement.** Shared parking arrangements must be committed to writing in an instrument acceptable to the Zoning Administrator and approved by the owners of each of the affected properties or uses. The instrument must be recorded with the Clerk of Superior Court, and a copy of the recorded document must be supplied to the zoning administrator.

Sec. 6-708. Reduction for demand management.

(a) The Zoning Administrator may in individual cases administratively authorize a proportional reduction in the required minimum number of parking spaces for office, institutional, industrial, and public uses with 50 or more employee parking spaces, if a formal carpool or van pool program is instituted.

(b) For purposes of this section, carpool is defined as 2 or more persons per car, and vanpool is defined as 5 or more persons per van. Any carpool or vanpool program shall provide at least 5 spaces reserved for carpool or vanpool vehicles and shall be clearly marked "Reserved – Carpool/Vanpool Only" through signage or pavement markings.

(c) Designated carpool/vanpool spaces shall be the closest employee parking spaces to the building entrance normally used by employees, except for any handicapped parking spaces provided.

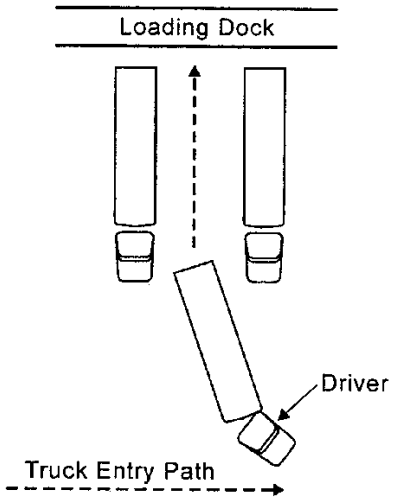
DIVISION VIII

OFF-STREET LOADING

Sec. 6-801. Off-street loading required.
Sec. 6-802. Minimum number of on-site loading spaces required.
Sec. 6-803. Location of loading spaces.
Sec. 6-804. Loading area specifications.
Sec. 6-805. Permanent reservation
Sec. 6-806. Administrative variance.

Sec. 6-801. Off-street loading required.

(a) On the same lot with every building, structure or part thereof, erected or occupied for manufacturing, storage, warehouse, truck freight terminal, department store, wholesale store, grocery supermarket, hotel, hospital, mortuary, dry cleaning plant, retail business, or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained adequate space for the standing, loading, and unloading of such materials to avoid undue interference with public use of streets, alleys, and private or public parking areas.



Source: Stover, Vergil G., and Frank J. Koepke. 2002. *Transportation and Land Development* (2nd Ed.). Washington, DC: Institute of Transportation Engineers. Figure 10-5, p. 10-9.

(b) Development within the CB zoning district shall be exempt from compliance with the off-street loading requirements of this division.

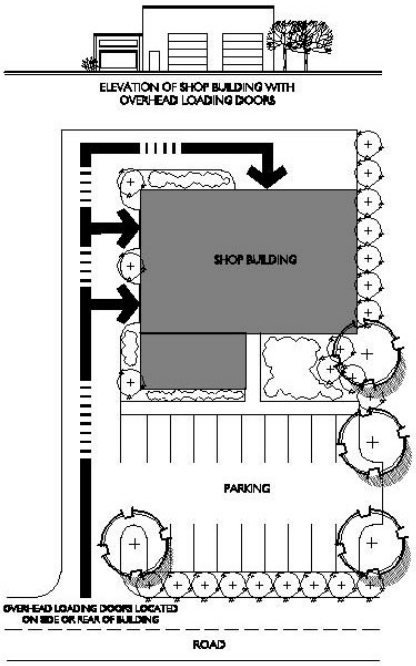
Sec. 6-802. Minimum number of on-site loading spaces required.

(a) One off-street loading space shall be provided for the first 10,000 square feet of gross floor area or fractional part thereof for light industrial use and one off-street loading space for the first 5,000 square feet of gross floor area or fractional part thereof for retail or other non-industrial use for which a loading space is required.

(b) One additional space shall be required for each additional 25,000 square feet of gross floor area or fractional part thereof for light industrial use and for each additional 10,000 square feet for retail or other non-industrial use.

Sec. 6-803. Location of loading spaces.

Loading areas shall be located to the rear of the building, unless site design precludes a rear location, in which case loading shall be to the side of a building.



LOCATION OF LOADING ZONES

Sec. 6-804. Loading area specifications.

Unless otherwise approved by the zoning administrator, loading spaces shall be a minimum of 14 feet wide, 40 feet long, with 14 feet of height clearance. When the development requires loading and unloading by full-size tractor-trailers, loading spaces and access apron shall be a total of 155 feet.

Sec. 6-805. Permanent Reservation.

Area reserved for off-street loading in accordance with this ordinance must not be reduced or changed to any other use unless the permitted use that the off-street loading serves is discontinued or modified. However, equivalent loading space may be provided and approved by the zoning administrator.

Sec. 6-806 . Administrative variance.

The Zoning Administrator is authorized to modify the loading area specifications of this division and reduce or waive off-street loading space requirements for good cause shown, after application for administrative variance.

ARTICLE 7

DEVELOPMENT PERMITTING

DIVISION I DEVELOPMENT PERMITTING

Sec. 7-101. Land development permitting overview.
Sec. 7-102. Requirement to obtain a development permit.
Sec. 7-103. Exemptions from development permit.
Sec. 7-104. Pre-application.
Sec. 7-105. Application for development permit.
Sec. 7-106. Professional preparation of plans.
Sec. 7-107. Development plan specifications.
Sec. 7-108. Completeness check.
Sec. 7-109. External reviews of development plans.
Sec. 7-110. Development permit application processing.
Sec. 7-111. Pre-construction meeting and acknowledgment memorandum.
Sec. 7-112. Permit issuance and posting.
Sec. 7-113. Duration of development permit.
Sec. 7-114. Authority to investigate and inspect, right of entry.
Sec. 7-115. Development inspections.
Sec. 7-116. Field changes.
Sec. 7-117. Reference to specifications.
Sec. 7-118. Disclaimers.
Sec. 7-119. Development permit modifications.
Sec. 7-120. Noncompliance and enforcement.
Sec. 7-121. Completion of development.

DIVISION II UTILITIES

Sec. 7-201. Generally.
Sec. 7-202. Water generally.
Sec. 7-203. Water mains.
Sec. 7-204. Well water.
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Sec. 7-211. Oversizing of water and sewer mains.
Sec. 7-212. Stormwater Drainage.
Sec. 7-213. Gas, electric and other utilities.

DIVISION III ENCROACHMENT

Sec. 7-301. Utility encroachment permit required.
Sec. 7-302. Utility encroachment permit procedure.
Sec. 7-303. Incomplete permit application.
Sec. 7-304. Permit review and decision.
Sec. 7-305. Permit commencement, expiration and extension.
Sec. 7-306. Permit default.
Sec. 7-307. Termination of permit.
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DIVISION I

DEVELOPMENT PERMITTING

Sec. 7-101. Land development permitting overview.
Sec. 7-102. Requirement to obtain a development permit.
Sec. 7-103. Exemptions from development permit.
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Sec. 7-116. Field changes.
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Sec. 7-121. Completion of development.

Sec. 7-101. Land development permitting overview.

There are two types of permits that are required to proceed with land development in the city (unless exempted from such requirements by this UDC): a land disturbance permit, and a development permit.

(a) **Land disturbance permit.** The land disturbance permit is required and issued by the city pursuant to the Soil Erosion and Sedimentation Control Act. The review process is addressed specifically by the Georgia Department of Natural Resources, Environmental Protection Division. The procedures for filing for a land disturbance permit are specified in Article 8 of this UDC. Any land disturbance permit also requires a development permit if the work involves installation of utilities, paving, and building.

(b) **Development permit.** The development permit is issued by the Zoning Administrator to ensure that land development activities comply with the city's zoning, overlay, and other provisions of this UDC. The procedures for filing for a development permit are specified in this Article. When a land disturbance permit is required, the procedures for issuing a development permit are coordinated therewith.

(c) **Work within city right of way.** When utility installation, utility connection or a driveway is proposed within any city right of way, independent of other land development such that no land disturbance permit or development permit is required, a separate driveway permit and/or utility encroachment permit specified in this Article shall be required. Proper permits must be obtained from Jackson County if such work occurs within a County right of way.

Sec. 7-102. Requirement to obtain a development permit.

(a) Unless specifically exempted by this division, a development permit shall be required prior to commencing any land development or improvement on private land, including building. A development permit shall be required to be issued to authorize all activities, unless specifically exempted, associated with development activity regulated by this UDC, including, but not limited to, clearing and grubbing, grading and the construction of such improvements as streets, surface parking areas and driveways, storm water drainage facilities, sidewalks, or other structures permanently placed on or in the property except for buildings, signs, or other structures requiring the issuance of a building permit.

(b) It shall be unlawful for any person to commence or proceed with land development or land-disturbing activity until development plans are approved and a land disturbance permit, if required by Article 8 of this UDC, and development permit, if required by this Article, is issued by the zoning administrator.

Sec. 7-103. Exemptions from development permit.

A development permit shall not be required for any of the following activities; provided, however, that such exemption from a development permit does not necessarily imply exemption from obtaining a land disturbance permit (see Article 8 of this UDC).

(a) Work authorized by or conducted pursuant to the requirements or directives of local, state, and federal departments, agencies and authorities.

(b) Emergency work authorized by the zoning administrator, where a bona fide emergency exists.

(c) Timber harvesting, consistent with the requirements of this UDC, and forestry activities.

(d) Agricultural activities not involving construction of a building or structure.

(e) Construction of one single, detached, single-family dwelling unit or manufactured home (where permitted), including accessory structures and uses, on a given lot of record.

(f) Development within a city right of way (other than work within a right of way associated with approved development plans) but only if a driveway permit or utility encroachment permit has been issued as required by this UDC.

(g) The Zoning Administrator may authorize an additional exemption from the requirement to obtain a development permit for activity on a lot of record that is no more than two acres, when it can be confirmed without the need to prepare plans in accordance with this division, that the proposed activity complies with all applicable UDC requirements.

Sec. 7-104. Pre-application.

An applicant for a development permit is strongly encouraged but not required to schedule a pre-application meeting with the zoning administrator. Such meeting may also be attended by other review agencies as appropriate. Where other agencies are not represented at the pre-application meeting, a development permit applicant is encouraged to seek advance comments from internal and external agencies with jurisdiction over the development proposal.

Sec. 7-105. Application for development permit.

An application for a development permit shall include the following, as applicable; completed applications shall be submitted to the zoning administrator. Unless otherwise specified by the zoning administrator, all plans are to be submitted electronically and in hard copy.

(a) **Application for land-disturbance permit.** Unless exempt from the requirement to obtain a land-disturbance permit, the application for development permit shall contain or provide reference to the application for land disturbance permit.

(b) **Application form.** An application form with information specified by the zoning administrator. Said application form may include but is not limited to name of applicant and contact information, owner and contact information, name of project with location information, proposed source of water service and sewer or septic tank, the name of the professional designer, and the proposed use of the development. The application must be authorized by the property owner.

(c) **Development name.** The name of each development project must have the approval of the zoning administrator. The name shall not duplicate nor closely approximate the name of an existing subdivision or development project in Jackson County or any of its cities.

(d) **Address.** Provide an address for the site, if already assigned. If not assigned, contact the Jackson County E-911 coordinator (GIS Department) to obtain an address.

(e) **Checklist(s).** A checklist for development permit application submissions, as may be provided by the zoning administrator.

(f) **Fees.** Payment of any development permit fee, and any associated fees, as established from time to time by the Commerce City Council.

(g) **Water and sewer availability.** The Zoning Administrator may require evidence of water and sewer availability and this requirement in turn may necessitate pre-payment of water or sanitary sewer capacity for the project.

(h) **Plan sets.** All development plans shall contain sheets for the following, as applicable:

1. **Plat.** A copy of the approved recorded plat of the subject property, demonstrating that the property to be developed is a lot of record or part of a lot of record. If land subdivision is proposed or implied in the development proposal, a proposed subdivision plat may be required to be submitted with the development permit application, or the process of subdivision may be authorized by the Zoning Administrator to be deferred until a later stage of the development process.

2. **Site plan.** A site plan, including at minimum the project location, total project area, natural features of the site (e.g., streams, drainage ways, significant vegetation, etc.) and proposed development features as required by this UDC, including easements.

3. **Phases.** Proposed phasing of the development, if it is proposed to be built in phases or sections.

4. **Grading plan.** Grading plans as required and specified in this Article.

5. **Soil erosion plans.** Soil erosion plans are submitted as part of the land disturbance permit application. If a project is exempt from the requirement to obtain a land disturbance permit, the development permit application shall provide soil erosion plans sufficient to demonstrate compliance with best management practices and stream buffers.

6. **Stormwater management plan.** Stormwater management plans are submitted as a part of the land-disturbance permit application.

7. **Tree protection and landscaping plan.** All information and plans required by this UDC, as may be applicable.

8. **Utilities plan.** Plans for water, sanitary sewer, and other utilities as may be required by the Zoning Administrator and utility provider.

9. **Street improvement plan.** If the development proposes new streets, whether public or private, or if this UDC requires improvement of a city street, the development permit application shall include information demonstrating compliance with the requirements of this UDC for the improvement of abutting city streets.

10. **Other.** Other information may be specified by the zoning administrator, as may be necessary to review the development plan and ensure compliance with this UDC.

Sec. 7-106. Professional preparation of plans.

All development plans and supporting studies shall be prepared by or under the supervision of a professional engineer or by another professional as more specifically required by this UDC for the type of plan submitted.

Sec. 7-107. Development plan specifications.

Development plans shall contain the following (on one or more sheets), unless otherwise approved by the zoning administrator:

(a) **Scale.** Plans shall be clearly and legibly drawn at an engineering scale convenient to illustrate the details of the project. Sheet size shall not exceed 36 inches by 42 inches. Plan and profile sheets, if any, shall have a horizontal scale of no less than 1 inch to 100 feet and a vertical scale of no less than 1 inch to 10 feet. The Zoning Administrator may approve deviations from these required scales when appropriate.

(b) **Project boundary.** Plans shall be based on the boundaries of a lot as shown on a recorded plat, or if not yet subdivided and recorded, on a boundary survey delineating the entirety of the property contained within the project. Boundary lines of the perimeter of the tract shall be indicated by a heavy line giving lengths to the nearest one-hundredth of a foot and bearings to the nearest second.

(c) **Adjoining property information.** Provide all adjoining property owners, subdivision names, lot numbers, lot lines, and block letters, and zoning districts for adjoining properties.

(d) **Project name and phase.** The name of the project shall be indicated. If the project is located within a subdivision, the name of the subdivision, lot, and block number must also be shown. If the development project is part of a phased development or master-planned development, identify the unit number, division, phase, or stage of development.

(e) **Zoning and prior approvals.** The existing zoning district and if applicable overlay district of the project site, and reference if applicable to conditions of zoning, variance, special use, or other permissions including case numbers and dates of approval.

(f) **Owner and developer.** Name, address, telephone number, and e-mail address of the owner of record, and of the developer (if not the owner).

(g) **Professional contacts.** Name, address, and telephone number of each professional firm associated with the site development plans (engineer, landscape architect, etc.).

(h) **Map requisites.** Date of survey, north point, and graphic scale, source of datum, date of plan drawing, and space for revision dates.

(i) **Use.** Proposed use of the site, including gross square footage for each different use type or building.

(j) **Location references.** Location, district, land lot(s) and parcel(s) acreage or area in square feet.

(k) **Location sketch.** A location sketch showing the development site in relation to the surrounding area with regard to well-known landmarks such as major thoroughfares or railroads. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than 1 inch equal to 2,000 feet. U.S. Geological Survey quadrangle maps may be used as a reference guide for the location sketch.

(l) **Buildings, access, and parking.** Size, location, and ground elevation of all proposed buildings and existing buildings to remain or to be demolished, and minimum required building setback lines, the location of parking and loading areas, driveways, curb cuts and where required designated fire lanes. Each building shall be identified with a number or letter. See Article 6 of this UDC for access, driveway, and parking requirements.

(m) **Topography and grading.** Existing contour lines based on sea level datum shall be drawn at intervals of not more than two (2) feet and shall include the entire site and all abutting public streets. Contour lines shall be based on field surveys or photogrammetric methods from aerial photographs. The basis for the topographic contour shown shall be specified and dated. Grading plans shall show proposed contours. Grading shall be performed in accordance with the lines and grades indicated on the approved grading plan.

(n) **Natural features within the proposed development.** These include drainage channels, bodies of water, and other known significant features such as extensive exposed rock. On all water courses the direction of flow shall be indicated. The 100-year floodplain shall be delineated and the source of the depicted floodplain information shall be indicated (i.e., reference to map panel numbers and dates). The acreage or area in square feet within the floodplain shall be indicated. See Article 11 of this UDC for additional requirements when development is proposed to be located in a floodplain or flood hazard area.

(o) **Man-made features.** These include those features existing within and adjacent to the proposed development including existing right-of-way width and pavement widths of adjoining streets, street names, the location and dimensions of existing bridges, easements (all purposes), culverts and other drainage facilities, water, sewer, and other existing utility lines and structures, the names of jurisdiction lines; existing structures on the site and their disposition, and other appropriate built-environment information.

(p) **Trees, buffers, landscaping.** If buffers or other landscaping or screening treatments are required, show the location, size, and type (natural or planted) on the plans conforming to the requirements of this UDC, as applicable.

(q) **Utilities and other easements.** Easements for water and sanitary sewer as may be required by the utility provider with jurisdiction.

(r) **Standard drawings.** The Zoning Administrator may require that the development plans include standard drawings if adopted by the city, or a standard drawing of any utility provider with jurisdiction over the development project. Where no standard drawing is available but is needed as determined by the zoning administrator, the applicant's

engineer or designer shall provide any such standard drawing requested, or Jackson County standard drawings shall be used.

(s) **Signature blocks.** The Zoning Administrator may require signature blocks with pertinent information to be signed by the owner/developer, the plan preparer, a utility provider, an external agency, and approval block for signature by the zoning administrator.

(t) **Additional information.** Other information as may be specified by the zoning administrator, as may be necessary to review the development plan and ensure compliance with this UDC.

Sec. 7-108. Completeness check.

(a) The application shall be checked for completeness within 10 business days of submission. Incomplete applications will not be processed.

(b) If all documents and plans are not submitted, the development plan application will not be reviewed.

(c) The Zoning Administrator will notify the applicant of any deficiencies and will advise the applicant on what is needed to complete the application and initiate review.

Sec. 7-109. External reviews of development plans.

The applicant shall be responsible for obtaining approvals from all other agencies with regulatory jurisdiction over the project. Accordingly, the applicant may be required by the Zoning Administrator to secure development approval from other agencies with regulatory jurisdiction. Plans shall be submitted by the applicant to these external agencies, for comments and approvals (the Zoning Administrator is not responsible for that function). Approval by the external agency is to be communicated to the zoning administrator. The applicant shall work directly with each external agency as necessary to resolve all issues to receive that agency's approval.

(a) **Environmental Protection Division or Soil and Water Conservation District.** Development plans which include a land disturbance permit application require the review of soil erosion and sedimentation control plans by either the Environmental Protection Division or the Soil and Water Conservation District (see Article 8 of this UDC). Such reviews are coordinated by the zoning administrator.

(b) **Georgia Department of Transportation.** If the development is on a state highway, also make application directly to the Georgia Department of Transportation district office with jurisdiction, following that agency's procedures for driveways and encroachments.

(c) **Environmental health.** If the development is to be served by on-site sewage disposal system, also make application directly to the Jackson County Environmental Health Department following that agency's procedures.

(d) **Non-city utility provider.** If the development is served by a utility provider other than the city, also make application directly to that agency following that agency's procedures.

The Zoning Administrator is not responsible for delays in approval of development plans when a development permit applicant is required to be approved by an external agency but has not obtained approval from that external agency with jurisdiction over the development proposal.

Sec. 7-110. Development permit application processing.

(a) **Administrative procedures.** The Zoning Administrator is authorized to establish and modify administrative procedures regarding the development plan review administrative process to provide for expeditious decision making and to ensure fairness in the process.

(b) **Time frame.** Decisions on development permits shall be issued by the Zoning Administrator within 40 calendar days of the city's notice of plan application completeness. This time period contemplates an applicant simultaneously completes external agency permitting processes.

(c) **Criteria for decisions on development permit applications.** The Zoning Administrator shall review the application for compliance with the following criteria, which shall not be limiting:

1. **Development code and zoning conditions.** Development plans must be consistent with all applicable Articles and sections of this UDC, and any conditions of zoning, special use, or variance approval, if applicable.

2. **Previously approved plats and plans.** When property to be developed is included on an approved final plat, master plan, or other plan approved by the city, development plans shall be in substantial accordance with said plat or plan as determined by the zoning administrator. Significant departures from any such requirements may require the resubmission of plat, master plan, or other plan previously approved, as determined by the zoning administrator.

3. **Usability or variance.** The Zoning Administrator may not approve any development permit application or plan that shows a lot or situation that would clearly require a variance in order to be reasonably usable, whether due to the presence of flood plain, unusual configuration, zoning compliance, lack of public utilities, or for any other reason.

(d) **Noncompliance.** If the development permit application and plans are found to not comply with the requirements of this UDC, the Zoning Administrator shall indicate on the drawing or in writing all comments related to lack of compliance with this UDC. The Zoning Administrator shall deny or withhold approval of the development permit application in cases where the proposed development does not meet the requirements of this UDC or the comments of any other internal or external agency with jurisdiction to review the development permit application.

(e) **Revisions.** Development plan applications shall be revised and resubmitted to accommodate the comments by review agencies and those issued to the applicant by the zoning administrator. If revisions are not resubmitted within a time frame specified by the zoning administrator, the application will be denied. Plan drawings that are submitted for revision must specifically identify those areas that are to be considered for review and approval. The revisions shall be noted in tabular form in a revision block on the plan drawings.

(f) **Compliance and approval.** When the Zoning Administrator has determined that the development permit application complies with the requirements of this UDC, it will be approved.

Sec. 7-111. Pre-construction meeting and acknowledgment memorandum.

When development plan sets have been approved, the Zoning Administrator shall provide his/her signature, and retain two sets and return two sets to the applicant. The property owner may be required to sign a pre-construction memorandum acknowledging receipt of approved development plans and responsibilities of the property owner and applicant, including but not limited to calls for development inspections.

Sec. 7-112. Permit issuance and posting.

When a development permit is issued, it shall be assigned a number by the zoning administrator, and the applicant shall be supplied a development permit which must be posted on the development site prior to commencement of any land disturbing activity. The development permit shall be posted in a conspicuous place so that they will be visible from the roadway providing frontage.

Sec. 7-113. Duration of development permit.

(a) **Expiration.** A development permit shall remain in effect for a period of six consecutive months after which time the permit and plans will become null and void and a new permit will be required if no development activity has begun and has been diligently pursued.

(b) **Suspension or revocation.** A development permit may be suspended, revoked or modified, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in 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 UDC.

Sec. 7-114. Authority to investigate and inspect, right of entry.

(a) The Zoning Administrator, Building Official, or designee 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 time upon any property, public

or private, for the purpose of investigating and inspecting the sites of land-disturbing and development activities.

(b) No person shall refuse entry or access to any authorized representative or agent of the city or state environmental protection 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. 7-115. Development inspections.

Inspections are required for each of the following phases, as applicable to the actual work to be performed under the development permit:

(a) **Erosion and sedimentation control.** Required erosion and sedimentation control measures must be installed in accordance with the approved soil erosion and sedimentation control plan prior to any development activity and as development progresses. Prior to clearing or clearing and grubbing of the property or any portion included under the development permit, inspection of erosion and sedimentation control measures and protective devices for undisturbed areas shall be required. Inspection of erosion and sedimentation control measures will be conducted on a continuing basis.

(b) **Stormwater facilities.** Construction of the stormwater system shall be initiated as part of the grading of the site. Storm water detention facilities shall be constructed prior to the installation of any other site improvements, and may be utilized under proper design as sedimentation basins during development. Installation of all other storm drainage pipes, culverts, headwalls, and ditches, shall be coordinated with the construction of streets and other site improvements, as appropriate. Upon installation of storm drainage pipe, detention, or other storm water facilities, inspection and approval shall be required prior to continuation with subgrade preparation.

(c) **Grading.** Upon completion of street grading, if applicable, inspection and approval shall be required prior to trenching or continuation with subgrade preparation.

(d) **Street curbing and gutter (if provided).** After grading is completed and approved, the curb lines shall be staked by the developer's registered land surveyor. Inspection shall be requested after the subgrade is compacted and forms or string line have been set. Street width and vertical and horizontal alignment may be spot checked.

(e) **Sub-grade of streets**. After the earth work has been completed, all storm drainage and other underground utilities have been installed under the roadbed, and the backfill in all such ditches thoroughly compacted, the subgrade shall be brought to the lines, grades and cross section shown on the plans. If any sections of the subgrade are composed of unsuitable or unstable material, such material shall be removed to the depth directed by the Inspector and replaced with suitable, thoroughly compacted material. Prior to placement of the street base, the subgrade shall be compacted to 95% density. Testing for

sub-grade compaction will be required, including two tests at each sanitary sewer manhole.

(f) **Utilities.** Before any street base is applied, all of the underground utilities—water mains, sewer mains, gas mains, or any other underground utilities, and all service connections related thereto, that will be located under the street base shall be installed completely and provided throughout the length of the street and across the flat section. If a public water system is to be installed, the improvements are to be reviewed, approved and inspected by the water provider.

(g) **Street base.** The base shall be string-lined for depth and crown. The street base shall be roll-tested with an 18-ton tandem dump truck and shall pass to the satisfaction of the Inspector. When testing is required by the Inspector, it is the responsibility of the developer to ensure that all required tests are made and reported to the Inspector. The cost of all testing and quality control shall be performed at the expense of the developer by qualified testing laboratories. If deemed necessary by the inspector, additional tests will be required.

(h) **Paving.** The inspector shall be on site during the paving process to check consistency, depth, and workmanship, as applicable. For asphalt paving, the temperature of the material will be monitored and the street will be cored after completion to check thickness and density. Satisfactory test results of the cores shall be delivered to the Zoning Administrator and utility provider (where utilities are involved) prior to approval of a final subdivision plat if applicable.

(i) **Tree protection and landscaping.** Inspections for tree protection measures and the installation of landscaping are required.

(j) **Final.** A final inspection of the development, once complete, shall be required.

Sec. 7-116. Field changes.

(a) After issuance of a development permit, if changes are desired or made necessary as a result of field conditions, the design engineer must contact the Zoning Administrator to coordinate the review and approval of the requested revision.

(b) All field changes shall be documented as revisions to the approved development plans and correctly shown on as-built surveys.

(c) Discrepancies between as-built surveys and approved development plans shall be corrected as required by the Zoning Administrator and may result in delays in approving final plats, building permits or certificates of occupancy.

Sec. 7-117. Reference to specifications.

Where this UDC establishes specifications to be followed, said specifications shall be met, where applicable. The following regulations and manuals are hereby adopted (as may be amended from time to time), and development shall be consistent with them, as applicable, unless otherwise approved by the zoning administrator.

(a) **On-site sewage management.** Georgia Department of Public Health, Environmental Health Section, Manual for On-site Sewage Management Systems, revised January 2016.

(b) **Soil erosion control.** *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission.

(c) **Stormwater management.** *Georgia Stormwater Management Manual:* Volume 1: Local Government Guide (2016 Editions); Volume 2: Technical Handbook (2016 Edition); and Volume 3; Pollution Prevention Guidebook (2012).

(d) **Surveys.** Georgia Administrative Code Department 180, State Board of Registration for Professional Engineers and Land Surveyors, Chapter 180-7, *Technical Standards for Property Surveys*.

(e) **Access management.** Georgia Department of Transportation *Regulations for Driveway and Encroachment Control*, Revision 4.0, dated March 15, 2016.

(f) **Utility encroachment.** "Utility Accommodation Policy and Standards," promulgated and published by the Georgia Department of Transportation Division of Operations, Office of Utilities, dated 2016, and as may be amended from time to time.

(g) **Traffic control.** *Manual on Uniform Traffic Control Devices*, latest edition, published by the Federal Highway Administration of the U.S. Department of Transportation.

(h) **Landscaping.** *ANSI 300 Standards:* The generally accepted (consensus) industry standards for tree care practices, developed by the Tree Care Industry Association and written by a committee called the Accredited Standards Committee A300. These standards are based on current research and sound practice for writing specifications to manage trees, shrubs, and other woody plants.

Sec. 7-118. Disclaimers.

(a) **No transfer of responsibility.** Approval of development plans by the city shall not imply or transfer acceptance of responsibility for the application of the principles of engineering, architecture, landscape architecture or any other profession, from the professional, corporation or individual under whose hand or supervision the development plans were prepared. The completion of inspections and authorization for work continuation shall not transfer responsibility for the quality of the work performed or materials used from the owner, nor imply or transfer acceptance of responsibility for project design or engineering from the professional, corporation or individual under whose hand or supervision the development plans were prepared.

(b) **No waiver of compliance.** No development permit issued by the Zoning Administrator shall be interpreted to relieve any owner of the responsibility of maintaining full compliance with all applicable codes, ordinances and other regulations. Any development permit issued in error or in contradiction to the provisions of this UDC shall be considered to have been null and void upon its issuance.

(c) **No liability for damage.** The approval of plans under the provisions of this Article and the issuance of a development permit shall not relieve any person from the responsibility for damage to any person or property otherwise imposed by law, nor shall such plan approval or development permit issuance impose any liability upon the city for damage to any person or property.

Sec. 7-119. Development permit modifications.

(a) If modifications are requested to an approved development permit, the Zoning Administrator shall determine whether the modification is a major change or a minor change.

(b) For major changes, the applicant shall be required to submit plans and follow the procedures of this chapter to obtain a new (modified) development permit.

(c) For changes deemed to be minor, the Zoning Administrator may charge a fee for minor development permit revisions specified in a fee schedule adopted by the Commerce City Council.

Sec. 7-120. Noncompliance and enforcement.

(a) **Warning and written notice to comply.** If, through inspection, it is deemed that a person engaged in land-disturbing or development activities has failed to obtain the required development permit, or has failed to comply with the approved plan, with permit conditions, or with the provisions of this development code, a warning and 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 or development activity fails to comply within the time specified, he shall be deemed in violation of this chapter.

(b) **Stop work orders.** If the violation is not corrected within the time specified in the written notice to comply, the Zoning Administrator or designee shall issue a stop-work order requiring that land-disturbing or development 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 or development activities are conducted without obtaining the necessary permit, the Zoning Administrator shall issue an immediate stop-work order in lieu of a warning. All 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 or development activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

(c) **Suspension or revocation of permit.** The Zoning Administrator may suspend or revoke a development permit if it is deemed that a person engaged in land-disturbing or development activities has failed to comply with the approved plan, with permit conditions, or with the provisions of this UDC.

(d) **Land disturbance bond forfeiture.** If the person engaged in the land-disturbing or development 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 the land disturbance bond, if required to post one under the provisions of this chapter. The city may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

(e) **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 stop work order issued by the Zoning Administrator as provided in this section shall be liable for a civil penalty not to exceed $2,500.00 per day. For the purpose of enforcing the provisions of this section, notwithstanding any provisions in any city charter to the contrary, city courts shall be authorized to impose penalty not to exceed $2,500.00 for each violation. Each day during which a violation, or failure or refusal to comply continues, shall be a separate violation.

Sec. 7-121. Completion of development.

(a) Upon completion of the project, the applicant or other responsible party may be required to submit a final hydrological study and shall submit all as-built plans of the project, in electronic format, that may be required by the zoning administrator. In addition, the applicant shall submit electronic file copies of information as specified by the Zoning Administrator which unless otherwise specified shall be limited to water lines, sanitary sewer lines, road centerlines, and lot lines for parcels. Building permits may be withheld pending receipt of the electronic files.

(b) Upon application and for a fee, the Zoning Administrator may provide a certificate of project compliance.

(c) Once a development project is complete and the site has been stabilized in the opinion of the zoning administrator, Building Official, or designee, the land disturbance bond (if required) shall be released by the zoning administrator.

DIVISION II

UTILITIES

Sec. 7-201. Generally.
Sec. 7-202. Water generally.
Sec. 7-203. Water mains.
Sec. 7-204. Well water.
Sec. 7-205. Community water system.
Sec. 7-206. Fire hydrants.
Sec. 7-207. Wastewater generally.
Sec. 7-208. Connection to public sewerage system.
Sec. 7-209. Alternative wastewater systems.
Sec. 7-210. Septic tank.
Sec. 7-211. Oversizing of water and sewer mains.
Sec. 7-212. Drainage.
Sec. 7-213. Gas, electric and other utilities.

Sec. 7-201. Generally.

No development permit shall be approved by the Zoning Administrator until all utility improvements, if required by this Article or UDC generally, have been constructed or installed in a satisfactory manner and approved by the Zoning Administrator and public utility provider as applicable.

Sec. 7-202. Water generally.

(a) All habitable buildings shall be connected to a water system capable of providing water for health and emergency purposes, including adequate fire protection.

(b) No building permit shall be issued for any building within a subdivision, or for the development of land, if there is not present to the lot in question or to the land development an adequate water supply.

Sec. 7-203. Water mains.

(a) When a public water main is accessible, the subdivider or land developer shall install water supply facilities, including fire hydrants, that meet or exceed the specifications of the city. Water mains within subdivisions and land developments must be provided with connections to each lot in the subdivision and each land development.

(b) The size of water mains shall be justified by hydraulic analysis performed by a professional engineer and approved by the City utility director or designee.

(c) Easements shall be provided for all utility infrastructure, and such easements shall be at least 10 feet in width on each side of the centerline of the main.

Sec. 7-204. Well water.

(a) If a municipal or other public water supply is not available to the subdivision or land development at the time of constructing improvements for a subdivision or land development, then the subdivider or developer shall provide an adequate alternative water source and an adequate water storage facility.

(b) In subdivisions or land developments with a residential density of one unit per acre or less and when a public water system is not available, individual wells may be used in a manner so that an adequate supply of potable water will be available to every lot in the subdivision or to the land development.

(c) When individual wells are proposed to be used for water supply, water samples shall be submitted to, and individual wells shall be approved by, the Jackson County Environmental Health Department. Approvals shall be submitted to Zoning Administrator prior to final subdivision plat for a subdivision or development permit approval for a land development.

Sec. 7-205. Community water system.

(a) If a municipal or other public water supply is not available to the subdivision or land development at the time of constructing improvements for a subdivision or land development, then the subdivider or developer shall provide an adequate alternative water source and an adequate water storage facility.

(b) Any community water system, if permitted, shall provide a minimum flow of 400 gallons of potable water per day per each lot platted, whether or not each lot is to be immediately developed; shall be sanitary; and shall have a minimum pressure of 20 pounds per square inch at each lot in the subdivision or each land development to be served. For all common non-public water supply systems, acceptable management, maintenance, and distribution policies and procedures shall be established. These policies and procedures shall be required to guarantee the provision of adequate supplies to each perspective lot owner on a continuing, ongoing basis, and to provide acceptable means for repairs and unforeseen events.

(c) The community water system plan shall be approved by the Jackson County Environmental Health Department and a letter of approval from the Georgia Department of Natural Resources shall accompany the final plat or land development application.

Sec. 7-206. Fire hydrants.

(a) Fire hydrants shall be required for all nonresidential land developments and all subdivisions except those permitted to be served by individual on-site wells. Fire hydrants with appropriate water pressure at appropriate intervals throughout the subdivision or land development shall be provided by the subdivider or land developer as required by the fire department or fire service district with jurisdiction.

(b) The location and construction of fire hydrants shall be in accordance with city standard specifications.

(c) To eliminate future street cuts, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other supply improvements shall be installed before any final paving of a street within the right-of-way shared by such underground utilities.

Sec. 7-207. Wastewater generally.

(a) All habitable buildings and buildable lots shall be served by an approved means of wastewater collection and treatment. Each subdivision and land development shall be served by adequate sewage disposal facilities.

(b) No building permit shall be issued for any building within a subdivision or for the development of land, if there is not present throughout the subdivision or to the land development an adequate system of wastewater collection and treatment.

Sec. 7-208. Connection to public sewerage system.

(a) When a public sanitary sewerage system is reasonably accessible, as determined by the City Engineer or designee, the subdivider or land developer shall connect with same and provide sewers accessible to each lot in the subdivision or to each land development. If a public sanitary sewer is reasonably accessible, it shall be unlawful to connect any new habitable building upon any such property to an individual sewage disposal system.

(b) When a public sanitary sewerage system is not immediately accessible but is anticipated to be available within a period of three years, the applicant shall install sanitary sewer lines, laterals, and mains from the street curb to a point in the subdivision or land development boundary so that a future connection with the public sewer main can be made. The Zoning Administrator may condition the approval of a subdivision or may require as a condition of land development approval on submission of an agreement to connect to the public sewerage system upon its availability.

(c) Design and engineering of sanitary sewers shall be in accordance with the city specifications. Sanitary sewers shall be located within street or alley rights-of-way unless topography dictates otherwise.

(d) When located outside a right of way, easements shall be provided for sanitary sewer lines, and such easements shall be at least 10 feet in width on each side of the centerline of the sewer line.

Sec. 7-209. Alternative wastewater systems.

If sanitary sewer is not reasonably available at the time of the development of the subdivision or land development, and if sanitary sewer is not anticipated to be available within a period of three years to serve the subdivision or land development in question, then on-site septic tanks, an

oxidation pond, or another method of treatment of sanitary sewerage may be approved and shall be installed by and at the expense of the subdivider, land developer, or lot purchaser, in conformity with the requirements of the Jackson County Environmental Health Department.

Sec. 7-210. Septic tank.

Where individual onsite wastewater disposal systems are proposed and allowed, individual lot sizes and widths must exhibit appropriate regard for the peculiar health, drainage, and maintenance characteristics on the site. Additionally, detailed soil tests may be required in order to verify the ability of the lots to safely contain and dispose of septic system effluent. All septic tanks and onsite wastewater disposal systems are subject to the approval of the Jackson County Environmental Health Department.

Sec. 7-211. Oversizing of water and sewer mains.

The subdivider or land developer shall construct such oversized water and sanitary sewer improvements that the City determines necessary, provided that the subdivider or land developer shall not be obligated for the additional cost of such improvements that are not uniquely required for that subdivision or land development, and provided the subdivider or land developer agrees to a proposal by the city to share in the cost arrangements for over-sizing such improvements. A formula may be developed by the city engineer or designee to provide for a sharing of the cost of such improvements needed to serve the subdivision or land development when certain of the improvements are necessary to serve future subdivisions or land developments in the vicinity.

Sec. 7-212. Stormwater Drainage.

(a) An adequate drainage system, separate and independent of any sanitary sewer system and including any necessary ditches, pipes, culverts, intersectional drains, drop inlets, etc., shall be provided for the proper drainage of all surface water for all subdivisions and land developments.

(b) Sizing and location of all drainage structures shall be the responsibility of a registered professional engineer or land surveyor, and construction shall be in accordance with the specifications of the city or utility provider with jurisdiction.

(c) The city may require the use of on-site control methods such as retention or detention to mitigate the stormwater and drainage impacts of a proposed subdivisions or land development. The Zoning Administrator shall not approve any preliminary plat of a subdivision or construction plans for any land development that does not make adequate provision for storm and floodwater runoff.

(d) No building permit shall be issued for any building within a subdivision or for the development of land, if there is not present throughout the subdivision or land development an adequate system of drainage and stormwater management.

(e) When located outside a right of way, easements shall be provided for drainage, and such easements shall be at least 20 feet wide.

Sec. 7-213. Gas, electric, and other utilities.

(a) All utility facilities, including but not limited to gas, electric power, telephone, cable television, and broadband shall be located underground throughout the subdivision or land development. Whenever existing utility facilities are located above ground, except when existing on public roads and rights-of-way, they shall be removed and placed underground.

(b) Easements shall be provided for utilities, private and public, and such easements shall be at least 20 feet wide.

DIVISION III

ENCROACHMENT

Sec. 7-301. Utility encroachment permit required.
Sec. 7-302. Utility encroachment permit procedure.
Sec. 7-303. Incomplete permit application.
Sec. 7-304. Permit review and decision.
Sec. 7-305. Permit commencement, expiration and extension.
Sec. 7-306. Permit default.
Sec. 7-307. Termination of permit.
Sec. 7-308. Utility accommodation policy and standards.

Sec. 7-301. Utility encroachment permit required.

(a) It shall be unlawful for any utility to excavate or to construct, install, maintain, renew, remove, or relocate facilities in, on, along, over or under the public rights of way of the city without a utility encroachment permit from the city engineer or designee in accordance with the terms of this Article. The Zoning Administrator shall have an administrative role in assisting the city with processing utility encroachment permit applications.

(b) The requirement to obtain a utility encroachment permit may be waived by the Zoning Administrator in cases where utility work contemplated within the public rights of way of the city is shown on construction plans for a private development that has been reviewed and approved by the Zoning Administrator and a development permit has been issued in accordance with applicable provisions of this UDC.

(c) This section shall not be construed as requiring a separate utility encroachment permit for a driveway or for installation of a storm drainage culvert if such driveway or storm drainage culvert is authorized by the Zoning Administrator under a separate permit or authorization pursuant to this UDC.

Sec. 8-702. Utility encroachment permit procedure.

Utility encroachment permits shall be obtained from the Zoning Administrator upon application made on forms prescribed by the Zoning Administrator and city engineer. The written application shall include the following:

(a) The name and address of the utility;

(b) The nature, extent, and location of any work proposed to be done, along with satisfactory plans as attachments showing in detail the location of the proposed facility or operations as described in the permit application. The plans shall show the size or capacity of facilities to be installed; their relationship to street features such as right-of-way lines, pavement edge, structures, attachments to current infrastructure, etc., horizontal and

vertical clearance to critical elements of the roadway and any other information necessary by the city engineer to evaluate the impact on the street and its operation

(c) The name and address of the person or firm who is to do such work;

(d) The name, street address, email address if applicable and telephone and facsimile numbers of one or more facilities representative(s).

(e) The projected starting and finishing dates for the work;

(f) An indemnity bond or other acceptable security in an amount to be set by the city to pay any damages to any part of the city road system or other city property or to any city employee or member of the public caused by activity or work of the utility performed under authority of the permit issued;

(g) A copy, if requested, of the registrant's certificate of authority (or other acceptable evidence of authority to operate) from the Georgia Public Service Commission and/or the FCC and any other similar approvals, permits, or agreements;

(h) A copy, if requested, of the service agreement, if applicable or other legal instrument that authorizes the utility to use or occupy the right of way for the purpose described in the application;

(i) Traffic safety plan; and

(j) The application shall be accompanied by a permit review fee, as established by the City Council.

Sec. 7-303. Incomplete permit application.

If a permit application is incomplete, the Zoning Administrator shall notify the applicant and shall provide a reasonable period of time in which to revise the application.

Sec. 7-304. Permit review and decision.

(a) Unless the permit application is extraordinarily complicated and extensive, in which case more time may be taken, the Zoning Administrator shall have 30 calendar days from the posted application submission deadline to review (including distribution to the city engineer) the permit application for compliance with the requirements of this division and to evaluate the application in terms of the impact of work proposed in the permit with regard to the following: impacts on safety, visual quality of streets, traffic flow, other users of the right of way; and the difficulty and length of time of the project.

(b) The Zoning Administrator shall issue the requested permit if there are no concerns with regard to the criteria of this division. The Zoning Administrator or city engineer may place conditions of approval on any permit issued. If there are concerns with issuing the

requested permit, the Zoning Administrator shall indicate those concerns or objections in writing to the applicant and deny the requested permit.

(c) Any applicant aggrieved of a decision of the Zoning Administrator to deny a utility encroachment permit under the provisions of this division may file in writing and sent via certified mail an appeal to the zoning administrator, who shall schedule the appeal in accordance with procedures of this UDC for appeal of administrative decisions.

Sec. 7-305. Permit commencement, expiration and extension.

(a) Each permit issued by the city engineer (via the zoning administrator) shall have a set commencement and expiration date based on information provided in the applicant's permit application. When the construction under any permit is completed, the utility shall notify the city engineer and zoning administrator. The permit shall remain in place until construction or activity authorized under the permit is completed or until its expiration date unless the utility is in default.

(b) If work is not begun within six months of the date of permit issuance, the permit will automatically expire.

(c) The Zoning Administrator is authorized but shall not be obligated to grant an extension to a permit prior to expiration, upon application, and provided that a permit review fee required for a permit application is paid.

Sec. 7-306. Permit default.

The Zoning Administrator may find a utility in default and give written notice of default to a utility if it is determined that a utility has:

(a) Violated any provision, requirement, or condition of a utility encroachment permit, or any law of the city,, county, state, or federal government;

(b) Attempted to evade any provision or requirement of this division;

(c) Practiced any fraud or deceit upon the city; or

(d) Made a material misrepresentation or omission of fact in its permit application.

Sec. 7-307. Termination of permit.

If a utility fails to cure a default within 10 calendar days after such notice is provided to the utility by the city, then such default shall be a material breach and the city may exercise any remedies or rights it has at law or in equity to terminate the permit. If the Zoning Administrator decides there is cause or reason to terminate, the following procedure shall be followed:

(a) The Zoning Administrator shall serve a utility with a written notice of the reason or cause for proposed termination and shall allow a utility a minimum of 20 calendar days to cure its breach; and

(b) If the utility fails to cure within 10 calendar days, the city may declare the permit terminated.

Sec. 7-308. Utility accommodation policy and standards.

(a) The document known as "utility accommodation policy and standards," promulgated and published by the Georgia Department of Transportation Division of Operations, Office of Utilities, dated 2016, and as may be amended from time to time, is hereby adopted in its entirety as if fully set forth in this division, as minimum required standards.

(b) A copy of the "utility accommodation policy and standards" shall be maintained by the Zoning Administrator and shall be available for public inspection.

(c) References in the "utility accommodation policy and standards" to state personnel, agencies, and fees shall be interpreted, where required, as meaning the City of Commerce equivalents.

(d) Any conflicts between the provisions of this division and the "utility accommodation policy and standards" shall be resolved in favor of the "utility accommodation policy and standards."

ARTICLE 8

SOIL EROSION, SEDIMENTATION, AND POLLUTION CONTROL

DIVISION I GENERAL PROVISIONS

Sec. 8-101. Title.
Sec. 8-102. Definitions.
Sec. 8-103. Applicability.
Sec. 8-104. Exemptions.
Sec. 8-105. Prohibition on cumulative exemptions.

DIVISION II MINIMUM REQUIREMENTS/BEST MANAGEMENT PRACTICES

Sec. 8-201. General requirements.
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DIVISION III APPLICATION AND PERMIT PROCESS

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DIVISION IV INSPECTION AND ENFORCEMENT

Sec. 8-401. Inspections.
Sec. 8-402. Required amendment to this Article.
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DIVISION V. EDUCATION AND CERTIFICATION

Sec. 8-501. Education and training certification requirements.
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Sec. 8-601. Administrative remedies.
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DIVISION I

GENERAL PROVISIONS

Sec. 8-101. Title.
Sec. 8-102. Definitions.
Sec. 8-103. Applicability.
Sec. 8-104. Exemptions.
Sec. 8-105. Prohibition on cumulative exemptions.

Sec. 8-801. Title.

This Article shall be known as "The City of Commerce Soil Erosion, Sedimentation and Pollution Control Ordinance."

Sec. 8-102. Definitions.

The following definitions shall apply in the interpretation and enforcement of this Article, unless otherwise specifically stated:

Best Management Practices (BMPs): These practices include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia" published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

Board: The State of Georgia Board of Natural Resources.

Buffer: The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Certified personnel: A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

Commission: The Georgia Soil and Water Conservation Commission (GSWCC).

CPESC: Certified Professional in Erosion and Sediment Control with current certification by Certified Professional in Erosion and Sediment Control Inc., which is also referred to as CPESC or CPESC, Inc.

Cut: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface; also known as excavation.

Department: The State of Georgia Department of Natural Resources (DNR).

Design professional: A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert, Inc. Design professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

Director: The Director of the State of Georgia Environmental Protection Division of the Department of Natural Resources, or an authorized representative.

District: The Soil and Water Conservation District with jurisdiction.

Division: The Environmental Protection Division (EPD) of the State of Georgia Department of Natural Resources.

Drainage structure: A device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control, or flood control purposes.

Erosion: The process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion, sedimentation and pollution control plan: A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protection at least as

stringent as the State General Permit, best management practices, and requirements of this Article.

Fill: A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

Final stabilization: All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscaped areas) or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.

Finished grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Grading: Altering the shape of ground surfaces to a predetermined condition, including stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Ground elevation: The original elevation of the ground surface prior to cutting or filling.

Land-disturbing activity: Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in this Article.

Larger common plan of development or sale: A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, “plan” means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

Local issuing authority: The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. 12-7-8. The City of Commerce is a local issuing authority.

Natural ground surface: The ground surface in its original state before any grading, excavation or filling.

Nephelometric Turbidity Units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed or suspended particles are present.

NOI: A notice of intent form provided by the Environmental Protection Division for coverage under the state general permit.

NOT: A notice of termination form provided by the Environmental Protection Division to terminate coverage under the State General Permit.

Operator: The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

Outfall: The location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

Permit: The authorization necessary to conduct a land-disturbing activity under the provisions of this Article or UDC.

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative,

state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.

Phase or phased: Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

Project: The entire proposed development project, regardless of the size of the area of land to be disturbed.

Properly designed: Designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of Notice of Intent (NOI) submittal.

Roadway drainage structure: A device such as a bridge, culvert, or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Sediment: Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.

Sedimentation: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

*Soil and Water Conservation District approved plan***:** An erosion, sedimentation and pollution control plan approved in writing by the Soil and Water Conservation District with jurisdiction.

Stabilization: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

State General Permit: The National Pollution Discharge Elimination System (NPDES) general permit or permits for storm water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of Code Section 12-5-30.

State waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

*Structural erosion, sedimentation and pollution control practices***:** Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication, *Manual for Erosion and Sediment Control in Georgia.*

Vegetative erosion and sedimentation control measures: Measures for stabilization of erodible or sediment-producing areas by covering the soil using one of the following approaches: (a) Permanent seeding, sprigging or planting, producing long-term vegetative cover, or (b) Temporary seeding, producing short-term vegetative cover; or (c) Sodding, covering areas with a turf of perennial sod-forming grass. Such measures may be found in the publication, *Manual for Erosion and Sediment Control in Georgia.*

Watercourse: Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Sec. 8-103. Applicability.

This Article shall apply to all property within the corporate limits of the City of Commerce.

Sec. 8-104. Exemptions.

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

(a) Surface mining, as the same is defined in O.C.G.A. 12-4-72, "The Georgia Surface Mining Act of 1968;"

(b) Granite quarrying and land clearing for such quarrying;

(c) Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;

(d) The construction of single-family residences, when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. 12-7-6 and this Article;

(e) Agricultural operations as defined in O.C.G.A. 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aquaculture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;

(f) Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in this Article, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;

(g) Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;

(h) Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "state waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the local issuing authority from regulating any such project which is not specifically exempted by this Article;

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

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

(k) Any public water system reservoir.

Sec. 8-105. Prohibition on cumulative exemptions.

It is the intent of the city to prohibit an applicant from dividing up land disturbance activities into less than one-acre increments in order to qualify for exemption from this Article. Accordingly, notwithstanding the exemption described in paragraph (h) of Sec. 8-104, there shall be no exemption authorized, even if the amount of land disturbance is less than one acre, if a permit application is for property that is contiguous to a parcel or tract that was exempted from the requirement to obtain a land disturbance permit because it had less than one acre disturbed.

DIVISION II

MINIMUM REQUIREMENTS/BEST MANAGEMENT PRACTICES

Sec. 8-201. General requirements.
Sec. 8-202. Adherence to erosion control manual and additional requirements.
Sec. 8-203. Injury not proof of violation.

Sec. 8-201. General Requirements.

(a) Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of this ordinance and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this Article shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans.

(b) Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of this Article. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this ordinance and the NPDES General Permit.

(c) Best management practices as set forth in this Article 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 this Article 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 Article, the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the *Manual for Erosion and Sediment Control in Georgia* specified in O.C.G.A. 12-7-6 subsection (b).

(d) A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local issuing authority or of any state general permit issued by the Division pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries. 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 greater than 1 acre.

(e) Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a local issuing authority or of any state general permit issued by the Division pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.

(f) 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.

Sec. 8-202. Adherence to erosion control manual and additional requirements.

The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A.12-7-1 et. seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

(a) Stripping of vegetation, re-grading 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 this Article.

(o) There is established a 50 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow, Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the “Georgia Water Quality Control Act”, shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:

1. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence

is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

2. The buffer shall not apply to stream crossings for water lines or sewer lines, 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.

(p) In common developments, commercial developments, industrial developments and residential developments encompassing more than one (1) residential structure, a sediment barrier shall be constructed around the entire perimeter of the disturbed area. The sediment barrier shall consist of two rows of GA DOTD and GSWCC approved Type A or Type C silt fence spaced thirty-six (36) inches apart and the disturbed area between the two rows shall be properly stabilized in accordance with current best management practices. In any disturbed areas that exist along all state waters, other sensitive areas, and in areas of lower elevations, the sediment barrier shall be constructed of two rows of Type C silt fence, the two rows should be placed a minimum of thirty-six (36) inches apart and the disturbed area between the two rows shall be properly stabilized in accordance with current best management practices. Within these areas the use of Type C Alternative silt fencing, commonly known as C-Pop, is prohibited. Barriers will be overlapped by a minimum of 18” when multiple types of sediment barriers are used in a single run on a site.

(q) In single residential and in-fill lots, a sediment barrier shall be constructed around the entire perimeter of the disturbed area. The sediment barrier shall consist of two rows of GA DOTD and GSWCC approved Type A, Type C, or Type C Alternative silt fence placed in two rows and spaced thirty-six (36) inches apart and the disturbed area between the two rows shall be properly stabilized in accordance with current best management practices. In any disturbed areas that exist along all state waters, other sensitive areas, and in areas of lower elevations, the sediment barrier shall be constructed of two rows of Type C silt fence. The two rows should be placed a minimum of 36” apart and the disturbed area between the two rows shall be properly stabilized in accordance with current best management practices. Within these specific areas, the use of Type C Alternative silt fencing, commonly known as C-Pop, is prohibited. Barriers will be overlapped by a minimum of 18” when multiple types of sediment barriers are used in a single run on a site.

(Amended 06/15/2026)

Sec. 8-203. Injury not proof of violation.

The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall not create a presumption of a violation of the standards provided for in this Article or the terms of the permit.

DIVISION III

APPLICATION AND PERMIT PROCESS

Sec. 8-301. General.

Sec. 8-302. Permit application requirements.

Sec. 8-303. Plan requirements.

Sec. 8-304. Permits.

Sec. 8-301. 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, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this Article, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the local issuing authority. However, the owner and/or operator are the only parties who may obtain a permit.

Sec. 8-302. Permit application requirements.

No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the City of Commerce without first obtaining a permit from the City of Commerce to perform such activity and providing a copy of Notice of Intent (NOI) submitted to EPD, if applicable. The following permit applications procedures are hereby established and shall control processing and issuance of permits under this Article:

(a) **Plan and data.** The application for a permit shall be submitted to the City of Commerce and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in this Article. 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 this Article will be met. Applications for a permit will not be accepted unless accompanied by four copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall

contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7 .10.

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

(c) **District review of plans.** Following receipt of an application and plan for a permit and following completion of local review for compliance, 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 deny a plan within 35 calendar days of receipt. Failure of the district to act within 35 calendar 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 this Article have been obtained, all fees have been paid, and bonding, if required per this Article, have been obtained. Such review will not be required if the local issuing authority and the district have entered into an agreement which allows the local issuing authority to conduct such review and approval of the plan without referring the application and plan to the district. The local issuing authority with plan review authority shall approve or disapprove a revised plan submittal within 35 calendar days of receipt. Failure of the local issuing authority with plan review authority to act within 35 calendar days shall be considered an approval of the revised plan submittal.

(d) **Denial for violations.** If a permit applicant has had two or more violations of previous permits, this Article, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the local issuing authority may deny the permit application.

(e) **Bond.** The local issuing authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, $3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute

specifically providing for hearing and judicial review of any determination or order of the local issuing authority with respect to alleged permit violations.

Sec. 8-303. Plan requirements.

All erosion, sedimentation and pollution control plans shall comply with the following requirements:

(a) Plans must be prepared to meet the minimum requirements of this Article, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The *Manual for Erosion and Sediment Control in Georgia* is hereby incorporated by reference into this Article.
(b) 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.

(c) 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.

(d) 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.

Sec. 8-304. Permits.

Permits shall be issued or denied as soon as practicable but in any event not later than 45 calendar 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.

(a) **Permit requires plan approval.** No permit shall be issued by the local issuing authority unless the erosion, sedimentation and pollution control plan has been approved by the district and the local issuing authority has affirmatively determined that the plan is in compliance with this Article, any variances required are obtained, bonding requirements, if necessary, 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.

(b) **Land disturbance consistent with this Article.** Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this Article, and any other ordinances relating to land development, as are applied to private persons, and the division shall enforce such requirements upon the local issuing authority.

(c) **Phasing.** If the tract is to be developed in phases, then a separate permit shall be required for each phase.

(d) **Suspension, revocation, or modification of permit.** The permit may be suspended, revoked, or modified by the local issuing authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this Article. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

DIVISION IV

INSPECTION AND ENFORCEMENT

Sec. 8-401. Inspections.

Sec. 8-402. Required amendment to this Article.

Sec. 8-403. Investigations.

Sec. 8-404. No refusal of access.

Sec. 8-405. Review of actions.

Sec. 8-406. Failure to obtain a permit for land-disturbing activity.

Sec. 8-407. Stop work orders.

Sec. 8-408. Bond forfeiture.

Sec. 8-409. Monetary penalties.

Sec. 8-401. Inspections.

(a) **Inspections and regulation of permittees.** The city will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the local issuing authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit.

(b) **Permitee responsibilities.** 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.

(c) **Notice to comply for non-compliance.** If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this Article, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Article.

Sec. 8-402. Required amendment to this Article.

The local issuing authority shall amend its ordinances to the extent appropriate within 12 months of any amendments to the Erosion and Sedimentation Act of 1975.

Sec. 8-403. Investigations.

The city shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this Article, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.

Sec. 8-404. No refusal of access.

No person shall refuse entry or access to any authorized representative or agent of the city, the local issuing authority, the commission, the district, or division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

Sec. 8-405. Review of actions.

(a) **Review by district or commission.** The district or the commission or both shall semi-annually review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. 12-7-8 (a). The district or the commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The district or the commission shall notify the division and request investigation by the division if any deficient or ineffective local program is found.

(b) **Review of local issuing authority actions.** The division may periodically review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to Code Section 12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8 (a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7 (e), the division shall notify the governing authority of the county or municipality in writing. The governing authority of any municipality so notified shall have 90 calendar days within which to take the necessary corrective action to retain certification as a local issuing authority. If the municipality does not take necessary corrective action within 90 calendar days after

notification by the division, the division shall revoke the certification of the municipality as a local issuing authority.

Sec. 8-406. Failure to obtain a permit for land-disturbing activity.

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

Sec. 8-407. Stop work orders.

For the first and second violations of the provisions of this Article, the director or the local issuing authority may elect to issue a written warning to the violator but is also authorized to immediately issue a stop work order concurrent with any warning or violation until necessary corrective action or mitigation has occurred. If the violation presents an imminent threat to public health, property, 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.

(a) For a third and each subsequent violation, the director or the local issuing authority shall issue an immediate stop-work order; and

(b) All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.

(c) 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.

Sec. 8-408. Bond forfeiture.

If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan

and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Article and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of this Article. The local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

Sec. 8-409. Monetary penalties.

Any person who violates any provisions of this Article, or any permit condition or limitation established pursuant to this Article, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the director issued as provided in this Article shall be liable for a civil penalty not to exceed $2,500.00 per violation per day. For the purpose of enforcing the provisions of this Article, notwithstanding any provisions in any city ordinance or charter to the contrary, municipal courts shall be authorized to impose penalties not to exceed $2,500.00 for each violation. Each day during which a violation, or failure or refusal to comply continues, shall be a separate violation.

DIVISION V

EDUCATION AND CERTIFICATION

Sec. 8-501. Education and training certification requirements.

Sec. 8-502. On-site responsibility.

Sec. 8-501. Education and training certification requirements.

Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. 12-7-20.

Sec. 8-502. On-site responsibility.

(a) For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.

(b) Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this Article.

(c) If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

DIVISION VI

LEGAL STATUS PROVISIONS

Sec. 8-601. Administrative remedies.

Sec. 8-602. Judicial review.

Sec. 8-603. Effective date.

Sec. 8-604. Validity.

Sec. 8-605 Liability.

Sec. 8-601. 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 Commerce City Council within 30 calendar days after receipt by the local issuing authority of written notice of appeal.

Sec. 8-602. Judicial review.

Any person, aggrieved by a decision or order of the local issuing authority, after exhausting his administrative remedies, shall have the right to appeal de novo to the Superior Court of Jackson County.

Sec. 8-604. Validity.

Should any section, paragraph, clause, phrase, or provision of this Article be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this Article or UDC.

Sec. 8-605. Liability.

(a) Neither the approval of a plan under the provisions of this Article, nor the compliance with provisions of this Article shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the local issuing authority or District for damage to any person or property.

(b) The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Article or the terms of the permit.

(c) No provision of this Article shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.

ARTICLE 9

BUFFERS, TREE PROTECTION, AND LANDSCAPING

DIVISION I BUFFERS

Sec. 9-101. Reference to requirements.
Sec. 9-102. Definitions.
Sec. 9-103. Zoning buffer requirements.

DIVISION II TREE PROTECTION

Sec. 9-201. Findings.
Sec. 9-202. Tree protection required.
Sec. 9-203. Designation of tree protection areas.
Sec. 9-204. Exemptions
Sec. 9-205. Tree Save Requirements
Sec. 9-206. Tree Survey Plan and Inventory
Sec. 9-207. Shade Trees Planted by Developer
Sec. 9-208. Maintenance of Planted Trees
Sec. 9-209. Tree Replanting Standards
Sec. 9-210. Recommended Species List of Trees
Sec. 9-211. Tree protection fencing required.
Sec. 9-212. Prohibitions within tree protection areas.
Sec. 9-213. Tree damage.

DIVISION III LANDSCAPING

Sec. 9-301. Reference to requirements.
Sec. 9-302. Obstructions to sight visibility.
Sec. 9-303. Frontage landscape strip.
Sec. 9-304. Side lot line landscape strips.
Sec. 9-305. Parking lot landscaping.
Sec. 9-306. Approval of plant materials.
Sec. 9-307. General landscaping requirements.
Sec. 9-308. Parking lot screening.
Sec. 9-309. Plans.
Sec. 9-310. Contents of tree protection and landscaping plans.
Sec. 9-311. Review of Landscape Plans
Sec. 9-312. Maintenance of landscaping.
Sec. 9-313. Inspection.
Sec. 9-314. Delayed installation and temporary occupancy requirements.

DIVISION I

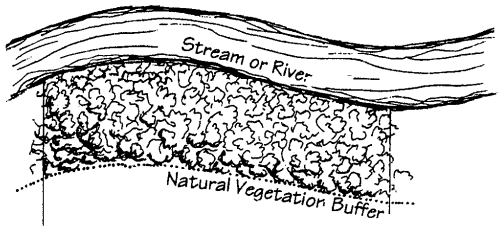
BUFFERS

Sec. 9-101. Reference to requirements.
Sec. 9-102. Definitions.
Sec. 9-103. Zoning buffer requirements.

Sec. 9-101. Reference to requirements.

(a) **Zoning buffers.** Article 2, Table 2-2A and Table 2-2B of this UDC establish minimum buffer widths between certain zoning districts, which vary by zoning district.

(b) **Stream buffers.** Stream buffers are established in Article 8 of this UDC. Article 5 of this UDC establishes river corridor and water supply watershed protection districts which require stream buffers.



Sec. 9-102. Definitions.

ANSI 300 Standards: The generally accepted (consensus) industry standards for tree care practices, developed by the Tree Care Industry Association and written by a committee called the Accredited Standards Committee A300. These standards are based on current research and sound practice for writing specifications to manage trees, shrubs, and other woody plants.

Caliper: The diameter of a tree (usually nursery stock) measured at a point 6 inches above the ground or top of root ball for up to and including 4-inch caliper trees, and at a point 12 inches above the ground or top of root ball for larger sizes. For purposes of measuring tree density of existing trees, caliper is measured 4 feet above the ground.

Deciduous: A perennial plant with foliage that is cast off annually.

Drip line: A perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

Evergreen: A plant with foliage that is retained and remains green year-round.

Ground cover: A low growing plant, other than turf grass, which forms a continuous cover over the ground surface.

Hardwood tree: Any tree that is not coniferous (cone bearing). This definition is based on the colloquialism and does not necessarily reflect any true qualities of the tree.

Landscape plan: A graphic and written document containing criteria, specifications and detailed plans to arrange and modify the effects of natural features. A landscape plan consists of a site plan showing the boundaries of the property and the location of proposed plant materials, in relation to surroundings and improvements, along with a planting schedule and any additional specifications required by the Zoning Administrator.

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

Landscaping: Shrubs, vines, turf, ground cover and other landscape materials which are utilized to enhance the aesthetic and functional qualities of a site.

Opaque: Impenetrable to view.

Overstory tree: Any deciduous or evergreen tree that has the potential to grow to a mature height of 40 feet or more.

Parking screen: A continuous hedge of evergreen shrubs attaining a height of at least 3 feet above grade.

Screening: An opaque visual screen with a height of at least 6 feet.

Shrub: A self-supporting woody plant that normally reaches a height of less than 15 feet.

Tree: Any living, self-supporting woody perennial plant which normally obtains a trunk diameter of at least 2 inches and a height of at least 10 feet, and typically has one main stem or trunk and many branches.

Tree protection area: An area designated for the purpose of saving natural trees, preserving the root system of natural trees and/or preserving natural buffers; tree protection areas include the critical root zones of all trees to be protected, as well as the above-ground portions of the trees.

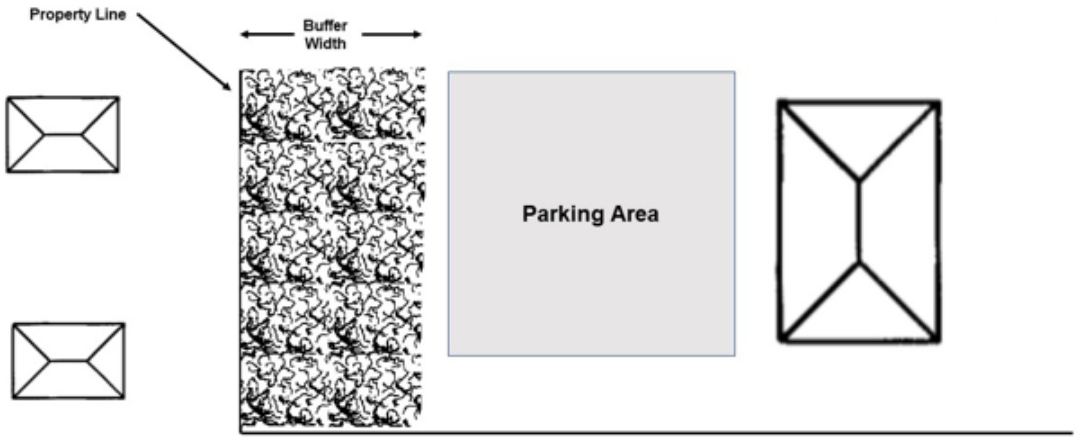
Turf: Ground cover composed of one or more species of perennial grass that is grown as a permanent lawn.

Xeriscaping: Landscaping characterized by the use of vegetation that is drought-tolerant or low water use.

Sec. 9-103. Zoning buffer requirements.

(a) **When required.** Zoning buffers are required (See Table 2-2A and Table 2-2B) to be provided at the time of construction of any new development, subject to the requirements of this Article.

(b) **Disturbance.** Zoning buffers when required shall remain undisturbed, except where necessary to add vegetation to meet screening requirements, unless encroachments or grading are specifically authorized by the Zoning Administrator. Unless encroachments or grading are specifically authorized, or unless a variance is granted, existing trees within a required zoning buffer shall not be removed.



Illustrative Buffer Required

(c) **Minimum required screening.**

1. Required buffers shall provide screening, as defined, with a natural buffer of existing vegetation.

2. Where the full width of the required buffer does not exist or where existing vegetation is sparse such that it does not meet the screening standard, the buffer shall be replanted at the required minimum width.

3. Natural buffers may contain deciduous vegetation but shall contain evergreen trees suitable to local growing conditions that will provide an opaque visual screen during all seasons of the year.

4. Unless existing vegetation provides the required screening or another alternative that meets the requirements for opaque visual screening is approved by the Zoning Administrator, one evergreen tree, with a minimum height of 4 feet at planting, with

branches touching the ground shall be planted for each 30 feet of buffer length, for each 10 feet of required buffer width. Rows of evergreen trees shall be staggered. Evergreen screening shrubs planted 4 feet on center shall also be used where necessary to provide the required screening.

(d) **Buffer encroachments.** Zoning buffers shall contain no driveways, parking areas, patios, stormwater detention facilities, or any other structures or accessory uses except that underground utilities may be permitted to cross a buffer if the screening standards of this UDC will be subsequently achieved.

(e) **Maintenance.** Every required buffer required shall be maintained by the owner of the property where the buffer is located, so as to provide an opaque visual screen to a height of at least 6 feet on a continuous, year-round basis.

(f) **Shown on plans.** All required buffers shall be shown on grading and landscaping plans.

DIVISION II

TREE PROTECTION

Sec. 9-201. Findings.
Sec. 9-202. Tree protection required.
Sec. 9-203. Designation of tree protection areas.
Sec. 9-204. Exemptions
Sec. 9-205. Tree Save Requirements
Sec. 9-206. Tree Survey Plan and Inventory
Sec. 9-207. Shade Trees Planted by Developer
Sec. 9-208. Maintenance of Planted Trees
Sec. 9-209. Tree Replanting Standards
Sec. 9-210. Recommended Species List of Trees
Sec. 9-211. Tree protection fencing required.
Sec. 9-212. Prohibitions within tree protection areas.
Sec. 9-213. Tree damage.

Sec. 9-201. Findings.

Trees provide food and shelter for wildlife; reduce noise, glare and provide wind breaks; purify the air through transpiration; intercept airborne particulate matter and reduce some air pollutants; provide oxygen and reduce the level of carbon monoxide in the air; provide vital roles in erosion control, soil conservation, and the reduction in stormwater runoff; moderate the climate; increase property values; provide aesthetic amenities; and improve the quality of water.

Sec. 9-202. Tree protection required.

Tree protection requirements of this division shall be applied to every activity that requires the issuance of a land-disturbance permit or development permit under this UDC, except for activities otherwise exempted by this division or UDC.

Sec. 9-203. Designation of tree protection areas.

The following areas shall be designated as tree protection areas, within which it shall be unlawful to remove trees unless specifically provided otherwise by this Article:

(a) **Stream buffers.** Stream buffers required by state law (see Article 8 of this UDC) shall be designated and delineated as tree protection areas on grading plans, landscaping plans, and final plats. See also Article 5 of this UDC for additional river and stream buffer requirements.

(b) **Zoning buffers.** Natural buffers when required by Table 2-2A and Table 2-2B of this UDC shall be designated and delineated as tree protection areas on grading plans, landscaping plans, and as buffers on final plats.

(c) **Existing trees to be retained.** Land developers and subdividers will be required to consider designing land developments and subdivisions in a way that protects existing trees to the maximum extent possible, while allowing for reasonable development of the site. Where a development site or subdivision has existing trees outside of required stream buffers and zoning buffers, and such trees are to be retained, the critical root zones around all such trees to be retained shall be designated and delineated as tree protection areas on grading plans, landscaping plans, and final plats as tree protection areas.

Sec. 9-204. Exemptions.

(a) The removal of trees from an owner-occupied, single-family lot not located within a subdivision.

(b) The removal of trees from horticultural properties such as farms, nurseries, or orchards.

(c) The necessary removal of trees by a utility company within dedicated utility easements.

(d) The removal of trees on public rights-of-way conducted by, or on behalf of, or an activity pursuant to work to be dedicated to a federal, state, county, municipal or other governmental agency in pursuance of its lawful activities or functions in the construction or improvement of public rights-of-way.

(e) The removal of trees from lakes and detention ponds and drainage easements.

(f) The removal of any tree which has become or threatens to become a danger to human life or property.

Section 9-205.1. Existing Tree Canopy Coverage.

(a) Prior to engaging in land disturbance or land development, it shall be the duty of land developers to calculate existing tree canopy coverage on any site to be disturbed or developed. To calculate existing tree canopy area, measure the average canopy radius for each tree retained. Use the formula: radius x 3.14 squared. Total the sum of tree canopy areas and divide the gross area to obtain canopy coverage.

(b) Sites with existing trees. The extent of tree canopy coverage can and shall be estimated based on a current or reasonably current (i.e., not more than three years from the date an application for land disturbance or land development is submitted) aerial photograph of the site. A copy of the aerial photograph utilized shall be provided as part of the application for land disturbance or land development. Estimates of tree canopy coverage should be verified in the field by the applicant (with date of field verification so noted in the application) and are subject to verification in the field by the city.

(c) Sites without trees. Where no tree canopy exists on the site to be subdivided, disturbed, or developed, the applicant shall indicate such in the application for land disturbance or land development with a landscape site plan.

(Amended 01/21/2025)

Section 9-205.2. Existing Canopy to be Retained.

Where a development site or lot has an existing tree canopy, the developer or subdivider shall propose all or some of the existing trees be retained and designated as tree protection areas. In Critical Area Protection Areas (CAPA), significant trees must be retained. Outside of CAPA and perimeter landscaping buffers, existing significant trees and tree canopy are also incentivized for retention. The following provisions will apply to designation of tree protection areas for purposes of meeting the tree canopy requirements of this chapter:

(a) Existing tree canopy on the parcel of land to be subdivided, disturbed or developed should be retained to the maximum extent possible.

(b) Trees that conflict with the building envelope, that are within areas that must be cleared for parking and loading spaces, or in other places on the site where infrastructure must be installed, are to be approved for removal unless an alternative site design is considered feasible and the trees within such area are of high value as determined by the Zoning Administrator.

(c) If tree canopy must be and is authorized to be removed from the site, healthy, native hardwood trees that are 24 inches or more diameter breast height and significant stands of trees are the highest priority for retention. To incentivize retention of trees that are 24 inches or more diameter breast height, such trees retained and protected per this chapter shall be given 1.5 times the future tree canopy listed in the Tree Species List or 1.5 times the actual tree canopy, whichever is greater. In such cases, the area of tree canopy for which credit is given shall always remain in tree canopy, and there shall be no other use of the area other than for tree growth. The area shall remain permeable and undeveloped. Pine tree canopy shall be considered the lowest priority for preservation.

(Amended 01/21/2025)

Section 9-205.3. Minimum Tree Canopy Coverage Requirements by Land Use.

(a) Minimum ratios. All subdivisions and land developments shall meet the minimum tree canopy coverage requirements for the land use as indicated in Table for Minimum Tree Canopy Coverage Requirements by Land Use

Table 9-205.1
Table for Minimum Tree Canopy Coverage Requirements by Land Use

Land Use	Minimum Tree Canopy Coverage Required (% of development site or lot)
Residential; single-family attached or two-family subdivisions	35%
Residential, multi-family	35%
Residential, fee simple townhouse	15%
Planned Unit Development	
Office or Institutional	50%

Commercial	50%
Commercial, downtown	None
Industrial	35%
Mixed use	25%

Note 1. The total site area included within a major residential subdivision shall be required to meet the requirements of this section at the time of preliminary platting, but individual lots within a major or minor subdivision shall not be subject to the minimum tree canopy coverage requirements of this section.

(b) Exemption for lakes and ponds. The area within natural or manmade bodies of water of two or more acres may be subtracted from calculations of tree canopy required.

(c) Determination, uncertainty, and interpretation. With respect to classifying land use for purposes of this section, the Zoning Administrator shall determine the land use as that use which is the principal use of the development site or lot. The Zoning Administrator shall be authorized to interpret the land use classifications in cases of uncertainty.

(d) Compliance. A major subdivision or land development may meet the minimum tree canopy coverage requirements of this section, by virtue of the tree canopy existing and to be retained on the site, in which case additional tree canopy coverage is encouraged but not required to be provided. Development sites and major subdivisions which have existing trees which result in a tree canopy coverage that meets or exceeds the requirements of this section will not be required to plant additional trees, except as may be required to meet parking lot landscaping, landscape strip, street tree planting, and/or buffer requirements of this land use management code. If a site does not have sufficient existing tree canopy, plans for the major subdivision or land development shall indicate additional tree planting in a manner that will meet the minimum requirements of this section.

(e) Timing of compliance. Compliance with the requirements of this chapter will be determined at the time of development plan review (including review of tree protection areas and a landscaping plan proposing tree canopy) for a land development and at the time of preliminary subdivision plat review for a major subdivision.

(f) Canopy cover credit for individual trees. For the purposes of this chapter, the tree canopy cover that is credited to an individual tree shall be either the actual square foot area of the crown's projection directly down onto the ground, or the tree canopy coverage at maturity as specified for the species as listed in the Commerce Tree Species List, whichever is greater. Any tree of a species not on the Commerce Tree Species List shall be given a tree canopy cover at maturity for the size typical of the species using standard landscaping references.

(Amended 01/21/2025)

Section 9-205.4. Addition of Trees to Meet Minimum Tree Canopy Coverage Requirements.

(a) When required. When a development site or major subdivision does not meet the minimum tree canopy coverage required by this Section 9-205.3 via the maintenance of existing trees

on site at the time of development or major subdivision, respectively, the developer or subdivider shall be required to plant trees on the development site or in the major subdivision's boundaries sufficient to meet the requirements of Section 9-205.3.

(b) Locations. Trees may be planted throughout the development site or lot, although preference should be given to parking lots, and the front yard of the property.

(c) Species selection standards. Species shall be selected that are tolerant of growing conditions on the site, including growing space, sunlight, soil moisture, temperature and soil volume. No more than 25 percent of all trees planted on a lot shall be of any one species.

(d) Pine tree limitation. Where trees must be added to achieve the required tree canopy coverage requirement for the development site or lot, pine trees shall not comprise more than 25 percent of the tree canopy planted.

(Amended 01/21/2025)

Section 9-205.5. Tree Bank.

(a) Tree bank established. Off-Site Mitigation (Tree Banking). An alternative means of compliance may be available in certain instances, called the Commerce Tree Bank, which is hereby established.

(b) Purchase of canopy credits. If the city determines that tree canopy coverage requirements of this chapter cannot be met on a particular site, due to lack of existing tree canopy coverage, a lack of suitable places on the development site, or within the subdivision to plant trees for canopy, or other condition that renders it impractical to fully comply with this chapter, owners of property confirmed by the city as being unable to achieve the tree canopy coverage requirements of this chapter on a particular site may at their option purchase canopy credits from the Commerce Tree Bank to compensate for tree canopy deficits.

(c) Limitations on purchase of tree canopy credits. All requirements for trees in required front landscape strips, parking lot interiors, and buffers must be met before donations to the tree fund in lieu of planting will be authorized, and in no case shall more than fifty percent (50%) of the tree canopy required on the site be satisfied by donations to the tree bank.

(d) Calculation of the cost of canopy credits. Canopy deficit is calculated by subtracting the area of tree canopy achieved on site by saved and planted trees from the required tree canopy coverage, rounded up to the nearest 900 square foot increment. Each 900- square foot increment shall equal one canopy credit. Canopy credits may be purchased from the Commerce Tree Bank at a cost of $400.00 per credit. This cost assignment is based on average wholesale cost for trees of various sizes that would provide comparable canopy, plus shipping, labor, installation, and a two-year maintenance program.

(e) Use of funds. Funds maintained in the Commerce Tree Bank shall be administered by the Zoning Administrator with consultation by the Commerce City Council and shall be spent on an appropriate combination of: (1) tree establishment on public properties and public

rights of ways or within easements on private properties abutting street rights-of-ways which do not already have street trees alongside them; (2) maintenance of trees on public properties and public rights of ways or within easements on private properties abutting street rights of ways; (3) community education; and (4) Other environmental projects in which trees are an integral part. The Zoning Administrator shall establish an annual program for administration of these funds to be approved by the City Council as part of the annual City budget.

(Amended 01/21/2025)

Sec. 9-208 Maintenance of Planted Trees.

The developer shall be responsible for replacing any tree that dies within three (3) years of the completion of the entire development or, if a phased development, within three (3) years of the completion of the phase in which the now dead tree was planted.

Sec. 9-209 Tree Replanting Standards.

Unless otherwise approved by the City Council or their designee, trees selected for replanting must be on the Tree Planting listed in Sec. 9-210. Trees selected from planting 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. It is desirable that replanted trees be ecologically compatible with the site and neighboring sites. Accordingly, the replanted trees shall be of the same or similar species to those removed when practical.

Sec. 9-210 Recommended Species List of Trees

Common Name	Genus & Species	Canopy Size	Overstory Landscape Areas	Road Frontage-Street	Road Frontage-Yard	Parking Lot Tree Islands 400 to 600	Parking Lot Tree Islands 100 to 399	Buffers	Riparian /Drainage Areas	Utility Corridors
OVERSTORY										
Bald Cypress	Taxodium distinchum	Overstory	X						X	
Basswood, American (Linden)	Tilia americana	Overstory	X						X	
Beech, American	Fagus grandifolia	Overstory	X						X	
Birch, River (std.)	Betula nigra	Midstory	X	X	X			X	X	

Elm, Chinese	Ulmus parvifolia	Overstory	X		X					
Elm, Winged	Ulmas alata	Overstory	X	X	X	X				
Hickory	Carya spp.	Overstory	X							
Honeylocust (seedless)	Gleditsia triacanthos	Overstory	X							
Magnolia, Southern	Magnolia grandiflora	Overstory	X					X	X	
Maple, Sugar	Acer saccharum	Overstory	X	X	X				X	
Oak, Black	Quercus velutina	Overstory	X	X	X					
Oak, Chestnut	Quercus prinus	Overstory	X	X	X	X				
Oak, Laurel	Quercus hemisphaerica	Overstory	X	X	X	X				
Oak, Northern Red	Quercus rubra	Overstory	X	X	X					
Oak, Nuttal	Quercus nuttalli	Overstory	X	X	X	X				
Oak, Overcup	Quercus lyrata	Overstory	X	X	X	X				
Oak, Post	Quercus stellata	Overstory	X	X	X	X				
Oak, Scarlet	Quercus coccinea	Overstory	X	X	X	X				
Oak, Shumard	Quercus shumardii	Overstory	X	X	X	X				
Oak, Swamp White	Quercus bicolor	Overstory	X	X	X	X				
Oak, Water	Quercus nigra	Overstory	X	X	X					
Oak, White	Quercus alba	Overstory	X	X	X	X				
Oak, Willow	Quercus phellos	Overstory	X	X	X	X				
Pecan	Carya illinoesis	Overstory	X	X	X					
Poplar, Tulip	Liriodendron tulipifera	Overstory	X						X	
Sweetgum (fruitless)	Liquidambar styraciflua ‘Rotundiloba’	Overstory	X			X				

Sycamore, American	Platanus occidnetalis	Overstory	X							
Walnut, Black	Juglans nigra	Overstory	X						X	
MIDSTORY										
Birch, River (std.)	Betula nigra	Midstory	X	X	X			X	X	
Cherrylaurel, Carolina	Prunus caroliniana	Midstory			X		X	X	X	
Hophornbeam, American	Ostrya virginiana	Midstory	X			X			X	
Hornbeam, American	Carpinus caroliniana	Midstory	X		X	X	X		X	
Locust, Black (seedless)	Robinia pseudoacacia	Midstory	X	X					X	
Magnolia, Southern "Little Gem"	Magnolia grandiflora 'Little Gem'	Midstory		X	X	X		X		X
Magnolia, Sweetbay	Magnolia virginiana	Midstory	X		X			X	X	
Maple, Red (var.)	Acer rubrum	Midstory	X	X	X	X		X	X	
Maple, Southern Sugar	Acer barbatum	Midstory	X	X	X	X	X	X	X	
Pine, Virginia	Pinus virginiana	Midstory						X		
Redcedar, Eastern	Juniperus virginiana	Midstory	X		X			X		
Sassafras	Sassafras albidum	Midstory	X		X					
Silverbell, Carolina	Halesia carolina	Midstory	X							
Sourwood	Oxydendrum arboreum	Midstory	X		X					
UNDERSTORY & SMALL										
Hawthorn, Washington	Crataegus phaenopyrum	Understory		X	X		X			X
Redbud, Eastern	Cercis canadenssis	Understory	X	X	X	X		X		X
Alder, Hazel	Alnus, serrulate	Small	X						X	X
Holly, American	Ilex opaca	Small			X	X		X		

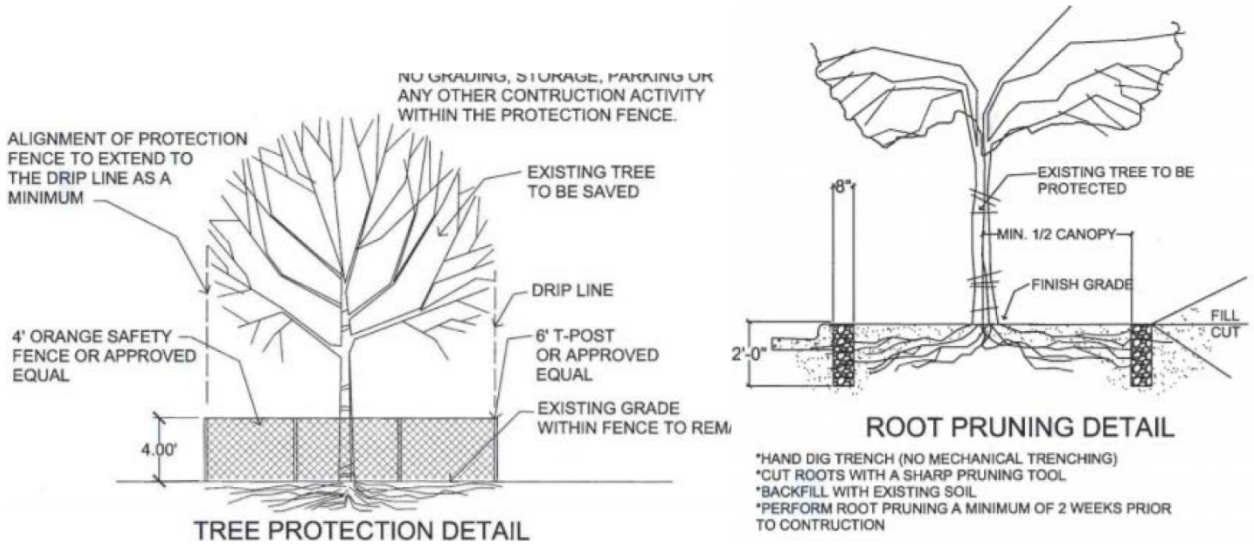
(Amended 01/21/2025)

Sec. 9-211. Tree protection fencing required.

(a) **Protection.** Trees protection areas shall be actively protected during land disturbance and land development with tree protection fencing, installed at the boundaries of all tree protection areas prior to any land development or land disturbance activity.

(b) **Barrier required.** Tree fencing shall be a minimum of 4 foot in height and comprised of chain-link fencing, orange laminated plastic fencing supported by posts, wooden post and rail fencing, or other equivalent barrier (see figure below).

(c) **Duration.** Tree protection fencing required by this section shall remain in place until land development and construction activities are complete, or a certificate of occupancy is issued, or until authorization is given by the Zoning Administrator to remove the tree protection fencing.



Tree Protection Detail

Sec. 9-212. Prohibitions within tree protection areas.

Except as specifically authorized in this Article, tree protection areas shall remain in a natural, undisturbed condition; activities related to development within a tree protection area shall be prohibited. This specifically includes prohibition of the following within a tree protection area:

(a) vehicle or equipment parking, storage or traffic;

(b) materials or supplies storage;

(c) placement of temporary or permanent structures;

(d) equipment maintenance or washout;

(e) wounding of tree trunks; wounding or breakage of limbs or branches greater than four inches in diameter; topping or other improper pruning, such as stub cuts or flush cuts;

(f) fires or excessive heat from equipment exhausts;

(g) site or lot clearing or grubbing;

(h) soil excavation or soil cuts or fills;

(i) grading; trenching; tilling; soil compaction;

(j) top dressing with fill or soil greater than two inches in depth; and

(k) paving.

The Zoning Administrator may require that this section of the UDC appear verbatim on tree protection and landscaping plans.

Sec. 9-213. Tree damage.

Any tree within a tree protection area that is damaged during land disturbance, land development, or building or site construction shall be treated according to ANSI 300 standards. If damage necessitates removal of a tree, it shall be replaced with a tree or trees of similar species and size.

DIVISION III

LANDSCAPING

Sec. 9-301. Reference to requirements.
Sec. 9-302. Obstructions to sight visibility.
Sec. 9-303. Frontage landscape strip.
Sec. 9-304. Side lot line landscape strips.
Sec. 9-305. Parking lot landscaping.
Sec. 9-306. Approval of plant materials.
Sec. 9-307. General landscaping requirements.
Sec. 9-308. Parking lot screening.
Sec. 9-309. Plans.
Sec. 9-310. Contents of tree protection and landscaping plans.
Sec. 9-311. Review of Landscape Plans
Sec. 9-312. Maintenance of landscaping.
Sec. 9-313. Inspection.
Sec. 9-314. Delayed installation and temporary occupancy requirements.

Sec. 9-301. Reference to requirements.

(a) **Minimum requirements.** Article 2, Table 2-2A of this UDC establishes minimum landscaped open space requirements for certain uses and minimum front landscape strips for certain uses. See also Article 4 for properties lying with the Highway Corridor Overlay District, which specifies additional landscaping requirements.

(b) **Location and purpose.** Required landscaping shall be installed in all yard areas, along the perimeter of the lot, around buildings, and all other portions of the property not specifically utilized for driveways, parking, loading, or other functions for which landscaping may not be practical as determined by the Zoning Administrator. Landscaping shall be utilized for such purposes including, but not limited to:

1. Establishing a visual separation or screen of parking areas from the public right-of-way;

2. Providing a separation of pedestrian and service areas;

3. Providing a separation where the lot or parcel opposite of the boundary of the proposed development is a residentially zoned;

4. Providing a vertical transition from the grounds to the building;

5. Maintaining and enhancing natural drainage patterns; and

6. Maintaining the small-town character of Commerce through the aesthetics of landscaping as Commerce continues to grow.

(c) **Partially developed lots.** At the discretion of the Zoning Administrator, projects with substantial portions of the parcel area left for future development may be exempt from landscaping the undeveloped portion of the property. If any portion of the undeveloped area of the lot fronts a public right-of-way, standard improvements such as curb, gutter, sidewalk, and installation of street trees and other appropriate landscaping shall be required at the time of development.

(d) **Expansion or additional development of lots.** If a parcel with existing development is proposed for additional development, the Zoning Administrator has the discretion to review the landscaping installed on the entire property and may require improvements to be installed or conformance with other provisions of this section.

(e) **Change of Use.** When a structure's use is changed to a use other than single-family and there is no change in exterior appearance, the applicant shall conform with the landscaping requirements of this chapter.

(f) **Exemption.** Agriculture structures and agriculture uses in agricultural districts, Single-family and two-family dwellings unless required to install landscaping as a condition of project approval, and accessory dwelling units are exempt from the requirements of this division. Minor improvements or repairs to existing development that do not result in an increase in floor area are also exempt; however, major façade renovations may generate a landscaping requirement.

Sec. 9-302. Obstructions to sight visibility.

(a) All landscaping and trees planted adjacent to street rights of way and driveway intersections with rights of way must be installed in a manner that maintains minimum vision clearances on the adjacent right of way and the driveway approach.

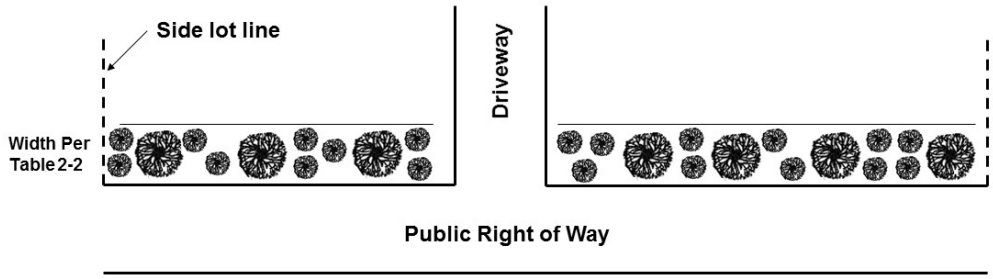
(b) No shrub or tree with heights of between 2½ feet and 12 feet shall be located within 20 feet of the intersection of the right-of-way lines of streets, roads, highways or railroads, or within 20 feet of the intersection of a street right-of-way and either edge of a driveway.

(c) No landscaping shall be allowed that obstructs or impairs the vision of any vehicle operator at the intersection of any public rights-of-way, at any entrance onto or exit from a public road, or any other location where said obstruction would create a hazard to life or property.

Sec. 9-303. Frontage landscape strip.

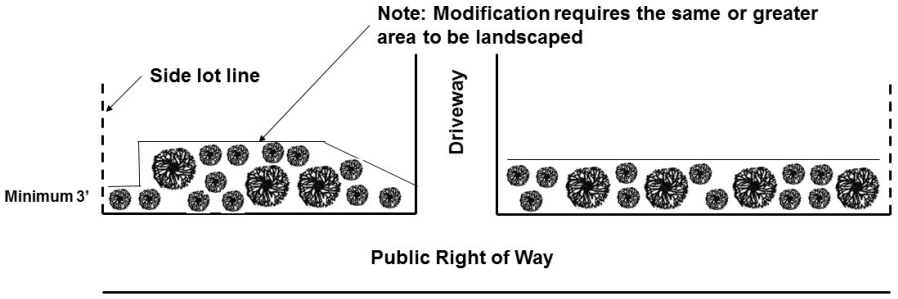
(a) **Width.**

1. **Minimum width.** The minimum width of a frontage landscape strip shall be as specified in Table 2-2A and Table 2-2B of this UDC for the zoning district in which the development site is located, except as otherwise provided in this section.



Frontage Landscape Strip

2. **Modification of width.** The width of a minimum required frontage landscape strip shall typically be uniform across the frontage of the lot; provided, however, the Zoning Administrator may authorize the width of a minimum required frontage landscape strip to be varied so long as the total area of the frontage landscape strip equals or exceeds the total area that would otherwise be required for the frontage landscape strip. In no event shall a required frontage landscape strip be reduced to less than 3 feet under the provisions of this paragraph.

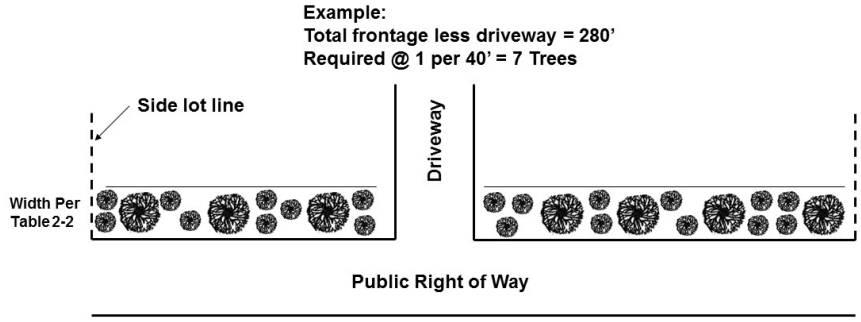


Modification of Frontage Landscape Strip Width

3. **Natural vegetation in lieu of frontage landscape strip.** The Zoning Administrator may authorize the retention of existing natural vegetation in lieu of a required frontage landscape strip, if retaining existing landscaping would provide an equivalent number of trees and shrubs as required by this section.

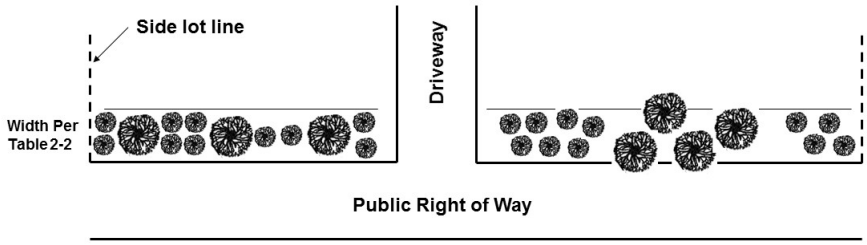
(b) **Trees.**

1. **Planting rate**. For any frontage landscape strip required by this UDC, trees shall be maintained or planted at the rate of at least one tree for every 40 feet of length of street frontage, or portion thereof (excluding driveways), for each 10 feet of required landscape strip width.



Rate of Tree Planting In Frontage Landscape Strip

2. **Spacing and arrangement**. Trees may be spaced in a uniform manner or they may be clustered for a more natural or decorative arrangement.



Uniform Spacing (Left) vs Grouping (Right)

3. **Species**. Such trees may be hardwoods or softwoods, but must be of a type that is suitable to local growing conditions.

4. **Minimum size.** At the time of planting, trees within required front landscape strips shall have a minimum caliper of at least 2 inches.

(c) **Shrubs.**

1. **Rate.** Shrubs shall be installed within any required frontage landscape strip at the rate of at least 10 shrubs for every 40 feet of length of street frontage, or portion thereof (excluding driveways), for each 10 feet of required landscape strip width.

2. **Minimum size.** Shrubs installed within any required frontage landscape strip must be at least 18 inches in height at the time of planting and must be capable of reaching a height of at least 2 feet at maturity.

(d) **Authorized accessory uses within front landscape strips.** The following uses are authorized within frontage landscape strips:

1. **Driveways and sidewalks.** Driveways and sidewalks may be located within a required frontage landscape strip to the extent needed to cross the landscape strip.

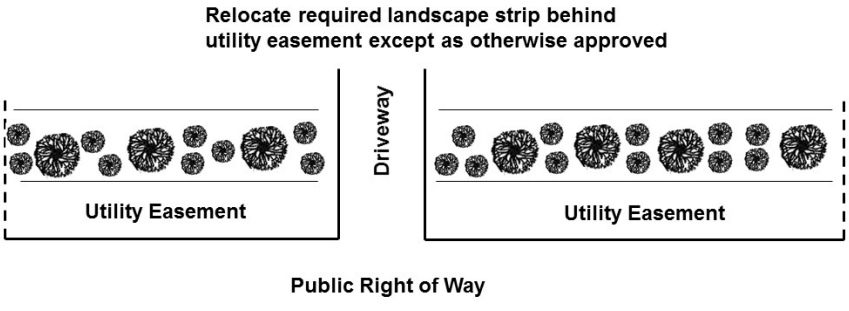
2. **Walls.** Retaining walls, and walls or fences authorized by the Zoning Administrator for screening or aesthetic effect, may be located in a required frontage landscape strip.

3. **Signage.** If permitted by this UDC, a ground sign may be located within a required frontage landscape strip.

4. **Utilities.** Underground utilities may cross a required frontage landscape strip. Fire hydrants shall also be authorized to be located within a required frontage landscape strip.

5. **Stormwater.** Detention ponds shall not be authorized within required frontage landscape strips. However, a land development project that incorporates low impact development principles consistent with the Georgia Stormwater Management Manual (e.g., vegetative swale) may be authorized by the Zoning Administrator to be located within required frontage landscape strip. Stormwater Best Management Practices (BMPs) may be applied or incorporated within front landscaping strips, and a front landscaping strip may if appropriate be accepted as a BMP.

(e) **Relationship to utility easements.** Where a development site has an existing or proposed utility easement abutting and running parallel or approximately parallel to the right of way in the same location as a minimum required frontage landscape strip, the landscape strip shall be relocated interior to the utility easement that abuts and parallels or approximately parallels the right of way; provided, however, the Zoning Administrator may authorize part of the minimum frontage landscape strip be located within the utility easement only if the utility easement owner authorizes the planting of trees and shrubs within the utility easement.



Relationship of Frontage Landscape Strip To Utility Easement

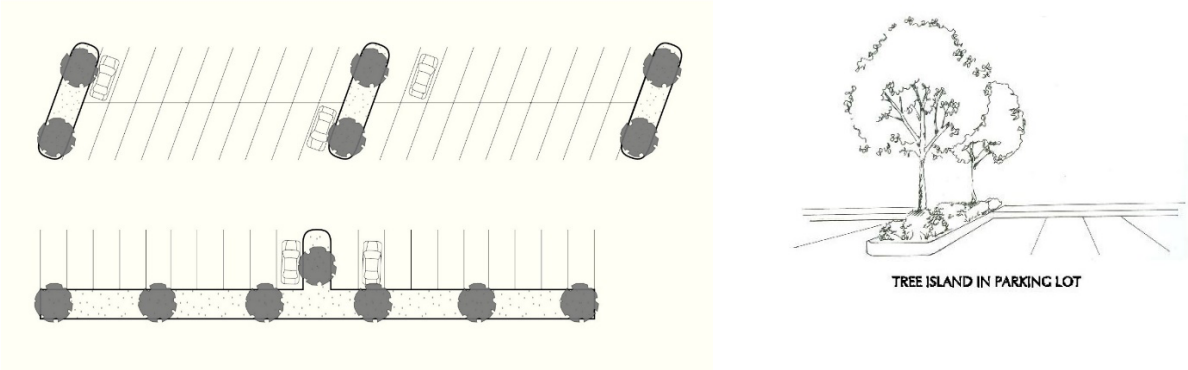
Sec. 9-304. Side lot line landscape strips.

Landscape strips alongside lot lines are not required except when screening of a parking lot is required, in which case a side landscape strip along the parking lot shall be provided.

Sec. 9-305. Parking lot landscaping.

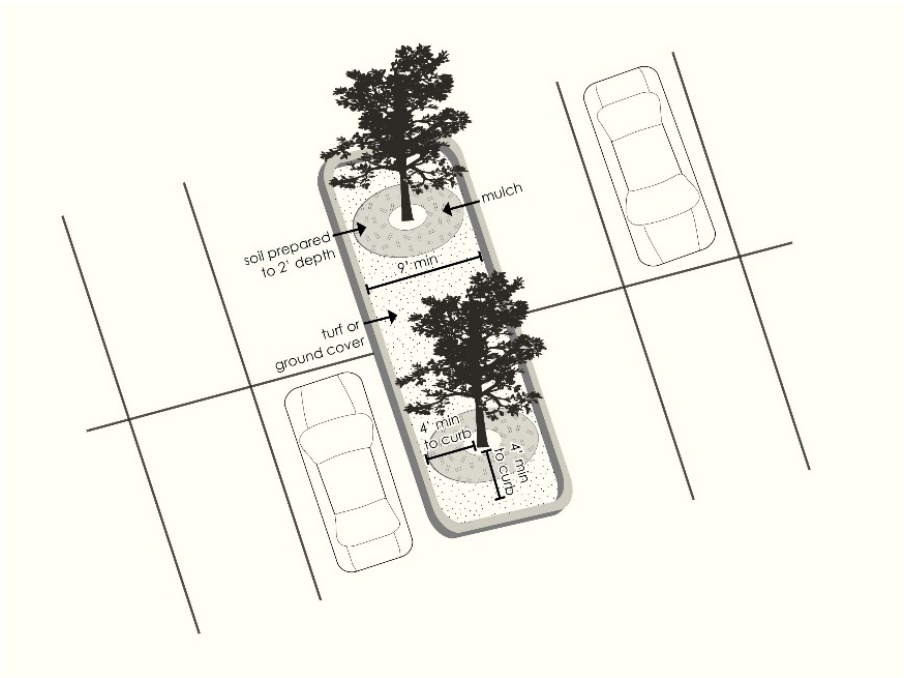
(a) **Applicability.** This section shall apply to parking lots with 10 or more car parking spaces.

(b) **Planting island.** One parking lot tree for each 10 car parking spaces is required and shall be installed. No more than 10 contiguous car parking spaces shall be allowed without a minimum of one landscape island or peninsula containing one or more trees.



Illustrative Parking Lot Landscaping

(c) **Minimum dimensions of islands.** A landscape island within a parking lot shall have a minimum width of 9 feet and minimum depth of 16 feet measured from interior face of curb to interior face of curb; however, wider (12 or more feet) landscaping islands are strongly encouraged and may be required to provide sufficient growing area for certain canopy tree species selected.



Parking Lot Landscaping Island Detail

Sec. 9-306. Approval of plant materials.

The Zoning Administrator is authorized to promulgate and publish and amend from time to time a list of approved plant species. Specific landscaping, trees, and buffer material are subject to the approval of the Zoning Administrator. For properties within the Highway Corridor Overlay District, see Sec. 4-217 of this UDC for planting list.

Sec. 9-307. General landscaping requirements.

(a) **Native plants.** The use of native plants is encouraged.

(b) **Invasive and exotic species.** Invasive or potentially invasive plants and exotic plants are prohibited.

(c) **Xeriscaping and water conservation.** Xeriscaping is encouraged. Ground covers should be used to supplement landscaping in appropriate areas to reduce extensive grass lawns that require regular watering in drought conditions.

(d) **Trees.** Trees selected for planting 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.

(e) **Diversity.** No more than 25% of trees or shrubs planted on any given site shall consist of any one species.

(f) **Grass.** Grass lawn areas should be sodded. However, if grass seed must be used, it shall be a variety suitable to the area that produces complete coverage as approved by the Zoning Administrator.

(g) **Artificial landscaping.** No artificial plants, trees, turf, or other vegetation shall be installed.

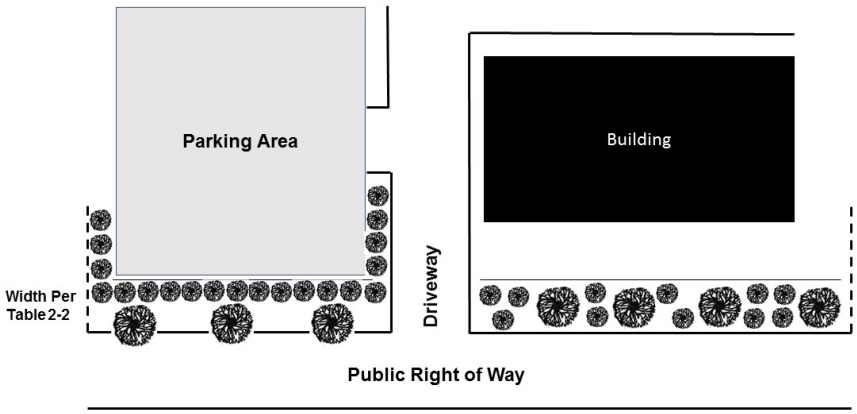
(h) **ANSI 300 standards.** Landscaping shall meet the requirements of ANSI 300 unless otherwise approved by the Zoning Administrator.

(i) **Curb Stops.** A curb or wheel stop shall be provided along interior parking lot landscape islands, perimeter landscape strips, and landscapes adjacent to street rights-of-ways, to prevent cars from encroaching on trees, shrubs, and landscapes, as approved by the Zoning Administrator.

(d) **Minimum planting.** Each landscape island shall contain a minimum of one tree having a minimum caliper of two inches at the time of planting.

Sec. 9-308. Parking lot screening.

(a) **General.** If the land development includes 10 or more parking spaces within a front yard, the shrubs must be arranged to provide a continuous visual screen to a height of three feet above grade between the front right of way and the parking lot. If the land development includes 10 or more parking spaces within a side yard, the shrubs must be arranged to provide a visual screen along the front right of way and that portion of the side yard parking lot. Where parking spaces within a front yard are visible from the front public right of way even with the frontage landscape strip, the continuous visual screen required by this subsection shall be extended along the side lot line for the length of the parking area that is visible from front public right of way. Parking lot screening may require the planting of shrubs at a higher rate than is otherwise be required by this Article.



Screening of Parking

(b) **Perimeter parking lot landscaping:** The parking lot perimeter landscaping requirements apply to all off-street parking lots that are not otherwise fully screened from view of adjacent public right-of-way. When a lot is located adjacent to a public right-of-way, alternatives should be considered to reduce the visual impact of the parking lot.

1. Use of landscape perimeter borders: Required landscape borders shall be dedicated solely for open space and landscaping. No structures of paving shall be located within the border area, with the exception of walls, walkways or other features incorporated into the landscaping.
2. Perimeter landscape border options*:* Any of the following types of perimeter landscape border detailed in the below chart, may be used to satisfy parking lot border landscaping requirements of this section.

Parking Lot Landscaping Screening Requirements				
Type (See Fig. 4.2 to Determine Type)	Maximum Distance from Any Property Line Across Paved Parking Area	Minimum Border Width	Minimum Plant Units per 27 Feet of Perimeter Parking Area	Minimum Required Site Features
A	applies to any parking[2]	25	10	—
B	150[1]	10	20	—
C	100[1]	8	15	24;inch;— 30;inch; berm[3]
D	100[1]	5	10	3 ft. wall[4]
E	Type E Border provides an Alternative Plan option to provide flexibility and the opportunity for creativity. The Alternative Plan shall accomplish the purpose of this border Section and meet or exceed the requirements in this section to the satisfaction of the Zoning Administrator.			

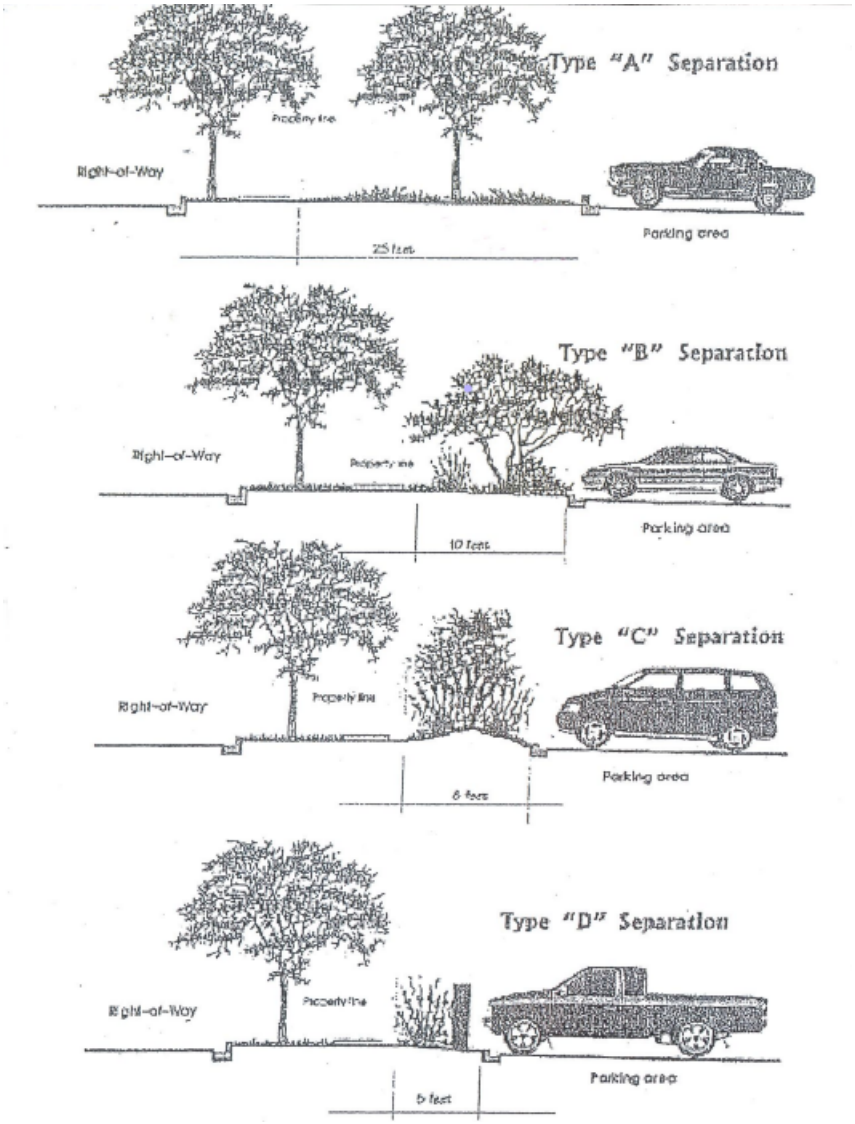
[1] *Minimum number of plant units:* The minimum number of plant units to be located within the parking perimeter border shall be in addition to the requirements for the square footage of the lot. The number of units shall be calculated based upon the perimeter of the parking area.

[2] Type A parking borders may be used on any parking lot. If the depth of the parking lot measured from the property line is more than 150 feet. Type A parking border shall be required. If the depth is from 100 to 150 feet, a Type A or Type B border is required. If the depth is less than 100 feet, Type A, B, C, or D border shall be required. The applicant may select the optional border. Depending on site design, a single site may have more than one landscape parking border type.

[3] Landscaping is required on the berm.

[4] On property line fronting a public or private road as required by the Zoning Administrator. Landscaping is required in between the wall and right-of-way.

3. Parking lot interior landscaping requirements. The parking lot interior landscaping requirements apply to the interior of all off-street parking lots that contain five or more parking spaces. Interior Planting Areas are required within all parking lots as specified in the subsection.



4. The size of planting areas used to satisfy parking lot interior landscaping requirements shall be sufficient to protect plant materials and ensure proper growth and maintenance.
5. Parking lot landscaping requirements when more than the maximum number of parking space is approved.
    a. All aisles shall have landscaped areas at each end of the aisle.
    b. Landscaped medians at least ten feet in width shall be required for aisles that align with street access.

Sec. 9-309. Plans.

(a) For any land disturbance, land development, or building subject to the requirements of this Article, buffer, tree protection and landscaping plans are required to be submitted with any application for a land disturbance permit, development permit, tertiary land disturbance permit, or for a building permit for new construction of buildings.

(b) Landscaping plans shall be of adequate size and detail so that the Zoning Administrator can see the land area to be planted and the appearance of plantings at the time of installation, at five years healthy growth, and at ten years healthy growth.

(c) Landscaping site plans and elevations shall be drawn in a professional manner with credible representations of drip lines, plant growth diameters, and plant sizes. The Zoning Administrator shall not require that plans and elevations be prepared by a licensed professional, but the Planning Commission may reject plans which do not accurately depict the site landscaping proposal in suitable detail for it to make a decision.

(d) Landscaping plans shall be accompanied by a planting schedule that identifies both the common and botanical name of each species. The schedule shall include the size at planting, the size a five years of growth, and ten years of growth if the proposed plants are different than the adopted plant schedule.

(e) Buffer, tree protection and landscaping plans shall be required for only that phase of development for which the land-disturbance permit, tertiary land-disturbance permit, development permit or building permit is being requested.

Sec. 9-310. Contents of tree protection and landscaping plans.

Tree protection and landscaping plans shall meet the following minimum requirements:

(a) A site plan with property boundaries, proposed buildings, parking areas, loading areas, required buffers, utility easements if any, and other pertinent information as may be required by the Zoning Administrator. The site plan shall show the location of all trees, shrubs, and landscaping.

(b) A planting schedule for all trees, shrubs, and ground covers proposed, with botanical name and common names of each species, the total number of each species planted, and total numbers of trees. Trees and shrubs shall be indicated on the plan using symbols and the symbols must appear in the planting schedule.

(c) Calculations demonstrating the plan meets the following, if applicable:

1. Minimum landscaped open space specified in Table 2-2A and Table 2-2B for the zoning district in which the property is located.

2. Required number of trees and shrubs within any required frontage landscape strip.

3. Parking lot landscaping requirements.

4. Zoning buffer and parking lot screening requirements.

(d) Standard details and notes with regard to planting instructions.

Sec. 9-311. Review of Landscape Plans

In reviewing proposed performance landscape plans, favorable consideration shall be given to exceptional landscape designs that preserve and incorporate existing vegetation and demonstrate innovative design and use of plant materials. Performance landscape plans may be approved upon a finding that the plan meets or exceeds the purposes and objective of this section thorough either:

(a) Natural land characteristics or existing vegetation on the proposed development site; or

(b) Innovative landscaping or architectural design.

Sec. 9-312. Maintenance of landscaping.

(a) Plants that are diseased, damaged beyond point of survival, or are dead shall be removed and replaced with a plant of the same species, variety or cultivator, as approved by the Zoning Administrator.

(b) All landscape materials shall be maintained and shall be kept clear of refuse and debris.

Sec. 9-313. Inspection.

An inspection shall be made by the Zoning Administrator of all landscape plantings to assure compliance with plan requirements prior to approval of a certificate of occupancy.

Sec. 9-314. Delayed installation and temporary occupancy requirements.

(a) Delayed installation. The Zoning Administrator may authorize the delay of planting in cases of drought or inappropriate season for planting, in which case the Zoning Administrator shall require a bond or other appropriate surety in an amount equal to the estimated costs of the landscaping deferred.

(b) Temporary occupancy requirements. A temporary certificate of occupancy may be issued prior to the installation of required landscaping upon execution of an agreement with the city and acceptance by the city of appropriate surety.

1. Land development that does not require or is normally utilized without obtaining a certificate of occupancy shall have landscaping installed per this section prior to the initiation of any use or any occupancy of the facility, structure, or grounds.

2. An agreement for temporary occupancy shall be used only under extenuating circumstances which prohibit the physical installation of landscaping at the time the certificate of occupancy is issued (drought, flooding, etc.). Financial or similar issues shall not constitute extenuating circumstances for the purposes of this section.

(c) Bond(s) required. Financial surety shall be equal to 110 percent of the estimated cost of the plant material, labor, and installation, and other materials.

1. The amount of the surety shall be calculated from a written cost estimate prepared by an appropriately licensed professional and provided to the Zoning Administrator by the developer. If the Zoning Administrator finds that the cost estimates are not generally within accepted standards for estimating the costs of landscaping installation, the mayor shall require that surety be based on accepted estimating practices.

2. Each estimate shall be guaranteed valid at the maturity of the surety instrument.

3. An irrevocable letter of credit, security bond, performance bond issued by a bonding company, or any combination thereof shall be acceptable forms of surety.

ARTICLE 10

STORMWATER MANAGEMENT

DIVISION I STORMWATER MANAGEMENT

Sec. 10-101. Findings.
Sec. 10-102. Definitions.
Sec. 10-103. Applicability.
Sec. 10-104. Exemptions.
Sec. 10-105. Approval of stormwater management plan.
Sec. 10-106. Installation of an adequate drainage system.
Sec. 10-107. Contents of stormwater management plan.
Sec. 10-108. System maintenance.
Sec. 10-109. Location of stormwater detention facilities.

DIVISION II DRAINAGE SPECIFICATIONS

Sec. 10-201. All drainage structures.
Sec. 10-202. Design for detention and retention ponds.
Sec. 10-203. Required pipe materials.
Sec. 10-204. Headwalls.
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DIVISION I

STORMWATER MANAGEMENT

Sec. 10-101. Findings.
Sec. 10-102. Definitions.
Sec. 10-103. Applicability.
Sec. 10-104. Exemptions.
Sec. 10-105. Approval of stormwater management plan.
Sec. 10-106. Installation of an adequate drainage system.
Sec. 10-107. Contents of stormwater management plan.
Sec. 10-108. System maintenance.
Sec. 10-109. Location of stormwater detention facilities.

Sec. 10-101. Findings.

(a) Land development projects and other land use conversions, and their associated changes to land cover, permanently alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, which in turn increase flooding, stream channel erosion, and sediment transport and deposition.

(b) Land development projects and other land use conversions also contribute to increased nonpoint source pollution and degradation of receiving waters.

(c) The impacts of post-development stormwater runoff quantity and quality can adversely affect public safety, public and private property, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters.

(d) These adverse impacts can be controlled and minimized through regulation of stormwater runoff quantity and quality from land development by the use of structural facilities as well as nonstructural measures, such as the conservation of greenspace.

Sec. 10-102. Definitions.

Bioretention: A practice to manage and treat stormwater runoff by using a conditioned planting soil bed and planting materials to filter runoff stored within a shallow depression. The method combines physical filtering and adsorption with biological processes.

Channel: A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Clean Water Act: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction activity: Activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES General Construction Permits. These include construction projects resulting in land

disturbance. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
Conveyance: An aboveground or underground natural or man-made drainage feature, that provides for the collection and movement of stormwater, and shall include but not be limited to concrete or metal pipes, ditches, depressions, swales, roads with drainage systems, highways, city or county streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, drainage channels, reservoirs, rights of way, storm drains, culverts, street gutters, oil/water separators, modular pavements and other similar drainage structures.

Detention: The temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling peak discharge.

Detention facility: A retention basin or structure designed for temporary storage of stormwater runoff and gradual release of stored water at controlled rates.

Drainage: A general term applied to the removal of surface or subsurface water from a given area either by gravity or by pumping; most commonly applied to surface water.

Drainage easement: An easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the terms of the drainage easement.

Drainage structure: A device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control or flood control purposes.

Drainage system: The surface and subsurface system for the removal of water from the land, including both the natural elements of streams, marshes, swales and ponds, whether of an intermittent or continuous nature, and the man-made element which includes culverts, ditches, channels, detention facilities and the storm sewer system.

Dry well: A small excavated pit backfilled with aggregate, usually pea gravel or stone. Dry wells function as infiltration systems used to control runoff from building rooftops. Another special application of dry wells is modified catch basins, where inflow is a form of direct surface runoff. Dry wells provide the majority of treatment by processes related to soil infiltration, including absorption, trapping, filtering, and bacterial degradation.

Erosion and sedimentation control plan: A plan designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.

Extended detention: The detention of stormwater runoff for an extended period, typically 24 hours or greater.

Filter strip: Typically, a band of close-growing vegetation, usually grass, planted between pollutant source areas and a downstream receiving waterbody. Vegetation can filter sediment from runoff. Thus, grass strips can be used to remove sediment from surface runoff. Vegetation also slows the velocity of runoff and helps maintain the infiltration capacity of a soil.

Georgia Stormwater Management Manual: A three-volume set which provides policy and technical details to implement this Article. The manual may be revised from time to time but at the time this Article is adopted includes: Volume 1: Local Government Guide (Latest Edition); Volume 2: Technical Handbook (Laterst Edition); Georgia EPD placed the Manual in the Georgia State Highway Phase II stormwater permit that was released in 2016. The final GSMM is available at http://atlantaregional.com/environment/georgia-stormwater-manual.

Infiltration: The process by which stormwater runoff percolates into the subsoil.

Infiltration trench: An excavated trench that has been back-filled with stone to form a subsurface basin. Stormwater runoff is diverted into the trench and is stored until it can be infiltrated into the soil, usually over a period of several days. An infiltration trench may include pretreatment such as vegetated filter strips or grassed swales.

Level spreader: Typically, an outlet designed to convert concentrated runoff to sheet flow and disperse it uniformly across a slope to prevent erosion. Level spreaders can be used to convey sheet flow runoff from lawn areas within graded areas to bioretention facilities and transition areas.

Low-impact development: The integration of site ecological and environmental goals and requirements into all phases of urban planning and design from the individual lot level to the entire watershed. In the context of this Article, low-impact development is a set of stormwater design practices that are non-structural stormwater controls, specifically stormwater better site design practices.

National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit: A permit issued by the Georgia EPD under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Natural, undisturbed conditions: For redevelopment projects or where there are no flooding concerns, this term shall mean the condition of the site immediately prior to the implementation of the proposed project.

New development: A land development activity on a previously undisturbed site that has been maintained in a natural state.

Nonpoint source pollution: A form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial plant discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials, and other contaminants from land to surface water and groundwater via mechanisms

such as precipitation, stormwater runoff and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction and subsurface disposal as well as from urban runoff sources.

Nonstructural stormwater management practice or nonstructural practice: Any natural or planted vegetation or other nonstructural component of the stormwater management plan that enhances stormwater quantity and/or quality control or other stormwater management benefits and includes, but is not limited to, riparian buffers, greenspace areas, overland flow filtration areas, natural basins and vegetated channels.

Off-site facility: A stormwater management facility located outside the boundaries of a development site.

On-site facility. A stormwater management facility located within the boundaries of a development site.

Permeable: Soil or other material that allows the infiltration or passage of water or other liquids.

Pollutant: Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; process waste water and wash water; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

Pollution: The man-made or man-induced alteration of the chemical, physical, biological, thermal and radiological integrity of water.

Regional stormwater management facility or regional facility: Stormwater management facilities designed to control stormwater runoff from multiple properties where the owners or developers of the individual properties may assist in financing the facility and the requirement for on-site stormwater management facilities is either eliminated or reduced.

Stormwater better site design: Nonstructural site design approaches and techniques that can reduce the impact of a site on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.

Stormwater credits for better site design: A set of stormwater “credits” can be used to provide developers and site designers an incentive to implement better site design practices that can reduce the volume of stormwater runoff and minimize the pollutant loads from a site. The credit system directly translates into cost savings to the developer by reducing the size of structural stormwater control and conveyance facilities.

Stormwater management: The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, stream bank channel erosion and habitat and water quality degradation, and to enhance and promote public health, safety and general welfare.

Stormwater management facility: Any infrastructure that controls or conveys stormwater runoff.

Stormwater management measure: Any stormwater management facility or nonstructural stormwater practice.

Stormwater management plan: A document describing the manner in which existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this Article.

*Stormwater management system***:** The full array of structural and nonstructural stormwater management facilities and practices used to capture, convey and control the quantity and quality of the stormwater runoff from a site.

Stormwater retrofit: A stormwater management practice designed for a developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

Stormwater runoff: The flow of surface water resulting from precipitation.

Structural stormwater control: A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff.

Swale: An open drainage channel designed to detain or infiltrate stormwater runoff. Grassed swales consist of two types: the dry swale, which provides both quantity (volume) and quality control by facilitating stormwater infiltration; and the wet swale, which uses residence time and natural growth to reduce peak discharge and provide water quality treatment before discharge to a downstream location.

Sec. 10-103. Applicability.

(a) No person, owner or developer shall perform any land development activities without first meeting the applicable requirements of this Article prior to commencing the proposed activity.

(b) Unless specifically exempted by this Article, all persons proposing development or construction shall prepare and submit a stormwater management plan for approval by the Zoning Administrator as a part of the development and/or land-disturbing permitting processes required by Articles 7 and 8, respectively, of this UDC.

Sec. 10-104. Exemptions.

The following activities are exempt from this Article:

(a) Individual single-family or duplex residential lots that are not part of a subdivision or phased development project with less than 1.0 acres of disturbed area;

(b) Additions or modifications to existing single-family or duplex residential structures;

(c) Agricultural or silvicultural land management activities within areas lawfully used or zoned for these activities; and,

(d) Repairs to any stormwater management facility or practice deemed necessary by the Public Works Director or their designee.

(e) Land disturbing activity conducted by local, state, authority, or federal agencies, solely to respond to an emergency need to protect life, limb, or property or conduct emergency repairs or are under 1.0 acres.

Sec. 10-105. Approval of stormwater management plan.

No final plat for a major subdivision, no land-disturbance or development permit, and no building permit shall be approved or issued until and unless the stormwater management plan, if required by this Article, has been reviewed and approved by the Public Works Director or designee.

Sec. 10-106. Installation of an adequate drainage system.

(a) An adequate drainage system, including necessary ditches, pipes, culverts, drains, inlets, or other stormwater management features which may include better design practices, shall be provided for the proper drainage or infiltration of all surface water on all development and construction sites unless specifically exempted by this Article.

(b) The location and size of all proposed drainage improvements shall be designed in accordance with and meet all standards relating to stormwater drainage under this Article and technical standards of this UDC as applicable.

(c) Stormwater drainage facilities shall be installed in accordance with the approved stormwater management plan. Construction of the stormwater system shall be initiated as part of the grading of the site. Stormwater Management facilities shall be constructed prior to the installation of any other site improvements and may be utilized under proper design as sedimentation basins during development. Installation of all other storm drainage pipes, culverts, headwalls, and ditches shall be coordinated with the construction of streets and other site improvements, as appropriate.

Sec. 10-107. Contents of stormwater management plan.

A stormwater management plan, when required, shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing stormwater runoff. Information included shall meet the requirements of the Georgia Stormwater Management Manual, Latest Edition. Additionally, the following information shall be provided:

(a) Size and location of existing storm sewers, drains, culverts, or other underground facilities within the tract or within the right-of-way of streets or roads adjoining the tract. Grades and invert elevations of storm sewers shall be shown.

(b) Location and profiles of all storm drainage pipes and slopes of receiving channels.

(c) 25-year design storm hydraulic grade lines shall be shown on all pipes that cross streets and 100-year on stormwater management system outfalls. Hydraulic grade lines shall fall below the crown of the proposed pipe.

(d) Stormwater management system location, design and construction details, including a soils map and investigation for all sites proposed as ponds or impoundments or for stormwater detention. Construction details shall include appropriate access (minimum 20-foot-wide access easement), a gravel access drive, fencing with locked gate, and landscaping to screen the installation.

(e) Location and typical construction details of all inlets and catch basins, headwalls, and other drainage structures.

(f) Gutter spread calculations showing no more than 6’ lane encroachment for the 25-year Design Storm for each proposed catch basin and the 100-year ponding limits above each inlet headwall.

(g) Hydrologic and hydrologic analysis for the storm drainage system design.

(h) Pre-development and Post-development drainage area maps are required. No increase in peak runoff shall be allowed. For the Pre and Post conditions time of concentration (Tc) calculations must be provided along with all soil runoff coefficients.

Sec. 10-108. System maintenance.

(a) It shall be the responsibility of the developer to maintain all facilities required by the stormwater management plan during construction and for a two–year maintenance period following approval of a final subdivision plat or issuance of a certificate of occupancy, as applicable. The developer shall be responsible for removing temporary structures or facilities at the completion of the construction.

(b) The owner of the property shall be responsible for maintaining the permanent stormwater management facilities identified by the stormwater management plan to remain after construction is complete, following the two-year maintenance period.

(c) Should an owner or developer, whichever is the responsible party, fail to maintain the stormwater management facilities in a state of service intended by the stormwater management plan, then the Zoning Administrator shall notify the responsible party in writing of the deficiencies and specific minimum maintenance requirements to remedy such deficiencies.

(d) If the responsible party fails to perform the required maintenance work within a reasonable period of time (30 days maximum), then the owner shall be in violation of this UDC.

Sec. 10-109. Location of stormwater detention facilities.

(a) In residential subdivisions, any detention facility must be located on a separate lot and owned by a homeowners' association, which shall be responsible for its maintenance and continuing operation. The lot need not meet minimum lot size, minimum lot width, and minimum frontage requirements for the subdivision or the zoning district in which it is located.

(b) In nonresidential subdivisions, any detention facility may be located on a separate lot and owned by a property owners' association, which shall be responsible for its maintenance and continuing operation; or located on each lot within the subdivision and constructed when the lot is developed.

(c) In multi-family residential and nonresidential development projects, detention facilities shall be provided for each development. The owner of the property shall be responsible for maintenance and continuing operation of the facilities.

(d) Stormwater detention facilities serving two or more developments may be approved by the zoning administrator, provided that private ownership of the facilities and provisions for their perpetual maintenance and continuing operation are clearly established in a manner acceptable to the zoning administrator. The City has the right, but not the obligation, to perform necessary maintenance and will bill the responsible party.

DIVISION II

DRAINAGE SPECIFICATIONS

Sec. 10-201. All drainage structures.
Sec. 10-202. Design for detention and retention ponds.
Sec. 10-203. Required pipe materials.
Sec. 10-204. Headwalls.
Sec. 10-205. Pipe sizes.
Sec. 10-206. Drainage ditches.

Sec. 10-201. All drainage structures.

(a) All storm water drainage structures shall be designed to safely accommodate the 25-year, twenty-four-hour event.

(b) The drainage formula used in design of all drainage structures shall be determined by the developer's state-approved professional engineer and based on sound engineering practice.

(c) Methodology used for the design of detention facilities shall be the Soil Conservation Service method using a Type II rainfall distribution.

Sec. 10-202. Design for detention and retention ponds.

Storm water management structures (i.e. detention and retention) shall be designed based upon the 2, 5, 10, 25, 50 and 100-year, twenty-four hour events.

Sec. 10-203. Required pipe materials.

(a) All cross-drain pipes under streets carrying live streams and all bridges shall be designed for a 100-year storm event and shall be constructed of reinforced concrete pipe (RCP) from headwall to headwall or double walled High-Density Polyethylene (HDPE).

(b) All piping within the right-of-way shall be RCP or double walled HDPE.

(c) Piping outside of the right-of-way may be reinforced concrete pipe (RCP) or double-walled HDPE.

Sec. 10-204. Headwalls.

(a) The inlet and outlet end of all storm drain pipes for streets shall have concrete headwalls or a metal flared-end section with safety grates, city-approved grate and frame, or raised pedestal drop inlets meeting the standards of the Georgia DOT.

(b) Reinforced concrete headwalls are required for all pipes on live streams.

(c) All cross drainpipes that carry water from one side of the roadway to the other that are 30 inches in diameter or larger shall have cast in place headwalls on both the inlet and outlet ends per GDOT Standard 1125.

Sec. 10-205. Pipe sizes.

All drainage pipes in a city right-of-way shall be a minimum of 18 inches in diameter.

Sec. 10-206. Drainage ditches.

All man-made storm water drainage ditches shall be designed by a state-approved professional engineer. The ditch profile and typical cross sections, including the velocity of flow, drainage area, and normal depth shall be shown on plans. All ditches shall be checked for shear stress and appropriate liners, grassing or rip-rap shall be specified. Under no condition will an unlined ditch be approved for velocities in excess of five FPS.

ARTICLE 11

FLOOD DAMAGE PREVENTION

DIVISION I GENERAL PROVISIONS

Sec. 11-101. Authority.
Sec. 11-102. Findings.
Sec. 11-103. Purposes.
Sec. 11-104. Objectives.
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Sec. 11-308. Building standards for streams without established base flood elevations and/or floodway (A-zones).
Sec. 11-309. Standards for areas of special flood hazard (Zones AE) with established base flood elevations without designated floodways.
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DIVISION IV VARIANCES AND APPEALS

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DIVISION I

GENERAL PROVISIONS

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Sec. 11-101. Authority.

Article IX, Section II of the Constitution of the State of Georgia and Section 36-1-20(a) of the Official Code of Georgia Annotated have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

Sec. 11-102. Findings.

(a) The flood hazard areas of Commerce, 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.

(b) 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.

(c) The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the City of Commerce, or by any officer or employee thereof for any flood damage that results from reliance on this Article, or any administrative decision lawfully made hereunder.

Sec. 11-103. Purposes.

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

(a) Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;

(b) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;

(c) Control filling, grading, dredging and other development which may increase flood damage or erosion;

(d) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and

(e) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

Sec. 11-104. Objectives.

The objectives of this Article are to:

(a) Protect human life and health;

(b) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains

(c) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas,

(d) Minimize expenditure of public money for costly flood control projects;

(e) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(f) Minimize prolonged business interruptions, and;

(g) Ensure that potential homebuyers are notified that property is in a flood area.

Sec. 11-105. Applicability.

This ordinance shall apply to all areas of special flood hazard within the city limits of Commerce, Georgia.

Sec. 11-106. Definitions.

Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application.

Accessory structure: A structure having minimal value and used for parking, storage and other non-habitable uses, such as garages, carports, storage sheds, pole barns, hay sheds and the like.

Addition (to an existing building): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered “new construction.”

Administrator: The Zoning Administrator of the City of Commerce, Georgia.

Appeal: A request for a review of the zoning administrator’s interpretation of any provision of this Article.

Area of shallow flooding: A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be those designated by the local community and referenced in this Article.

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): The elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement: That portion of a building having its floor sub grade (below ground level) on all sides.

Building: Any structure built for support, shelter, or enclosure for any occupancy or storage.

Critical facility: Any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include: structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials; hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events; emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and generating plants, and other principal points of utility lines.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, and storage of materials or equipment.

Elevated building: A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Existing construction: For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the initial Flood Insurance Rate Maps for that community.

Existing manufactured home park or subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the City of Commerce.

Expansion to an existing manufactured home park or subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

Flood or *flooding:* A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM): An official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

Flood Insurance Rate Map (FIRM): An official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood Insurance Study: The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

Floodplain: Any land area susceptible to flooding.

Flood proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Freeboard: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Highest adjacent grade: The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

Historic structure: Any structure that is: listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior, or (2) directly by the Secretary of the Interior in states without approved programs.

Lowest floor: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this section.

Manufactured home: A building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

National Geodetic Vertical Datum (NGVD): As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction: For the purposes of determining insurance rates, structures for which the "start of construction" commenced after the effective date of the initial Flood Insurance Rate Map and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced after the effective date of the first floodplain management ordinance adopted by the City of Commerce and includes any subsequent improvements to such structures.

New manufactured home park or subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after the effective date of the first floodplain management ordinance adopted by the City of Commerce.

North American Vertical Datum (NAVD): Has replaced the National Geodetic Vertical Datum of 1929 in existing and future FEMA Flood Modernization Maps.

Recreational vehicle: A vehicle, which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of construction: The date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are NOT exempt from any ordinance requirements). For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

Subdivision: The division of a single lot into two or more lots for the purpose of sale or development.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure prior to the "start of construction" of the improvement. Note: The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures, which have incurred "substantial damage," regardless of the actual amount of repair work performed.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include (1) those improvements of a structure required to comply with existing violations of state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions and which have been identified by the Administrator or his or her designee, and not solely triggered by an improvement or repair project, or (2) any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Substantially improved existing manufactured home parks or subdivisions: Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance: A grant of relief from the requirements of this Article, which permits construction in a manner otherwise prohibited by this Article.

Violation: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

Sec. 11-107. Basis for area of special flood hazard.

(a) **Flood insurance study.** The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS), for Jackson County, Georgia and incorporated areas effective December 17, 2010, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this Article.

(b) **Flood insurance rate maps.** The flood insurance rate maps for Jackson County, Georgia and incorporated areas effective December 17, 2010, are adopted as if fully contained within this Article and shall be the basis for determining areas of special flood hazard.

(c) **Additional areas of special flood hazard.** Areas of special flood hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a Flood Insurance Study.

(d) **Repository.** The repository for public inspection of the Flood Insurance Study (FIS), accompanying maps and other supporting data and the Flood Insurance Rate Maps is the Department of Community Development, City of Commerce.

DIVISION II

PERMITTING REQUIREMENTS

Sec. 11-201. Permit required.
Sec. 11-202. Permit procedures.
Sec. 11-203. Specific information required – application stage.
Sec. 11-204. Specific information required – construction stage.

Sec. 11-201. Permit required.

No development activity shall commence within an area regulated by this Article until and unless a flood area permit shall have been approved by the zoning administrator. No development activity shall be approved unless it conforms with the provisions of this Article prior to the commencement of any development activities. No building or structure shall be constructed within an area regulated by this Article until and unless a flood area permit or building permit, or both if required shall have been approved by the zoning administrator. No building or structure shall be approved unless it conforms with the provisions of this Article prior to the construction of said building or structure.

Sec. 11-202. Permit procedures.

Application for a flood area permit shall be made to the Zoning Administrator on forms furnished by the department prior to any development activities, and may include, but not be limited to the following: plans in sufficient number as specified by the department, 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.

Sec. 11-203. Specific information required – application stage.

The following information is required at the application stage:

(a) Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;

(b) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;

(c) Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of this Article; and

(d) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development.

Sec. 11-204. Specific information required – construction stage.

The following information is required at the construction stage:

(a) For all new construction and substantial improvements, the permit holder shall provide to the Zoning Administrator an as-built certification of the regulatory floor elevation or flood-proofing level immediately after the lowest floor or flood proofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

(b) Any work undertaken prior to submission of these certifications shall be at the permit holder's risk. The Zoning Administrator shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project

DIVISION III

PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 11-301. General standards.
Sec. 11-302. Elevated buildings.
Sec. 11-303. New construction and/or substantial improvements.
Sec. 11-304. Non-residential construction.
Sec. 11-305. Manufactured homes.
Sec. 11-306. Recreational vehicles.
Sec. 11-307. Floodway.
Sec. 11-308. Building standards for streams without established base flood elevations and/or floodway (A-zones).
Sec. 11-309. Standards for areas of special flood hazard (Zones AE) with established base flood elevations without designated floodways.
Sec. 11-310. Standards for areas of shallow flooding (AO Zones).
Sec. 11-311. Subdivisions.
Sec. 11-312. Critical facilities.

Sec. 11-301. General standards.

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

(a) **Anchoring.** New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(b) **Flood-resistant materials.** New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage.

(c) **Construction methods and practices.** New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage.

(d) **Heating and air conditioning.** All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(e) **Manufactured homes.** Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.

(f) **Water supply.** New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(g) **Sewage systems.** New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(h) **On-site sewage disposal systems**. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(i) **Nonconformities.** Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this Article, shall be undertaken only if the non- conformity is not furthered, extended or replaced.

Sec. 11-302. Elevated buildings.

(a) In all areas of special flood hazard, all new construction or substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.

(b) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

1. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all openings shall be no higher than one foot above grade; and,

3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both direction.

(c) So as not to violate the “lowest floor” criteria of this Article, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area, and

(d) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

Sec. 11-303. New construction and/or substantial improvements.

In all areas of special flood hazard the following provisions are required for new construction and/or substantial improvements:

(a) Where base flood elevation data are available, new construction and/or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation.

Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with standards of this Article for "elevated buildings."

(b) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above three feet above the base flood elevation.

Sec. 11-304. Non-residential construction.

(a) 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 three (3) feet above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

(b) A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Zoning Administrator as set forth in this Article.

Sec. 11-305. Manufactured homes.

Where base flood elevation data are available:

(a) All manufactured homes placed and/or substantially improved on: (1) individual lots or parcels, (2) in new and/or substantially improved manufactured home parks or subdivisions, (3) in expansions to existing manufactured home parks or subdivisions, or (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than three feet above the base flood elevation.

(b) Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision may be elevated so that either: the lowest floor of the manufactured home is elevated no lower than three feet above the level of the base flood elevation; or the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.

(c) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

Sec. 11-306. Recreational vehicles.

All recreational vehicles placed on sites must either:

(a) Be on the site for fewer than 180 consecutive days;

(b) Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

(c) The recreational vehicle must meet all the requirements for "new construction," including the anchoring and elevation requirements of this Article.

Sec. 11-307. Floodway.

Located within areas of special flood hazard established in this Article are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

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.

Sec. 11-308. Building standards for streams without established base flood elevations and/or floodway (A-zones).

Located within the areas of special flood hazard established in this Article, are streams for which no base flood data have been provided (A-Zones), or where base flood data have been provided but a floodway has not been delineated. When base flood elevation data or floodway data have not been provided in accordance with this Article, then the administrator shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of this Article. Only if data are not available from these sources, then the following provisions apply:

(a) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in more than a one foot increase in flood levels during the occurrence of the base flood discharge.

(b) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet above the highest adjacent grade at the building site. (NOTE: Require the lowest floor to be elevated one foot above the estimated base flood elevation in A-Zone areas where a limited detail study has been completed). Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of this Article for "elevated buildings."

(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 feet above the highest adjacent grade at the building site.

(d) The administrator shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

Sec. 11-309. Standards for areas of special flood hazard (Zones AE) with established base flood elevations without designated floodways.

Located within the areas of special flood hazard established in this Article, where streams with base flood elevations are provided but no floodways have been designated (Zones AE), the following provisions apply:

(a) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(b) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with this Article.

Sec. 11-310. Standards for areas of shallow flooding (AO Zones).

Areas of special flood hazard established in this Article may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet above ground, with no clearly defined channel. The following provisions apply:

(a) All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with

standards of this Article for "elevated buildings." The administrator shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

(b) New construction or the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus two feet, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth in this paragraph and as required in this Article.

(c) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

Sec. 11-311. Subdivisions.

(a) All subdivision and/or development proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision and/or development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(c) All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(d) For subdivisions and/or developments greater than fifty lots or five acres, whichever is less, base flood elevation data shall be provided for subdivision and all other proposed development, including manufactured home parks and subdivisions. Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. Upon completion of the project, the developer is responsible for submitting the "as-built" data to FEMA in order to obtain the final LOMR.

Sec. 11-312. Critical facilities.

Critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain. All ingress and egress from any critical facility must be protected to the 500-year flood elevation.

DIVISION IV

VARIANCES AND APPEALS

Sec. 11-401. Variance procedures.
Sec. 11-402. Criteria and conditions for variances.
Sec. 11-403. Conditional approval permitted.
Sec. 11-404. Actions following variance approval.

Sec. 11-401. Variance procedures.

(a) The Commerce City Council shall hear and decide requests for appeals or variance from the requirements of this Article. Procedures for consideration of variances to the requirements of this Article shall be the same as provided in this UDC for variances generally.

(b) The Commerce City Council shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the zoning administrator, in the enforcement or administration of this Article. Procedures for consideration of appeals shall be the same as provided in this UDC for appeals of administrative decisions, generally.

(c) Any person aggrieved by the decision of the Commerce City Council may appeal such decision to the Superior Court of Jackson County, as provided by law.

Sec. 11-02. Criteria and conditions for variances.

The provisions of this Article are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. In reviewing requests for variances, the Commerce City Council shall consider all technical evaluations, relevant factors, and the following standards in addition to others in this Article. A variance shall be issued only when consistent with the following criteria and conditions:

(a) A finding of good and sufficient cause is made.

(b) A determination is made that failure to grant the variance would result in exceptional hardship.

(c) A determination is made that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(d) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(e) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(f) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure. In the instance of an historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

(g) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

Sec. 11-403. Conditional approval permitted.

Upon consideration of the factors listed above and the purposes of this ordinance, the Commerce City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Article.

Sec. 11-404. Actions following variance approval.

(a) 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.

(b) The Zoning Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

DIVISION V

ADMINISTRATION AND LEGAL STATUS PROVISIONS

Sec. 11-501. Administration.
Sec. 11-502. Abrogation and greater restrictions.
Sec. 11-503. Warning and disclaimer of liability.
Sec. 11-504. Penalties for violation.

Sec. 11-501. Administration.

The Zoning Administrator is hereby appointed to administer and implement the provisions of this Article. Duties of the Zoning Administrator shall include, but shall not be limited to the following:

(a) Review proposed development to assure that the permit requirements of this Article have been satisfied.

(b) Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.

(c) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

(d) When base flood elevation data or floodway data have not been provided in accordance with this Article, then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other sources in order to administer the provisions of this Article.

(e) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with this section.

(f) Review and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with this Article.

(g) When flood-proofing is utilized for a structure, the administrator shall obtain certification of design criteria from a registered professional engineer or architect in accordance with this Article.

(h) Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.

(i) Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

(j) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FEMA to ensure accuracy of community flood maps through the letter of map revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.

(k) Make interpretations of this Article. In the interpretation and application of this Article all provisions shall be: considered as minimum requirements; liberally construed in favor of the city, and; deemed neither to limit nor repeal any other powers granted under state statutes. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article. In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the city, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

(l) All records pertaining to the provisions of this Article shall be maintained in the office of the City Clerk and shall be open for public inspection.

Sec. 11-502. Abrogation and greater restrictions.

This Article is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this Article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 11-503. Warning and disclaimer of liability.

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the City of Commerce, or by any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made hereunder.

Sec. 11-504. Penalties for violation.

Failure to comply with the provisions of this Article or with any of its requirements, including conditions and safeguards established in connection with grants of variance shall constitute a violation. Any person who violates this Article or fails to comply with any of its requirements shall be subject to the provisions of the Code of the City of Commerce and this UDC relative to violations. Nothing herein contained shall prevent the City of Commerce from taking such other lawful actions as is necessary to prevent or remedy any violation.

ARTICLE 12

LAND DEVELOPMENT INVOLVING CEMETERIES AND BURIAL GROUNDS

(Adopted 01/16/2023)

DIVISION I LAND DEVELOPMENT INVOLVING CEMETERIES AND BURIAL GROUNDS

Sec. 12-101. Authority.
Sec. 12-102. Definitions.
Sec. 12-103. Permit Required.
Sec. 12-104. Permit application requirements.
Sec. 12-105. Review for completeness.
Sec. 12-106. Identification and notification of descendants of person in cemetery sought to be developed.
Sec. 12-107. Investigations and recommendation.
Sec. 12-108. Published notice of public hearings.
Sec. 12-109. Public hearing notices – sign on property.
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Sec. 12-111. Issues considered in decision on application for permit.
Sec. 12-112. Commerce City Council decision.
Sec. 12-113. Withdrawal of application.
Sec. 12-114. Appeals.
Sec. 12-115. Development activities pending appeal.
Sec. 12-116. Inspection to ensure applicant compliance.
Sec. 12-117. Disinterment and disposition of human remains or burial objects.
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DIVISION I

LAND DEVELOPMENT INVOLVING CEMETERIES AND BURIAL GROUNDS

Sec. 12-101. Authority.
Sec. 12-102. Definitions.
Sec. 12-103. Permit required.
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Sec. 12-105. Review for completeness.
Sec. 12-106. Identification and notification of descendants of person in cemetery sought to be developed.
Sec. 12-107. Investigations and recommendation.
Sec. 12-108. Published notice of public hearings.
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Sec. 12-111. Issues considered in decision on application for permit.
Sec. 12-112. Commerce City Council decision.
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Sec. 12-115. Development activities pending appeal.
Sec. 12-116. Inspection to ensure applicant compliance.
Sec. 12-117. Disinterment and disposition of human remains or burial objects.
Sec. 12.118. Enforcement and penalties.

Sec. 12-101. Authority.

This Division is adopted to implement the requirements of O.C.G.A. § 36-72-4, "Permit Required for Developing Land on Which a Cemetery Located."

Sec. 12-102. Definitions.

Unless otherwise defined in this UDC, terms used in this Division shall have the meanings given them in O.C.G.A. § 36-72-2.

Sec. 12-103. Permit required.

No known cemetery, burial ground, human remains, or burial object shall be knowingly disturbed by the owner or occupier of the land on which the cemetery or burial ground is located for the purposes of developing or changing the use of any part of such land unless a permit is first obtained from the Commerce City Council, which shall have authority to permit such activity except as provided in O.C.G.A. § 36-72-14.

(a) **Exceptions**. Minimally invasive investigation techniques, including remote sensing methods and the use of metal probes, used in effort to determine the presence and location(s) of graves shall not require a permit pursuant to O.C.G.A. § 36-72-5(2).

Sec. 12-104. Permit application requirements.

To obtain a permit for developing land on which a cemetery or burial ground is located, submittal of an application meeting the requirements specified in this section is required as follows:

(a) Application fee as established by the Commerce City Council not to exceed the maximum allowed by State law;

(b) Application form furnished by the Zoning Administrator, including signed and notarized signature of property owner;

(c) Evidence of ownership of the land on which the cemetery or burial ground is located in the form of a legal opinion based upon a title search;

(d) Campaign contribution disclosure;

(e) Metes and bounds legal description of the property;

(f) Copy of current survey plat of the property on record;

(g) Letter of intent describing the reason for development, proposed use of the property, and an analysis of how the proposed action compares to decision criteria specified for rezoning decisions in this Division to include a description of any special conditions voluntarily made by the applicant as a part of the request;

(h) A report prepared by an archeologist stating the number of graves believed to be present and their locations as can be determined from the use of minimally invasive investigation techniques, including remote sensing methods and the use of metal probes, which activities shall not require a permit;

(i) A survey prepared by or under the direction of a registered surveyor showing the location and boundaries of the cemetery or burial ground based on an archeologist's report;

(j) A sketch plan of the property(-ies) the cemetery or burial ground is located upon at an appropriate engineering scale prepared under the direction of a registered surveyor showing the following information:

1. Name, address, telephone number and e-mail address of the property owner(s), and of the applicant if different from the property owner(s);

2. If drawn on a boundary survey, the date of survey and source of data;

3. Date of sketch plan drawing, and revision dates, if applicable;

4. North arrow and graphic engineering scale

5. Location (land district, address, and tax map and parcel number) and size of the property in acres (or in square feet if less than an acre);

6. Vicinity map, showing the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets or railroads. Vicinity maps may be drawn in freehand and at a scale sufficient to show clearly the information required. U.S. Geological Survey maps at a scale of 1 inch equals 2,000 feet may be used for vicinity maps.

7. Zoning district classification of the subject property and all adjacent properties;

8. Man-made features within and adjacent to the property, including existing streets and names, city and city limit lines, and other significant information such as location of bridges, major utility lines, existing buildings and structures to remain, and other features as appropriate to the nature of the request;

9. The location and boundaries of the cemetery or burial ground based on an archeologist's report and survey as required above;

10. The proposed project layout, including the approximate location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, buffers, parking areas, driveways, and approximate location of proposed storm water detention facilities;

11. Proposed use(s) of the property;

12. A statement from the utility provider(s) as to the source of water supply and the provision for sanitary sewage disposal;

13. Statistics regarding the proposed development, such as but not limited to maximum building height, minimum lot size, minimum lot width, building coverage, percentage of landscaped open space, stream and zoning buffers required, and other information demonstrating compliance with the proposed zoning district’s dimensional requirements as determined by the zoning administrator;

(k) A plan prepared by a genealogist for identifying and notifying the descendants of those buried or believed to be buried in such cemetery. If those buried or believed to be buried are of aboriginal or American Indian descent, the genealogist, in preparing the notification plan, shall consult with the Council on American Indian Concerns created pursuant to O.C.G.A. § 44-12-280 and shall include in the notification plan not only any known descendants of those presumed buried but also any American Indian tribes as defined in paragraph (2) of O.C.G.A. § 44-12-260 that are culturally affiliated; and

(l) A proposal for mitigation or avoidance of the effects of the planned activity on the cemetery or burial ground. If the proposal includes relocation of any human remains or burial objects, the proposal shall specify the method of disinterment, the location and

method of disposition of the remains, the approximate cost of the process, and the approximate number of graves affected; and

(m) A traffic impact study prepared by a professional engineer registered in Georgia shall be required to be submitted for applications for proposed developments that generate 1,000 or more average daily vehicle trips based upon the latest edition of *Trip Generation* published by the Institute of Transportation Engineers. If a traffic study calls for certain improvements the owner/developer shall provide all recommended improvements unless the project is located on a state route in which case the Georgia Department of Transportation must approve the project's transportation improvements. A traffic study, a hydrology study, and/or other studies of the impact of the proposed development implied in the permit application may be recommended by the Zoning Administrator or required by the Commerce City Council as they may deem necessary for adequate consideration and a fully informed decision on the application.

Sec. 12-105. Review for completeness.

The Zoning Administrator shall review the application for completeness within ten (10) business days of receipt of the application packet. Incomplete applications will be returned to the applicant and shall not be processed.

Sec. 12-106. Identification and notification of descendants of person in cemetery sought to be developed.

(a) **Applicant Requirements**. The applicant shall implement its plan for identifying and locating descendants no later than the date the application is submitted to the City. Notice to possible descendants shall include information on how to contact the City and a summary of the rights of descendants under State law.

(b) **Consideration by City Council.** The City Council shall review the applicant's plan for identifying and notifying the descendants of the deceased persons and may require as a condition for issuing a permit that the applicant implement additional reasonable attempts to identify and locate descendants.

(c) **City Requirements.** The governing authority shall promptly inform any descendant who indicates an interest in the disposition of the human remains and burial objects regarding any proposals for mitigation, the terms of any permit issued, the time and place of any scheduled public hearings, and appeal procedures and events.

Sec. 12-107. Investigations and recommendation.

(a) The Zoning Administrator may send the application out for review by internal city departments, external agencies and parties as may be appropriate. Any written comments received in a timely manner shall be submitted to the applicant and Commerce City Council for consideration, and any such comments shall become an official public record.

(b) The Zoning Administrator shall investigate and may make a recommendation regarding any or all of the relevant matters concerning the application. Any such investigation and recommendation shall, if in writing, be made available to the applicant and Commerce City Council prior to public hearings and shall become an official public record.

Sec. 12-108. Published notice of public hearings.

Within fifteen (15) days after it is satisfied that all reasonable effort has been made to notify descendants as provided per this Division, a public hearing shall be scheduled and the city shall cause to be published within a newspaper of general circulation within the City a notice of public hearing to be published one time per week for two consecutive weeks immediately preceding the week of the public hearing. The notice shall state the time, place, purpose of the public hearing, and location of the property.

Sec. 12-109. Public hearing notices – sign on property.

(a) **Requirement and locations.** The applicant shall be required to post and maintain signs supplied by the City near the right-of-way of the nearest public street, so as to be visible from the street and to coincide with the timeframe of the published public notice outlined in this Division. One such sign shall be placed in a conspicuous location along each street frontage of the property for which the rezoning has been requested. If the property has no street frontage, the sign shall be placed on each street where access to the property will be gained. The applicant shall be required to pay for the cost of each sign as required per this Division.

(b) **Content.** The sign providing notice shall state the time, place, and purpose of the public hearing and shall include the location of the property.

(c) **Time period.** It is the responsibility of the applicant to post the signs and to maintain the signs during the posting period. Said signs pertaining to the Commerce City Council's consideration shall remain posted until a final decision by the Commerce City Council has been rendered.

(d) **Consequences of non-maintenance.** Failure to post and maintain the signs continuously may prohibit consideration of the application at any scheduled public hearing. In the event the signs are not posted continuously, the city, in its sole discretion, may require the reposting and readvertising prior to any future public hearing, for which the applicant shall pay an additional readvertising fee. The city may also in its sole discretion, continue, hold, or dismiss the application if public notice requirements are not met due to applicant non-maintenance of the required public notice sign(s) on the property.

Sec. 12-110. Public hearings.

The City Council shall hold a public hearing on the applications in accordance with the public hearing procedures specified in this UDC.

Sec. 12-111. Issues considered in decision on application for permit.

The Commerce City Council shall consider the following standards in making its determination:

(a) The presumption in favor of leaving the cemetery or burial ground in place;

(b) The concerns and comments of any descendants of those buried in the burial ground or cemetery and any other interested parties;

(c) The economic and other costs of mitigation;

(d) The adequacy of the applicant's plans for disinterment and proper disposition of any human remains or burial objects;

(e) The balancing of the applicant's interests in disinterment with the public's and any descendant's interest in the value of the undisturbed cultural and natural environment; and

(f) Any other compelling factors which the City Council deems relevant.

Sec. 12-112. Commerce City Council decision.

(a) **Decision.** The City Council may (1) deny the application with written reasons therefor, or (2) issue a permit adopting the application in whole or in part, or (3) issue a permit which may include additional requirements to mitigate the proposed activity's adverse effects on the cemetery or burial ground, including but not limited to relocation of the proposed project, reservation of the cemetery or burial ground as an undeveloped area within the proposed development or use of land, and respectful disinterment and proper disposition of the human remains. The governing authority may adopt the applicant's proposal for mitigation.

(b) **Consideration of information.** In rendering a decision on any such application, the Commerce City Council shall consider information supplied by the applicant and the Zoning Administrator as well as testimony and information accepted during public hearings.

(c) Timeframe for decision. Within 30 days after the conclusion of the public hearing, the Zoning Administrator shall notify the applicant in writing of the decision made by the City Council.

Sec. 12-113. Withdrawal of application.

(a) **No refund.** There shall be no refund by the city of an application fee if an application is withdrawn.

(b) **Prior to public notice.** If a request for withdrawal is received prior to the publication of a notice for a public hearing, the application shall be withdrawn administratively by the Zoning Administrator without restriction on the refiling of a rezoning application on the property in the future, as described in this division.

(c) **After public notice.** Should any request for withdrawal be made by the applicant after the Planning Commission's public hearing but before or at the Commerce City Council's consideration of the application, the application shall remain on the Commerce City Council's agenda and the withdrawal request shall be considered for approval or denial, with or without prejudice, by the Commerce City Council. If withdrawal is not allowed, the Councils' consideration of the application will proceed.

Sec. 12-114. Appeals.

Any person dissatisfied with a decision of the city council on an application for a permit to develop land on which a cemetery is located, may file an appeal in Jackson County Superior Court in addition to the superior courts enumerated in O.C.G.A. § 50-13-19, within thirty (30) days of such decision by the City Council.

Sec. 12-115. Development Activities Pending Appeal.

Until the expiration of the time for appeal as set forth in Section 12-114 or O.C.G.A. § 36-72-11, the applicant shall not begin or resume activities which comply with the permit issued by the City Council. If an appeal is filed, the applicant may begin or resume activities which comply with the permit only upon consent of the City Council and the party seeking judicial review or upon order of the reviewing court for good cause shown.

Sec. 12-116. Inspection to ensure applicant compliance.

The Zoning Administrator, Building Official, their designee, or local law enforcement agency shall inspect as necessary to determine whether the applicant has complied with the provisions of this Division requiring cessation or limitation of activity and with the terms of the permit as issued by the City Council or as modified by the superior court or reviewing court.

Sec. 12-117. Disinterment and disposition of human remains or burial objects.

Any disinterment and disposition of human remains or burial objects permitted under this Division shall be supervised, monitored, or carried out by the applicant's archeologist and shall be done at the expense of the person or entity to whom the permit is issued.

Sec. 12-118. Enforcement and penalties.

Any action or inaction that violations the provisions of this Division are subject to the enforcement actions and penalties as outlined in this UDC up to and including criminal penalties as provided by applicable state law.

ARTICLE 13

ZONING AMENDMENTS AND PROCEDURES

DIVISION I TEXT AMENDMENT

Sec. 13-101. Authority to amend.
Sec. 13-102. Initiation of proposals for text amendments.
Sec. 13-103. Notice of public hearings.
Sec. 13-104. Public hearings.
Sec. 13-105. Recommendation and decision.
Sec. 13-106. Withdrawal of text amendment.

DIVISION II AMENDMENT TO THE OFFICIAL ZONING MAP (REZONING) AND CHANGE OF CONDITIONS

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Sec. 13-202. Initiation of rezoning application.
Sec. 13-203. Rezoning application requirements.
Sec. 13-204. Review for completeness.
Sec. 13-205. Published notice of public hearings.
Sec. 13-206. Public hearing notices – sign on property.
Sec. 13-207. Special notice requirements for halfway houses and related uses.
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DIVISION III APPLICATION FOR CONDITIONAL USE

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Sec. 13-307. Special notice requirements for halfway houses and related uses.
Sec. 13-308. Investigations and recommendation.
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Sec. 13-310. Standards for conditional use application decisions.
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DIVISION V DEVELOPMENT OF REGIONAL IMPACT

Sec. 13-501. Definitions.
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DIVISION I

TEXT AMENDMENT

Sec. 13-101. Authority to amend.
Sec. 13-102. Initiation of proposals for text amendments.
Sec. 13-103. Notice of public hearings.
Sec. 13-104. Public hearings.
Sec. 13-105. Recommendation and decision.
Sec. 13-106. Withdrawal of text amendment.

Sec. 13-101. Authority to amend.

The Commerce City Council may from time to time amend any regulation pertaining to any zoning district; or may amend any other article or section of this UDC.

Sec. 13-102. Initiation of proposals for text amendments.

The Commerce City Council, Planning Commission or the Zoning Administrator may propose a change to the text of this UDC when public necessity, general welfare or good zoning practice justify such action.

Sec. 13-103. Notice of public hearings.

(a) **Planning Commission.** At least 15 but not more than 45 days prior to the date of the public hearing before the Planning Commission, the city shall cause to be published within a newspaper of general circulation within the city a notice of the public hearing to be published before the Planning Commission public hearing. The notice shall state the time, place, and purpose of the public hearing.

Sec. 13-104. Public hearings.

(a) **Planning Commission.** The Planning Commission shall hold a public hearing on text amendments in accordance with the public hearing procedures specified in this Article. For any text amendment, the Commerce City Council may waive the requirement for public hearing, consideration, and action by the Planning Commission.

Sec. 13-105. Recommendation and decision.

(a) **Planning Commission recommendation.** Unless review and recommendation by the Planning Commission is waived by the Commerce City Council, within a period of 32 calendar days from the date of the Planning Commission's scheduled public hearing on any such application for the text amendment, the Planning Commission shall provide a recommendation on the proposed text amendment or elect to make no recommendation. The Planning Commission may recommend approval or disapproval of the proposed text

amendment, or it may recommend modifications of the text amendment originally proposed, or it may elect to make no recommendation.

(b) **Commerce City Council decision.** The Commerce City Council shall, following a public hearing or thereafter, render a decision on the text amendment. The Commerce City Council may approve or disapprove the proposed text amendment as written, or it may approve modifications of the text amendment originally proposed.

(c) **Information.** In rendering a recommendation on any text amendment, the Planning Commission shall consider all information supplied by the zoning administrator, as well as any testimony and information accepted during public hearings. In rendering a decision on any text amendment, the Commerce City Council shall consider all information supplied by the Zoning Administrator and the recommendation of the Planning Commission, as well as any testimony and information accepted during public hearings.

Sec. 13-106. Withdrawal of text amendment.

Any application for an amendment to the text of this UDC may be withdrawn at any time at the discretion of the initiator of such a request.

DIVISION II

AMENDMENT TO THE OFFICIAL ZONING MAP (REZONING)

AND CHANGE OF CONDITIONS

Sec. 13-201. Generally.
Sec. 13-202. Initiation of rezoning application.
Sec. 13-203. Rezoning application requirements.
Sec. 13-204. Review for completeness.
Sec. 13-205. Published notice of public hearings.
Sec. 13-206. Public hearing notices – sign on property.
Sec. 13-207. Special notice requirements for halfway houses and related uses.
Sec. 13-208. Investigations and recommendation.
Sec. 13-209. Public hearings.
Sec. 13-210. Standards for rezoning decisions.
Sec. 13-211. Planning Commission recommendation.
Sec. 13-212. Commerce City Council decision.
Sec. 13-213. Withdrawal of application.
Sec. 13-214. Limitations on the frequency of filing applications.
Sec. 13-215. Concurrent consideration of applications.
Sec. 13-216. Appeals.

Sec. 13-201. Generally.

Any zoning district established by Article 2 of this UDC, any overlay district established by Article 4 of this UDC, or any environmental overlay district map established by Article 5 of this UDC, may be amended from time to time by the Commerce City Council following the procedures in this division. In addition, changes to conditions of approval pertaining to any rezoning approval may also be approved by the Commerce City Council following the procedures in this division.

Sec. 13-202. Initiation of rezoning application.

(a) An application to amend the official zoning map, overlay district map or environmental overlay district map, or a condition of zoning approval may be initiated by the Commerce City Council.

(b) A private property owner may file an application to amend the official zoning map or to change conditions of zoning approval, as it pertains to the property owned, in accordance with the requirements of this division.

Sec. 13-203. Rezoning application requirements.

Applications to amend the official zoning map or to change conditions of zoning shall require submittal of an application meeting requirements specified in this section. The Zoning

Administrator may waive the application fee and certain application requirements specified in this Section when an application for amendment of the official zoning map or change of zoning conditions is initiated by the Commerce City Council. The following are required:

(n) Application fee as established by resolution of the Commerce City Council;

(o) Application form furnished by the Zoning administrator, including signed and notarized signature of property owner;

(p) Campaign contribution disclosure;

(q) Metes and bounds legal description of the property;

(r) Survey plat of the property;

(s) Letter of intent describing the proposed use of the property, and including an analysis of how the proposed action compares to decision criteria specified for rezoning decisions in this division and a description of any special conditions voluntarily made a part of the request;

(t) Sketch plan of the property at an appropriate engineering scale prepared by the applicant, a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other person familiar with land development activities showing the following information:

14. Name, address, telephone number and e-mail address of the property owner, and of the applicant if different from the property owner;

15. If drawn on a boundary survey, the date of survey and source of data;

16. Date of sketch plan drawing, and revision dates, if applicable;

17. North arrow and graphic engineering scale;

18. Location (land district, address, and tax map and parcel number) and size of the property in acres (or in square feet if less than an acre);

19. Vicinity map, showing the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets or railroads. Vicinity maps may be drawn in freehand and at a scale sufficient to show clearly the information required. U.S. Geological Survey maps at a scale of 1 inch equals 2,000 feet may be used for vicinity maps.

20. Zoning district classification of the subject property and all adjacent properties;

21. Man-made features within and adjacent to the property, including existing streets and names, city and city limit lines, and other significant information such as location of bridges, major utility lines, existing buildings and structures to remain, and other features as appropriate to the nature of the request;

22. The proposed project layout, including the approximate location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, buffers, parking areas, driveways, and approximate location of proposed storm water detention facilities;

23. Proposed use or uses of the property;

24. A statement from the utility provider(s) as to the source of water supply and the provision for sanitary sewage disposal;

25. Statistics regarding the proposed development, such as but not limited to maximum building height, minimum lot size, minimum lot width, building coverage, percentage of landscaped open space, stream and zoning buffers required, and other information demonstrating compliance with the proposed zoning district's dimensional requirements as determined by the zoning administrator;

(u) A traffic impact study prepared by a professional engineer registered in Georgia shall be required to be submitted for applications for proposed developments that generate 1,000 or more average daily vehicle trips based upon the latest edition of *Trip Generation* published by the Institute of Transportation Engineers. If a traffic study calls for certain improvements the owner/developer shall provide all recommended improvements unless the project is located on a state route in which case the Georgia Department of Transportation must approve the project's transportation improvements. A traffic study, a hydrology study, and/or other studies of the impact of the proposed zoning district or development implied in the rezoning application may be recommended by the Zoning Administrator or required by the Planning Commission or the Commerce City Council as they may deem necessary for adequate consideration and a fully informed decision on an application for rezoning; and

(v) Other information as may be required by the zoning administrator.

Sec. 13-204. Review for completeness.

The Zoning Administrator shall review the application for completeness within 10 working days of the posted application submission deadline. Incomplete applications will be returned to the applicant and shall not be processed.

Sec. 13-205. Published notice of public hearings.

Planning Commission. At least 15 but not more than 45 days prior to the date of the public hearing before the Planning Commission, the city shall cause to be published

within a newspaper of general circulation within the city a notice of the public hearing to be published before the Planning Commission public hearing. The notice shall state the time, place, and purpose of the public hearing. The published notice, in addition to the requirements above, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property requested.

Sec. 13-206. Public hearing notices – sign on property.

(e) **Requirement and locations.** The applicant shall be required to post and maintain signs supplied by the city near the right-of-way of the nearest public street, so as to be visible from the street for at least 15 but not more than 45 days preceding the date of the Planning Commission's public hearing and for at least 15 days and not more than 45 days immediately preceding the date for the Commerce City Council's consideration of the rezoning application. One such sign shall be placed in a conspicuous location along each street frontage of the property for which the rezoning has been requested. If the property has no street frontage, the sign shall be placed on each street where access to the property will be gained. The applicant shall be required to pay for the cost of each sign as required per this Article.

(f) **Content.** The sign providing notice shall state the time, place, and purpose of the public hearing and shall include the location of the property. In addition, the notice shall include the existing zoning classification and the proposed zoning classification of the property.

(g) **Time period.** It is the responsibility of the applicant to post the signs and to maintain the signs during the posting period. Said signs pertaining to the Commerce City Council's consideration shall remain posted until a final decision by the Commerce City Council has been rendered.

(h) **Consequences of non-maintenance.** Failure to post and maintain the signs continuously may prohibit consideration of the application at any scheduled public hearing. In the event the signs are not posted continuously, the city, in its sole discretion, may require the reposting and readvertising prior to any future public hearing, for which the applicant shall pay an additional readvertising fee. The city may also in its sole discretion, continue, hold, or dismiss the application if public notice requirements are not met due to applicant non-maintenance of the required public notice sign(s) on the property.

Sec. 13-207. Special notice requirements for halfway houses and related uses.

This section is adopted pursuant to the specific requirements of the state zoning procedures law. When a proposed zoning map amendment 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 duly noticed public hearing shall be held on the proposed action in accordance with the

procedures and requirements established in this Article. In addition, the following requirements shall apply.

(a) Such public hearing shall be held at least six months but not more than nine months prior to the date of final action on the application.

(b) All published or posted notices of the public hearing shall include a prominent statement that the proposed zoning map amendment relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency.

(c) The published notice shall be at least six column inches in size and shall not be located in the classified advertising section of the newspaper.

Sec. 13-208. Investigations and recommendation.

(c) The Zoning Administrator may send the application out for review by internal city departments and external agencies as may be appropriate (i.e., inter-agency review). Any written comments received in a timely manner shall be submitted to the applicant, Planning Commission and Commerce City Council for consideration, and any such comments shall become an official public record.

(d) The Zoning Administrator shall investigate and make a recommendation regarding any or all of the relevant matters concerning the application. Any such investigation and recommendation shall, if in writing, be made available to the applicant, Planning Commission, and Commerce City Council prior to public hearings and shall become an official public record.

Sec. 13-209. Public hearings.

Planning Commission. The Planning Commission shall hold a public hearing on rezoning applications in accordance with the public hearing procedures specified in this Article. For any rezoning application initiated by the Commerce City Council, the Commerce City Council may waive the requirement for public hearing, consideration, and action by the Planning Commission.

Sec. 13-210. Standards for rezoning decisions.

The Planning Commission and the Commerce City Council should consider the following standards for any rezoning proposal, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

(g) The existing land use pattern;

(h) The possible creation of an isolated district unrelated to adjacent and nearby districts;

(i) The population density pattern and possible increase or overtaxing of the load on public facilities including, but not limited to, schools, utilities, and streets, and the cost to the city and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures;

(j) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality;

(k) Whether the proposed zoning map amendment will be a deterrent to the value or improvement or development of adjacent property in accordance with existing regulations;

(l) Whether there are substantial reasons why the property cannot be used in accordance with existing regulations;

(m) The aesthetic effect of existing and future use of the property as it relates to the surrounding area;

(n) The extent to which the proposed zoning map amendment is consistent with the comprehensive plan;

(o) The possible effect of the proposed zoning map amendment on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community;

(p) The relation that the proposed zoning map amendment bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of these zoning regulations;

(q) The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight;

(r) In those instances in which property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall be considered to carry great weight.

Sec. 13-211. Planning Commission recommendation.

(a) **Time frame for recommendation.** Within 35 calendar days of the date of the public hearing held by the Planning Commission on the application, the Planning Commission shall provide a recommendation on all applications for rezoning or elect to make no recommendation. This time limit may be extended if the applicant consents to extend the time frame, or if the project is a Development of Regional Impact (DRI) in which case the time limit will extend to accommodate the DRI process.

(b) **Recommendation.** The Planning Commission may recommend approval or disapproval of the proposed rezoning applied for, or it may recommend conditions of approval on the

application, or it may elect to make no recommendation. The Planning Commission may also recommend rezoning the property to a more restrictive zoning classification than requested by the applicant. The Planning Commission may also recommend a reduction of the boundaries of the area rezoned that is less than that requested by the applicant.

(c) **Consideration of information.** In rendering a recommendation on any such application, the Planning Commission shall consider information supplied by the applicant, any report and/or recommendation from the zoning administrator, and any testimony and information accepted during the public hearing.

Sec. 13-212. Commerce City Council decision.

(d) **Time frame for decision.** Within 65 calendar days of the date of Planning Commission's recommendation, the Commerce City Council shall render a decision on the application for rezoning. This time limit may be extended if the applicant consents to extend the time frame.

(e) **Decision.** The Commerce City Council may approve or disapprove the proposed rezoning as applied for, return the application to the Planning Commission for further study, or may approve the application with conditions. The Commerce City Council may also rezone the property to a more restrictive zoning classification than requested by the applicant. The Commerce City Council may also reduce the boundaries of the area rezoned to an area that is less than that requested by the applicant.

(f) **Consideration of information.** In rendering a decision on any such application, the Commerce City Council shall consider information supplied by the applicant, the zoning administrator, and the Planning Commission, as well as testimony and information accepted during public hearings.

Sec. 13-213. Withdrawal of application.

(d) **No refund.** There shall be no refund by the city of an application fee if an application is withdrawn.

(e) **Prior to public notice.** If a request for withdrawal is received prior to the publication of a notice for a public hearing, the application shall be withdrawn administratively by the Zoning Administrator without restriction on the refiling of a rezoning application on the property in the future, as described in this division.

(f) **After public notice.** If a request for withdrawal is received after publication of a public notice has been published or when such public notice is irretrievably set for publication but the rezoning application has not been heard by the Planning Commission, the

application shall be withdrawn administratively by the zoning administrator, provided that an application for a rezoning of the property shall not be resubmitted for six months from the date of withdrawal.

(g) **After Planning Commission public hearing.** Should any request for withdrawal be made by the applicant after the Planning Commission's public hearing but before or at the Commerce City Council's consideration of the application, the application shall remain on the Commerce City Council's agenda and the withdrawal request shall be considered for approval or denial, with or without prejudice, by the Commerce City Council. If withdrawal is not allowed, the Councils' consideration of the application will proceed.

Sec. 13-214. Limitations on the frequency of filing applications.

(a) No rezoning application affecting the same or any portion of property which was denied by the Commerce City Council shall be accepted for filing by a property owner until twelve months shall have elapsed from the date said application was denied by the Commerce City Council, unless the Commerce City Council reduces the twelve-month time period to no less than six months.

(b) The same or any portion of property previously considered in a rezoning application which was denied by the Commerce City Council may not be initiated again by the Commerce City Council until the expiration of at least six months immediately following the final decision rendered on the application by the Commerce City Council.

(c) After approval of a rezoning, no rezoning application affecting the same or any portion of property which was approved by the Commerce City Council shall be accepted for filing by a property owner until twelve months shall have elapsed from the date said application for rezoning was approved by the Commerce City Council, unless there are extenuating circumstances determined by the Zoning Administrator in which case the Zoning Administrator may authorize the filing of such application.

(d) After approval of conditional zoning by the Commerce City Council, no application to modify conditions of zoning affecting the same or any portion of property which was approved shall be accepted for filing by a property owner until twelve months have elapsed from the date the conditions of zoning were approved, unless there are extenuating circumstances determined by the Zoning Administrator in which case the Zoning Administrator may authorize the filing of such application.

Sec. 13-215. Concurrent consideration of applications.

In cases where an applicant is proposing a rezoning (i.e., amendment to the official zoning map), and where the applicant files an application to obtain a conditional use at the same time of filing a rezoning application, the two applications may be processed simultaneously, but the conditional use application shall not be voted on until the rezoning application is voted on

(which may be the same public hearing or meeting), since the conditional use would not otherwise be permitted without the rezoning.

Sec. 13-216. Appeals

Any person aggrieved by a decision of the city council on an application for a zoning amendment may petition the Jackson County Superior Court in accordance with the law within ten (10) days of the written decision of the city council.

DIVISION III

APPLICATION FOR CONDITIONAL USE

Sec. 13-301. Generally.
Sec. 13-302. Initiation of conditional use application.
Sec. 13-303. Conditional use application requirements.
Sec. 13-304. Review for completeness.
Sec. 13-305. Published notice of public hearings.
Sec. 13-306. Public hearing notices – sign on property.
Sec. 13-307. Special notice requirements for halfway houses and related uses.
Sec. 13-308. Investigations and recommendation.
Sec. 13-309. Public hearings.
Sec. 13-310. Standards for conditional use application decisions.
Sec. 13-311. Planning Commission recommendation.
Sec. 13-312. City Council decision.
Sec. 13-313. Withdrawal of application.
Sec. 13-314. Limitations on the frequency of filing applications.
Sec. 13-315. Concurrent consideration of applications.
Sec. 13-316. Appeals.

Sec. 13-301. Generally.

The Commerce City Council following the procedures in this Division may approve conditional uses authorized in Table 2-1A and Table 2-1B of this UDC. In addition, changes to the conditions of approval, pertaining to any conditions of conditional use approval, may also be approved by the Commerce City Council following the procedures in this division.

Sec. 13-302. Initiation of conditional use application.

A private property owner may file an application for conditional use approval, as it pertains to the property owned, in accordance with the requirements of this Division.

Sec. 13-303. Conditional use application requirements.

Applications for conditional use shall require submittal of an application meeting the requirements specified in this Section.

(a) Application fee as established by resolution of the Commerce City Council;

(b) Application form furnished by the zoning administrator, including signed and notarized signature of property owner;

(c) Campaign contribution disclosure;

(d) Metes and bounds legal description of the property;

(e) Survey plat of the property;

(f) Letter of intent describing the proposed use of the property, and including an analysis of how the proposed action compares to decision criteria specified in this division for conditional uses and a description of any special conditions voluntarily made a part of the request;

(g) Sketch plan of the property at an appropriate engineering scale prepared by the applicant, a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other person familiar with land development activities showing the following information:

1. Name, address, telephone number and e-mail address of the property owner, and of the applicant if different from the property owner;

2. If drawn on a boundary survey, the date of survey and source of data;

3. Date of sketch plan drawing, and revision dates, if applicable;

4. North arrow and graphic engineering scale;

5. Location (land district, address, and tax map and parcel number) and size of the property in acres (or in square feet if less than an acre);

6. Vicinity map, showing the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets or railroads. Vicinity maps may be drawn in freehand and at a scale sufficient to show clearly the information required. U.S. Geological Survey maps at a scale of 1 inch equals 2,000 feet may be used for vicinity maps.

7. Zoning district classification of the subject property and all adjacent properties;

8. Man-made features within and adjacent to the property, including existing streets and names, city and city limit lines, and other significant information such as location of bridges, major utility lines, existing buildings and structures to remain, and other features as appropriate to the nature of the request;

9. The proposed project layout, including the approximate location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, buffers, parking areas, driveways, and approximate location of proposed storm water detention facilities;

10. Proposed conditional use and uses of the property;

11. A statement as to the source of water supply and the provision for sanitary sewage disposal;

12. Statistics regarding the proposed development, such as but not limited to maximum building height, minimum lot size, minimum lot width, building coverage, percentage of landscaped open space, stream and zoning buffers required, and other information demonstrating compliance with the zoning district's dimensional requirements and specific regulations for the conditional use as required by Article III of this UDC, as determined by the zoning administrator;

(h) A traffic impact study prepared by a professional engineer registered in Georgia shall be required to be submitted for applications for proposed developments that generate 1,000 or more average daily vehicle trips based upon the latest edition of *Trip Generation* published by the Institute of Transportation Engineers. A traffic study, a hydrology study, and/or other studies of the impact of the proposed conditional use may be recommended by the Zoning Administrator or required by the Planning Commission or the Commerce City Council as they may deem necessary for adequate consideration and a fully informed decision on an application for conditional use; and

(i) Other information as may be required by the zoning administrator.

Sec. 13-304. Review for completeness.

The Zoning Administrator shall review the application for completeness within 10 working days of the posted application submission deadline. Incomplete applications will be returned to the applicant and shall not be processed.

Sec. 13-305. Published notice of public hearings.

Planning Commission. At least 15 but not more than 45 days prior to the date of the public hearing before the Planning Commission, the City shall cause to be published within a newspaper of general circulation within the city a notice of the public hearing before the Planning Commission. The notice shall state the time, place, and purpose of the public hearing. The published notice, in addition to the requirements above, shall include the location of the property and the proposed conditional use of the property requested.

Sec. 13-306. Public hearing notices – sign on property.

(i) **Requirement and locations.** The applicant shall be required to post and maintain signs supplied by the city near the right-of-way of the nearest public street, so as to be visible from the street at least 15 but not more than 45 days preceding the date of the Planning Commission's public hearing and for at least 15 days and not more than 45 days immediately preceding the date for the Commerce City Council's consideration of the conditional use application. One such sign shall be placed in a conspicuous location along each street frontage of the property for which the rezoning approval has been requested. If the property has no street frontage, the sign shall be placed on each street where access

to the property will be gained. The applicant shall be required to pay for the cost of each sign as required per this Article.

(j) **Content.** The sign providing notice shall state the time, place, and purpose of the public hearing and the Council's consideration of the application and shall include the location of the property. In addition, the notice shall include the proposed conditional use of the property.

(k) **Time period.** It is the responsibility of the applicant to post the signs and to maintain the signs during the posting period. Said signs pertaining to the Commerce City Council's consideration of the application shall remain posted until a final decision by the Commerce City Council has been rendered.

(l) **Consequences of non-maintenance.** Failure to post and maintain the signs continuously may prohibit consideration of the application at any scheduled public hearing. In the event the signs are not posted continuously, the city, in its sole discretion, may require the reposting and readvertising prior to any future public hearing, for which the applicant shall pay an additional readvertising fee. The city may also in its sole discretion, continue, hold, or dismiss the application if public notice requirements are not met due to applicant non-maintenance of the required public notice sign(s) on the property.

Sec. 13-307. Special notice requirements for halfway houses and related uses.

This section is adopted pursuant to the specific requirements of the state zoning procedures law. When a proposed conditional use 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 duly noticed public hearing shall be held on the proposed action in accordance with the procedures and requirements established in this Article. In addition, the following requirements shall apply.

(d) Such public hearing shall be held at least six months but not more than nine months prior to the date of final action on the application.

(e) All published or posted notices of the public hearing shall include a prominent statement that the proposed conditional use relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency.

(f) The published notice shall be at least six column inches in size and shall not be located in the classified advertising section of the newspaper.

Sec. 13-308. Investigations and recommendation.

(e) The Zoning Administrator may send the application out for review by internal city departments and external agencies as may be appropriate (i.e., inter-agency review). Any written comments received in a timely manner shall be submitted to the applicant,

Planning Commission and Commerce City Council for consideration, and any such comments shall become an official public record.

(f) The Zoning Administrator shall investigate and make a recommendation regarding any or all of the relevant matters concerning the application. Any such investigation and recommendation shall if in writing be made available to the applicant, Planning Commission, and Commerce City Council prior to public hearings and shall become an official public record.

Sec. 13-309. Public hearings.

Planning Commission. The Planning Commission shall hold a public hearing on conditional use applications in accordance with the public hearing procedures specified in this Article.

Sec. 13-310. Standards for conditional use application decisions.

The Planning Commission and the Commerce City Council should consider the following standards for any conditional use application, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

(a) Will the proposed conditional use be consistent with the stated purpose of the zoning district in which it will be located?

(b) Is the proposed conditional use compatible with the goals, objectives, purpose and intent of the comprehensive plan?

(c) Will the establishment of the conditional use impede the normal and orderly development of surrounding property for uses predominant in the area?

(d) Is the location and character of the proposed conditional use consistent with a desirable pattern of development for the locality in general?

(e) Is or will the type or functional classification of street providing access to the use be adequate to serve the proposed conditional use?

(f) Is or will access into and out of the property be adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles?

(g) Are or will public facilities such as schools, water or sewer utilities, and police or fire protection be adequate to serve the conditional use?

(h) Are or will refuse service, parking and loading areas on the property be located or screened to protect other properties in the area from such adverse effects as noise, light, glare or odor?

(i) Will the hours and manner of operation of the conditional use have one or more adverse effects on other properties in the area?

(j) Will the height, size or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties?

Sec. 13-311. Planning Commission recommendation.

(a) **Time frame for recommendation.** Within 35 calendar days of the date of the public hearing held by the Planning Commission on the application, the Planning Commission shall provide a recommendation on all applications for conditional use or elect to make no recommendation. This time limit may be extended if the applicant consents to extend the time frame. In the event a conditional use application triggers a Development of Regional Impact (DRI) review, the time frame shall be extended to accommodate the DRI review process.

(b) **Recommendation.** The Planning Commission may recommend approval or disapproval of the proposed conditional use applied for, may recommend conditions of approval, or it may elect to provide no recommendation. The Planning Commission may also recommend a reduction of the boundaries of the area devoted to the conditional use that is less than that requested by the applicant.

(c) **Consideration of information.** In rendering a recommendation on any such application, the Planning Commission shall consider information supplied by the applicant and any report and/or recommendation from the zoning administrator.

Sec. 13-312. Commerce City Council decision.

(a) **Time frame for decision.** Within 65 calendar days of the date of recommendation of the Planning Commission, the Commerce City Council shall render a decision on the application for conditional use. This time limit may be extended if the applicant consents to extend the time frame.

(b) **Decision.** The Commerce City Council may approve or disapprove the proposed conditional use as applied for, return the application to the Planning Commission for further study, or may approve the application with conditions. The Commerce City Council may also reduce the boundaries of the area applicable to the conditional use to an area that is less than that requested by the applicant.

(c) **Consideration of information.** In rendering a decision on any such application, the Commerce City Council shall consider information supplied by the applicant, the zoning administrator, and the Planning Commission, as well as testimony and information accepted during public hearings.

Sec. 13-313. Withdrawal of application.

(a) **No refund.** There shall be no refund by the city of an application fee if an application is withdrawn.

(b) **Prior to public notice.** If a request for withdrawal is received prior to the publication of a notice for a public hearing, the application shall be withdrawn administratively by the Zoning Administrator without restriction on the refiling of a conditional use application on the property in the future, as described in this division.

(c) **After public notice.** If a request for withdrawal is received after publication of a public notice has been published or when such public notice has been irretrievably set for publication but the conditional use application has not been heard by the Planning Commission, the application shall be withdrawn administratively by the zoning administrator, provided that an application for conditional use on the property shall not be resubmitted for six months from the date of withdrawal.

(d) **After Planning Commission public hearing.** Should any request for withdrawal be made by the applicant after the Planning Commission's public hearing but before or at the Commerce City Council's consideration of the application, the application shall remain on the Commerce City Council's agenda and the withdrawal request shall be considered for approval or denial, with or without prejudice, by the Commerce City Council. If withdrawal is not allowed, the Council's consideration of the conditional use will proceed.

Sec. 13-314. Limitations on the frequency of filing applications.

(a) No conditional use application affecting the same or any portion of property which was denied by the Commerce City Council shall be accepted for filing by a property owner until twelve months shall have elapsed from the date said application was denied by the Commerce City Council, unless the Commerce City Council reduces the twelve-month time period to no less than six months.

(b) The same or any portion of property previously considered in a conditional use application which was denied by the Commerce City Council may not be initiated again by the Commerce City Council until the expiration of at least six months immediately following the final decision rendered on the application by the Commerce City Council.

(c) After approval of a conditional use by the Commerce City Council, no application to modify conditions placed on an approved conditional use application affecting the same or any portion of property shall be accepted for filing by a property owner until twelve months have elapsed from the date the conditions of zoning were approved, unless there are extenuating circumstances determined by the Zoning Administrator in which case the Zoning Administrator may authorize the filing of such application.

Sec. 13-315. Concurrent consideration of applications.

In cases where an applicant is proposing a rezoning (i.e., amendment to the official zoning map), and where the applicant files an application to obtain a conditional use at the same time of filing a rezoning application, the two applications may be processed simultaneously, but the conditional use application shall not be voted on until the rezoning application is voted on (which may be the same public hearing or meeting), since the conditional use would not otherwise be permitted without the rezoning.

Sec. 13-316. Appeals.

Any person aggrieved by a decision of the city council on an application for a conditional use may petition the Jackson County Superior Court in accordance with the law within ten (10) days of the written decision of the city council.

DIVISION IV

PROCEDURES FOR CALLING AND CONDUCTING PUBLIC HEARINGS

Sec. 13-401. Generally.
Sec. 13-402. Convening a hearing.
Sec. 13-403. Call for presentation.
Sec. 13-404. Requirements to speak.
Sec. 13-405. Sequence and limits.
Sec. 13-406. Close of hearing.

Sec. 13-401. Generally.

Public hearings held by the Planning Commission (or if a public hearing is held by the Commerce City Council in its discretion) for rezoning and conditional use applications shall be conducted in accordance with this division.

Sec. 13-402. Convening a hearing.

(a) The public hearing will be convened at the scheduled time and place by the Planning Commission chair, the chairman of the Commerce City Council or an appointed designee, as appropriate, who will act as the presiding official. The presiding official shall indicate that a public hearing has been called on one or more applications made and shall summarize the procedures of this division or call on the Zoning Administrator staff to summarize the procedures. The presiding official shall then open the public hearing.

(b) Upon opening the public hearing, the presiding official shall call the first case and the hearing body shall consider each application on an individual basis in succession as printed on the published agenda or as otherwise approved by the hearing body; provided, however, that the presiding official may at his or her discretion call and consider more than one application simultaneously if more than one application involves the same piece of property, or if proceedings would be efficiently completed by combining separately required public hearings and discussing more than one scheduled matter as a single group of applications.

Sec. 13-403. Call for presentation.

The presiding official will call for each application to be presented by the zoning administrator.

Sec. 13-404. Requirements to speak.

Time permitting, any member of the general public may speak at the public hearing; however, no person in attendance shall speak unless first formally recognized by the presiding official. Upon rising to speak, each person recognized except staff members shall state their name and home address.

Sec. 13-405. Sequence and limits.

(a) When an individual application comes up for hearing, the presiding official may ask for a show of hands of those persons who wish to appear in support of and in opposition to the application. If it appears that the number of persons wishing to appear in support of or in opposition to the application is in excess of that which may reasonably be heard, the presiding official may request that a spokesperson for the group be chosen to make presentations. The presiding official may place reasonable limits on the number of persons who may speak for or against a proposal, on the time allowed for each speaker, and on the total time allowed for presentation of the proposed zoning change or conditional use application.

(b) No less than 10 minutes will be provided for all of those speaking in support of a zoning change or conditional use application, and no less than 10 minutes will be provided for all of those speaking against; provided, however, that proponents or opponents may take less time than the minimum required in which case the full 10 minutes shall not be required to be allotted.

(c) After any staff presentation on the application, the applicant will be allowed to speak first in order to present the application. The hearing shall be attended by the applicant or representative thereof with authority to make binding commitments to the city with respect to any stipulations that may be offered in connection with such application. Failure to attend the hearing by the applicant or his or her authorized representative may result in the application being continued.

(d) Each speaker may speak only to the proposed application under consideration and shall address his or her remarks only to the hearing body. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed application under consideration. The presiding official may limit or refuse a speaker the right to continue if, after first being cautioned, the speaker continues to violate this procedure.

(e) Upon conclusion of the applicant’s presentation, others in support of the application may then speak, followed by those in opposition to the application. Those present who are neither opposed or in favor of the application but who have questions will speak during the time afforded the opposition.

(f) Following the conclusion of speakers in opposition, if some of the 10 minutes of applicant’s time has reserved for rebuttal, the applicant will then be allowed to use the reserved time for rebuttal, which must be limited to points or issues raised by opponents to the application during the public hearing.

(g) During the public hearing, any member of the Planning Commission or Commerce City Council as appropriate may upon recognition by the presiding official ask questions of the applicant, staff, or a member speaking at the public hearing. Time devoted to

questions and answers will not be counted against any time limitations that have been imposed on presentations.

Sec. 13-406. Close of hearing.

(a) After the foregoing procedures have been completed, the presiding official will indicate that the public hearing is closed.

(b) Upon the closing of the public hearing, the applicant or his agent and any member of the public shall no longer address the hearing body in any way, including hand waving or motions for attention; provided, however, the presiding officer may, in his or her discretion, reopen the public hearing for a limited time and purpose.

(c) After the close of public hearing, the hearing body may act on the application.

DIVISION V

DEVELOPMENT OF REGIONAL IMPACT

Sec. 13-501. Definitions.
Sec. 13-502. Applicability.
Sec. 13-503. Jurisdiction.
Sec. 13-504. Procedures.

Sec. 13-501. Definitions.

Initial DRI information form: A form intended to identify basic information about a proposed development of regional impact on which a local government is being requested to take action, and which provides information to the regional commission. This form notifies the regional commission of a potential development of regional impact in order for the commission to meet its responsibilities within the DRI review process.

DRI Review initiation request form: A form intended to provide additional information about the proposed project to the regional commission, the submission of which serves as an official request that the DRI review process be started by the commission.

Regional commission: The Northeast Georgia Regional Commission, or any successor or subsequent agency with jurisdiction for development of regional impact applications.

Sec. 13-502. Applicability.

This division shall apply when an applicant (industry, business, or developer) requests some type of local government action related to a project, such as, but not limited to, a request for rezoning, conditional use, variance, permit, hookup to a water or sewer system, master or site plan approval, or entering into a contract, and it appears that the proposed development (or, for multi-phased projects, the complete development) meets the threshold(s) of a development of regional impact, according to "Rules of Georgia Department of Community Affairs, Chapter 110-12-3, Developments of Regional Impact, effective March 1, 2014, as may be amended from time to time.

Sec. 13-503. Jurisdiction.

If a proposed development project is to be located in more than one jurisdiction and, in total, the proposed development meets or exceeds a DRI threshold, the local government in which the largest portion of the project is to be located is responsible for initiating the DRI review process.

Sec. 13-504. Procedures.

The application procedures established in this UDC will be modified by this Division in cases where a rezoning request, conditional use application or variance application fits the definition of a "development of regional impact." Developments of regional impact will be processed

according to procedures of the Georgia Department of Community Affairs as described in "Rules of Georgia Department of Community Affairs, Chapter 110-12-3, Developments of Regional Impact, effective March 1, 2014, as may be amended from time to time.
When an application is received for development that meets or exceeds the thresholds established for that development type and thus constitutes a "development of regional impact" according to the aforementioned Rules of the Georgia Department of Community Affairs, the city will follow the procedures identified in said administrative rules which are summarized here.

(a) When an application for a development of regional impact is received, the Zoning Administrator will complete an "Initial DRI Information" form and a "DRI Review Initiation Request" form. Each of these two forms may be submitted to the regional commission simultaneously, provided the city has all necessary project-related information.

(b) The city shall not take any official legislative or administrative action to advance or further a DRI project until the review process identified under the DRI review procedure specified in "Rules of Georgia Department of Community Affairs, Chapter 110-12-3, Developments of Regional Impact," effective March 1, 2014, as may be amended from time to time, is completed. The city may undertake preliminary staff administrative functions associated with a proposed DRI including, but not limited to, project evaluation/assessment, site visits, and placing consideration of the application on a future agenda for formal action, if required. The city shall not take any official action related to such a project until the DRI review process is completed and the city has had adequate time to consider the DRI review comments.

(c) After the DRI review process is completed, the city may proceed with whatever action it deems appropriate regarding the proposed project, although it is encouraged to take the public finding and additional comments into consideration as it makes its decision.

(d) If the project receives a negative public finding from the Regional Commission and the city approves said project or takes action to advance said project, the city shall notify the regional commission and the Georgia Department of Community Affairs of its action and identify all local requirements it has placed on the development that could mitigate any negative findings identified in the DRI review process.

ARTICLE 14

VARIANCES AND APPEALS

DIVISION I VARIANCES

Sec. 14-101. Authority to grant variances.
Sec. 14-102. Initiation of variance applications.
Sec. 14-103. Application requirements.
Sec. 14-104. Criteria for granting variances.
Sec. 14-105. Application compliance and completeness.
Sec. 14-106. Administrative processing of applications.
Sec. 14-107. Concurrent variance application.
Sec. 14-108. Investigation and recommendation.
Sec. 14-109. Published notice of public hearing.
Sec. 14-110. Public hearing notice –sign on property.
Sec. 14-111. Public hearing and procedures.
Sec. 14-112. Decision.
Sec. 14-113. Withdrawal of application.
Sec. 14-114. Notice of action.
Sec. 14-115. Finality and appeal.
Sec. 14-116. Limitations on the frequency of filing applications.

DIVISION II ADMINISTRATIVE VARIANCES

Sec. 14-201. Authority.
Sec. 14-202. Initiation of administrative variance applications.
Sec. 14-203. Application requirements.
Sec. 14-204. Criteria for granting administrative variances.
Sec. 14-205. Application compliance and completeness.
Sec. 14-206. Decision.
Sec. 14-207. Recourse if denied.

DIVISION III APPEALS OF ADMINISTRATION DECISIONS

Sec. 14-301. Appeal as a remedy.
Sec. 14-302. Initiation of an appeal.
Sec. 14-303. Bases for an appeal.
Sec. 14-304. Application requirements.
Sec. 14-305. Stay of proceedings.
Sec. 14-306. Appeal procedures.
Sec. 14-307. Authority and action.

DIVISION I

VARIANCES

Sec. 14-101. Authority to grant variances.
Sec. 14-102. Initiation of variance applications.
Sec. 14-103. Application requirements.
Sec. 14-104. Criteria for granting variances.
Sec. 14-105. Application compliance and completeness.
Sec. 14-106. Administrative processing of applications.
Sec. 14-107. Concurrent variance application.
Sec. 14-108. Investigation and recommendation.
Sec. 14-109. Published notice of public hearing.
Sec. 14-110. Public hearing notice – sign on property.
Sec. 14-111. Public hearing and procedures.
Sec. 14-112. Decision.
Sec. 14-113. Withdrawal of application.
Sec. 14-114. Notice of action.
Sec. 14-115. Finality and legal recourse.
Sec. 14-116. Limitations on the frequency of filing applications.

Sec. 14-101. Authority to grant variances.

(a) The Commerce City Council shall have the power to authorize upon application in specific cases such variances from the terms of this UDC as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this UDC will in an individual case result in unnecessary hardship or practical difficulty, so that the spirit of this UDC shall be observed, public safety and welfare secured, and substantial justice done.

(b) The Commerce City Council may upon application approve, conditionally approve, or deny variances, subject to the requirements of this division. In granting a variance, the Commerce City Council 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 UDC, as may be deemed necessary for the protection of adjacent properties and the public interest.

Sec. 14-102. Initiation of variance applications.

An application for variance may be initiated by any person, firm, corporation or agency, provided said individual, firm, corporation or agency is the owner or owner's agent of the property for which the variance is sought. The Commerce City Council may also initiate a variance application.

Sec. 14-103. Application requirements.

Applications for variance shall require submittal of the following items:

(a) Application fee as specified by resolution of the City Council;

(b) Application form furnished by the zoning administrator, including signed and notarized signature of property owner;

(c) Campaign contribution disclosure;

(d) Legal description of the property;

(e) Survey plat of the property;

(f) Letter of intent describing the proposed use of the property or other action requested;

(g) Site plan of the property at an appropriate engineering scale showing existing and proposed buildings and structures and other information as may be required by the Zoning Administrator to describe and/or graphically depict the requested variance;

(h) Written analysis of how the proposed action compares to decision criteria specified for the granting of variances pursuant to this division; and

(i) Other information as may be required by the zoning administrator.

Sec. 14-104. Criteria for granting variances.

Any applicant requesting consideration of a variance to any provision of this UDC shall provide a written justification that one or more of the condition(s) described in this section exist. The Commerce City Council shall not approve a variance application unless it shall have adopted findings that all the following conditions exist:

(a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography, and such conditions are peculiar to the particular piece of property;

(b) The application of this UDC to the particular piece of property would create an unnecessary hardship;

(c) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this UDC;

(d) The special circumstances surrounding the request for a variance are not the result of acts by the applicant; and

(e) The variance is not a request to permit a use of land, buildings, or structures, which is not permitted by right or by conditional use permit in the zoning district involved. For any variance to the flood damage prevention requirements of Article 10 of this UDC, the specific requirements, procedures, and criteria in Article 10 of this UDC shall apply in addition to the requirements of this division.

Sec. 14-105. Application compliance and completeness.

(a) A separate application (and fee) is required for each section of this UDC proposed to be varied. In cases where more than one application for variance pertaining to a particular piece of property is filed, said applications may be processed simultaneously.

(b) No variance application shall be processed by the Zoning Administrator unless it complies with the procedural requirements of this division and is found to be complete with regard to application materials, payment of fees, supportive materials, and any other application requirements specified by this division.

(c) The Zoning Administrator shall not accept for processing, or process, a variance application that does not comply with all application submittal requirements of this division.

Sec. 14-106. Administrative processing of applications.

The Zoning Administrator shall review the application for completeness within 10 working days of the posted application submission deadline. Upon a finding by the Zoning Administrator that a variance application is complete and complies with the requirements of this division, including deadlines, the application shall be marked received and approved for initiation, and the date of such consideration shall be indicated in the file of the application.

Sec. 14-107. Concurrent variance application.

In cases where an applicant is proposing a rezoning (i.e., amendment to the official zoning map) or conditional use, or both, and where the applicant files an application to obtain a variance related to the same property as involved in the filing a rezoning or conditional use application, the applications may be administratively processed simultaneously, but no action shall be taken by the Commerce City Council on the variance application until the rezoning or conditional use application, or both as appropriate, is approved by the City Council.

Sec. 14-108. Investigation and recommendation.

(g) The Zoning Administrator may send the application out for review by internal city departments and external agencies as may be appropriate (i.e., inter-agency review). Any written comments received in a timely manner shall be submitted to the applicant, the Planning Commission and Commerce City Council, and any such comments shall become an official public record.

(h) The Zoning Administrator shall investigate and make a recommendation regarding any or all of the relevant matters concerning the application. Any such investigation and recommendation shall if in writing be made available to the applicant, the Planning Commission and Commerce City Council prior to public hearings and shall become an official public record.

(i) The variance application shall be submitted to the Planning Commission for review and recommendation. The Planning Commission shall also hold a public hearing on the matter prior to providing a recommendation. The Planning Commission may recommend, approval, conditional approval, or denial.

Sec. 14-109. Published notice of public hearings.

(a) At least 15 but not more than 45 days preceding the date of the Commerce Planning Commission's public hearing, the Zoning Administrator shall cause to be published within a newspaper of general circulation within the city a notice of a public hearing on the matter before the Commerce Planning Commission. The notice shall state the time, place, and purpose of the public hearing and shall include the location of the property. The notice shall also include the nature of the variance request, including the section of this UDC requested to be varied.

Sec. 14-110. Public hearing notice – sign on property.

(m) **Requirement and locations.** The applicant shall be required to post and maintain signs supplied by the city near the right-of-way of the nearest public street, so as to be visible from the street at least 15 but not more than 45 days prior to the date of the public hearing held by the Planning Commission and at least 15 days and not more than 45 days immediately preceding the date of the Commerce City Council's consideration of the rezoning application. One such sign shall be placed in a conspicuous location along each street frontage of the property for which the variance has been requested. If the property has no street frontage, the sign shall be placed on each street where access to the property will be gained.

(n) **Content.** The sign providing notice shall state the time, place, and purpose of the public hearing and shall include the location of the property. The notice shall also include the nature of the variance request, including the section of this UDC requested to be varied.

(o) **Time period.** It is the responsibility of the applicant to post the signs and to maintain the signs during the posting period. Said signs pertaining to the Commerce City Council's consideration shall remain posted until a final decision by the Commerce City Council has been rendered.

(p) **Consequences of non-maintenance.** Failure to post and maintain the signs continuously may prohibit consideration of the application at any scheduled public hearing. In the event the signs are not posted continuously, the city, in its sole discretion, may require the reposting and readvertising prior to any future public hearing, for which the applicant

shall pay an additional readvertising fee. The city may also in its sole discretion, continue, hold, or dismiss the application if public notice requirements are not met due to applicant non-maintenance of the required public notice sign(s) on the property.

Sec. 14-111. Public hearing and procedures.

(a) The Commerce Planning Commission shall hold a public hearing on all variance applications.

(b) Procedures for calling and conducting a public hearing with regard to variances shall be the same as those procedures established in Article 13 of this UDC.

Sec. 14-112. Decision.

(g) **Time frame.** Within 35 days of the date of its public hearing, the Planning Commission shall make a recommendation on the application for variance. Within 65 calendar days of the date of recommendation of the Planning Commission, the Commerce City Council shall render a decision on the application for variance. This time limit may be extended if the applicant consents to extend the time frame.

(h) **Decision.**

1. The Commerce City Council may approve or disapprove the proposed variance, or it may approve the application with conditions.

2. The Commerce City Council shall consider information supplied by the applicant, the Planning Commission and the Zoning Administrator prior to making a decision.

3. The recommendation of the Planning Commission and the decision of the Commerce City Council shall be based on findings.

4. If the Commerce City Council's proposed action on the variance is consistent with the findings in the staff report prepared by the zoning administrator, the Commerce City Council may rely on the findings in the staff report, without the need to adopt any additional findings. In such instance, the motion shall be worded as follows: "I make a motion to approve [or deny] the application for variance based on the findings adopted in the staff report for the application."

5. If the Commerce City Council's proposed action on the variance is contrary to the findings in the staff report prepared by the zoning administrator, the Commerce City Council shall adopt its own findings to support its decision. In such instance, the Commerce City Council shall take one of the following actions prior to acting on a motion: adopt its own findings of fact; or request that the Zoning Administrator articulate findings to support the proposed action; or recess to allow the Board members or the Zoning Administrator to articulate findings to support the proposed

action; or continue the meeting to a later date certain to give the City Council and/or Zoning Administrator time to articulate findings to support the proposed action.

Sec. 14-113. Withdrawal of application.

(h) **No refund.** There shall be no refund by the city of an application fee if an application is withdrawn.

(i) **Prior to public notice.** If a request for withdrawal is received prior to the publication of a notice for a public hearing, the application shall be withdrawn administratively by the Zoning Administrator without restriction on the refiling of a variance application on the property in the future, as described in this division.

(j) **After public notice.** If a request for withdrawal is received after publication of a public notice has been published or when such public notice has been irretrievably set for publication but the variance application has not been heard by the Planning Commission or the Commerce City Council, the application shall be withdrawn administratively by the zoning administrator, provided that an application for a variance relating to the property shall not be resubmitted for twelve months from the date of withdrawal.

(k) **After Planning Commission public hearing.** No withdrawal of a variance application shall be permitted after the Planning Commission public hearing on said application has been convened.

Sec. 14-114. Notice of action.

The Zoning Administrator shall notify the applicant in writing of the decision on the variance application by the Commerce City Council.

Sec. 14-115. Finality and appeal.

A decision of the Commerce City Council with regard to a variance application shall be final and may be appealed to the Jackson County Superior Court in accordance with law. Such appeal must be taken within ten (10) days of the written decision of the Commerce City Council.

Sec. 14-116. Limitations on the frequency of filing applications.

(a) No variance application requesting variance to the same section of the UDC and affecting the same or any portion of property which was denied by the Commerce City Council shall be accepted for filing by a property owner until twelve months shall have elapsed from the date said application for variance to the same section of the UDC was denied by the Commerce City Council.

(b) After approval of a variance, no variance application requesting variance affecting the same or any portion of property which was approved by the Commerce City Council

shall be accepted for filing by a property owner until twelve months shall have elapsed from the date said application for variance was approved by the Commerce City Council.

DIVISION II

ADMINISTRATIVE VARIANCES

Sec. 14-201. Authority.
Sec. 14-202. Initiation of administrative variance applications.
Sec. 14-203. Application requirements.
Sec. 14-204. Criteria for granting administrative variances.
Sec. 14-205. Application compliance and completeness.
Sec. 14-206. Decision.
Sec. 14-207. Recourse if denied.

Sec. 14-201. Authority.

(a) The Zoning Administrator shall have the power to authorize upon application in specific cases such variances from the terms of this UDC as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this UDC will in an individual case result in unnecessary hardship or practical difficulty, so that the spirit of this UDC shall be observed, public safety and welfare secured, and substantial justice done. Administrative variances will only be considered at the discretion of the Planning Administrator and variance requests cannot exceed a 20% modification to each standard set in this UDC.

(b) The Zoning Administrator may upon application approve, conditionally approve, or deny variances, subject to the requirements of this division. In granting a variance, the Zoning Administrator may impose such requirements and conditions with respect to the location, construction, maintenance and operation of any use or building, in addition to those expressly set forth in this UDC, as may be deemed necessary for the protection of adjacent properties and the public interest.

Sec. 14-202. Initiation of administrative variance applications.

An application for administrative variance may be initiated by any person, firm, corporation or agency, provided said individual, firm, corporation or agency is the owner or owner's agent of the property for which the administrative variance is sought.

Sec. 14-203. Application requirements.

Applications for administrative variance shall require submittal of the following items:

(a) Application fee for each variance requested as specified by resolution of the City Council;

(b) Application form furnished by the zoning administrator, including signed and notarized signature of property owner;

(c) Campaign contribution disclosure;

(d) Legal description of the property;

(e) Survey plat of the property;

(f) Letter of intent describing the proposed use of the property or other action requested;

(g) Site plan of the property at an appropriate engineering scale showing existing and proposed buildings and structures and other information as may be required by the Zoning Administrator to describe and/or graphically depict the requested variance;

(h) Written analysis of how the proposed action compares to decision criteria specified for the granting of variances pursuant to this division; and

(i) Other information as may be required by the zoning administrator.

Sec. 14-204. Criteria for granting administrative variances.

Any applicant requesting consideration of an administrative variance shall provide a written justification that one or more of the condition(s) described in this section exist. The Zoning Administrator shall not approve an administrative variance application unless he or she shall have adopted findings that one or more of the following conditions exist:

(a) There are extraordinary, exceptional, or peculiar conditions pertaining to the particular piece of property in question, because of its size, shape, topography or other physical condition that are not applicable to other lands or structures in the same district; and that such conditions cause unnecessary hardship, practical difficulty or adversely affect the reasonable use or usability of property as currently zoned and regulated;

(b) The requested variance will be in harmony with the purpose and intent of this UDC and will not be injurious to the neighborhood or to the general welfare;

(c) The special circumstances are not the result of the actions of the applicant; and/or

(d) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed.

Sec. 14-205. Application compliance and completeness.

(a) A separate application (and fee) is required for each section of this UDC proposed to be administratively varied. In cases where more than one application for administrative variance pertaining to a particular piece of property is filed, said applications may be processed simultaneously.

(b) No administrative variance application shall be processed by the Zoning Administrator unless it complies with the procedural requirements of this division and is found to be complete with regard to application materials, payment of fees, supportive materials, and any other application requirements specified by this division.

(c) The Zoning Administrator shall not accept for processing, or process, an administrative variance application that does not comply with all application submittal requirements of this division.

Sec. 14-206. Decision.

Within no more than thirty (30) calendar days of the date an administrative variance application is determined complete, the Zoning Administrator shall render a decision on the application which shall be based on findings. The Zoning Administrator shall forward the decision and findings to the City Manager or his designee for review. Within no more than ten (10) calendar days of the date the Zoning Administrator forwards his decision to the City Manager or designee, the City Manager or designee shall render a decision in writing on the application and return said decision to the zoning administrator. The application will be denied if either the Zoning Administrator or the City Manager or designee determine that the administrative variance application should be denied based on findings.

Sec. 14-207. Recourse if denied.

An applicant who applies for an administrative variance that is denied by the Zoning Administrator or City Manager or his designee may file a variance application to be considered by the Commerce City Council, as provided in Division I of this Article.

DIVISION III

APPEALS OF ADMINISTRATION DECISIONS

Sec. 14-301. Appeal as a remedy.
Sec. 14-302. Initiation of an appeal.
Sec. 14-303. Bases for an appeal.
Sec. 14-304. Application requirements.
Sec. 14-305. Stay of proceedings.
Sec. 14-306. Appeal procedures.
Sec. 14-307. Authority and action.

Sec. 14-301. Appeal as a remedy.

It is the intent of this UDC that all questions arising in connection with the administration and enforcement of this UDC shall be presented first to the Zoning Administrator for potential resolution. Persons may appeal to the Commerce City Council for relief when aggrieved by an action or an interpretation of the Zoning Administrator made under this UDC. All such requests for relief shall be taken as an appeal to the Commerce City Council, as provided in this Division.

Sec. 14-302. Initiation of an appeal.

Any person aggrieved by a decision of the Zoning Administrator or by an act of any person acting administratively under authority of this UDC may initiate, by application, an appeal of an administrative action or interpretation to the Commerce City Council. An application for an appeal for any property or properties may be initiated by the owner of a majority interest in the property affected, or his or her authorized representative.

Sec. 14-303. Bases for an appeal.

(a) An appeal may be filed where it is alleged that the Zoning Administrator has misinterpreted or misapplied one or more requirements or other provisions of this UDC.

(b) An appeal may be filed where it is alleged that an enforcement officer erred in finding the person or property in violation of any provision of this UDC or in violation of permit conditions.

Sec. 14-304. Application requirements.

(a) All appeal applications shall be submitted to the Zoning Administrator on forms provided by the zoning administrator. The applicant shall be required to submit all documentation necessary to support the appeal application, which shall be transmitted by the Zoning Administrator to the Commerce City Council.

(b) All appeal applications shall be accompanied by a non-refundable fee, as set by resolution of the governing body from time to time.

(c) An application for an appeal shall include such descriptions, maps or drawings as needed to clearly illustrate or explain the action requested. The city may request such additional information from the appellant as necessary to provide a full understanding of the appeal.

(d) Such appeal application must be filed within thirty days of the action or interpretation that is the subject of the appeal. If the person aggrieved by an action by an administrative official with regard to this UDC does not file a complete appeal application within thirty (30) days of the decision appealed from, then the decision of the Zoning Administrator shall stand, and no further remedy shall be available under this UDC.

(e) The Zoning Administrator shall review the application for completeness within five working days of the application submission deadline. Incomplete or improper applications will be returned to the applicant.

Sec. 14-305. Stay of proceedings.

The filing of a completed application for an appeal of an administrative decision stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Commerce City Council, after the notice of appeal shall has been filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed unless the applicant for appeal of an administrative decision secures an order from a court of competent jurisdiction.

Sec. 14-306. Appeal procedures.

(a) **Assembly of record.** Upon receiving a complete and timely application for an appeal, the Zoning Administrator shall assemble such memos, papers, plans, or other documents as may constitute the record for the appeal or as may provide an understanding of the issues involved.

(b) **Schedule of appeal hearing.** Once the record has been assembled, the Zoning Administrator shall schedule the appeal for public hearing and consideration at the next meeting of the Commerce City Council for which adequate public notice can be given.

(c) **Notification to the general public**. At least 15 days but not more than 45 days prior to public hearing, notice shall be published in a newspaper of general circulation within the city. The notice shall state the time, place and purpose of the hearing. The published notice shall also include the location of the property for which the appeal arises, if applicable and the nature of the appeal.

Sec. 14-307. Authority and action.

(a) **Decision or determination.** The Commerce City Council shall after application and public hearing make findings and render a decision on the appeal. The Commerce City

Council may affirm, overrule or modify, in whole or in part, the rulings, or decisions or interpretations of the zoning administrator.

(b) **Remedies.** In cases where an appeal is granted, the Commerce City Council may direct the issuance of land disturbance permits, development permits, building permits, and certificates of occupancy not otherwise inconsistent with this UDC or other ordinance adopted by the City Council. The Commerce City Council may interpret such provisions of this UDC as may require clarification or extension in specific cases.

(c) **Notice.** The Zoning Administrator shall notify the applicant, in writing, of its decision within five calendar days after the Commerce City Council has rendered its decision.

(d) **Binding action.** The Zoning Administrator shall be bound by the decision of the Commerce City Council on the appeal application.

(e) **Finality.** A decision of the Commerce City Council pursuant to this division shall constitute final action and may be appealed only to a court of competent jurisdiction in the manner provided by law.

ARTICLE 15

SUBDIVISION OF LAND

DIVISION I PURPOSES, AUTHORITY, AND DEFINITIONS

Sec. 15-101. Purposes.
Sec. 15-102. Authority of zoning administrator.
Sec. 15-103. Authority of the Planning Commission.
Sec. 15-104. Definitions.
Sec. 15-105. Exemptions from plat approval.

DIVISION II GENERAL PROVISIONS

Sec. 15-201. Land is one lot until subdivided.
Sec. 15-202. Subdivision of land.
Sec. 15-203. Review of subdivisions along state routes.
Sec. 15-204. Lots must comply with UDC requirements.
Sec. 15-205. Improvements required for final platting.
Sec. 15-206. Creation of homeowner's association.
Sec. 15-207. Easements.
Sec. 15-208. Retracement surveys.
Sec. 15-209. Surveyor certification box for retracement surveys.
Sec. 15-210. Easement surveys.

DIVISION III PRELIMINARY PLAT

Sec. 15-301. Preliminary plat – when required.
Sec. 15-302. Relationship of preliminary plat to development permit.
Sec. 15-303. Preliminary plat specifications.
Sec. 15-304. Procedures.
Sec. 15-305. Amendments to approved preliminary plats.

DIVISION IV STANDARDS FOR BLOCKS AND LOTS

Sec. 15-401. Suitability of land.
Sec. 15-402. Conformance with comprehensive plan and other plans.
Sec. 15-403. Block length.
Sec. 15-404. Block width.
Sec. 15-405. Lot depth.
Sec. 15-406. Adequate building site.
Sec. 15-407. Lot lines.
Sec. 15-408. Double frontage lots.
Sec. 15-409. Flag lots.
Sec. 15-410. Lot remnant not permitted.

DIVISION V FINAL PLAT SPECIFICATIONS

Sec. 15-501. Format for plats and condominium plans.
Sec. 15-502. Data for plats required per state law.
Sec. 15-503. Data required for plats per state rules and regulations.
Sec. 15-504. Additional plat data required locally.
Sec. 15-505. Final plat certification data required locally.
Sec. 15-506. Additional requirements for final plats involving private streets.
Sec. 15-507. Purchaser's acknowledgement for lot served by private street.
Sec. 15-508. Combination plat.
Sec. 15-509. Boundary line adjustment.

DIVISION VI FINAL PLAT PROCEDURES

Sec. 15-601. Application for final plat.
Sec. 15-602. Process for review and approval of a final plat.
Sec. 15-603. Recording of final plat.
Sec. 15-604. Distribution of approved final plat.
Sec. 15-605. Revision of final plat.

DIVISION VII SURETY FOR COMPLETION OF PUBLIC IMPROVEMENTS AND ACCEPTANCE OF PUBLIC IMPROVEMENTS

Sec. 15-701. Improvements to be completed.
Sec. 15-702. Submission.
Sec. 15-703. Maintenance period and duration of guarantee.
Sec. 15-704. Amount of guarantee.
Sec. 15-705. Inspection.
Sec. 15-706. Repairs.
Sec. 15-707. Remedies.
Sec. 15-708. Release of improvement guarantee.
Sec. 15-709. Performance and maintenance mechanisms.
Sec. 15-710. Existing situations without improvement guarantees.
Sec. 15-711. Warranty deed and resolution of acceptance.

DIVISION I

PURPOSES, AUTHORITY, AND DEFINITIONS

Sec. 15-101. Purposes.
Sec. 15-102. Authority of Zoning Administrator.
Sec. 15-103. Authority of the Planning Commission
Sec. 15-104. Definitions.
Sec. 15-105. Exemptions from plat approval.

Sec. 15-101. Purposes.

This Article is adopted for the following purposes, among others:

(a) To assure equitable handling of all subdivision plats by providing uniform procedures and standards for the subdivider;

(b) To assure, in general, the wise development of new land areas, in harmony with the comprehensive plan of the city;

(c) To assure the accurate description of property, the identification of property boundaries with monuments, and the proper recording of property descriptions in public records;

(d) To help eliminate the costly maintenance problems which occur when streets and lots are laid out without proper consideration given to various public purposes;

(e) To protect lot purchasers who generally lack the specialized knowledge to evaluate subdivision improvements and design; and

(f) To implement the Georgia Plat and Condominium Plan Recording Act of 2017 and other applicable state laws.

Sec. 15-102. Authority of zoning administrator.

(a) In accordance with the provisions of this Article, the Zoning Administrator shall have authority with regard to the review and approval, conditional approval, or disapproval of applications regarding preliminary plats, final plats, dedication plats and condominium plans; provided, however, the Zoning Administrator does not have authority to accept any public improvements on behalf of the Commerce City Council or Commerce Planning Commission. The Zoning Administrator shall have final authority with regard to the review and approval, conditional approval, and disapproval of lot combination plats, minor subdivisions, and boundary line adjustments provided they are compliant with this UDC. Public streets shall only be accepted by the Commerce City Council, following procedures for public dedications specified in this Article.

(b) The Zoning Administrator shall not sign and approve any final or other plat required by this Article, nor shall any plat be authorized for recording, unless the plat meets the minimum requirements of this Article and any other applicable provision of this UDC.

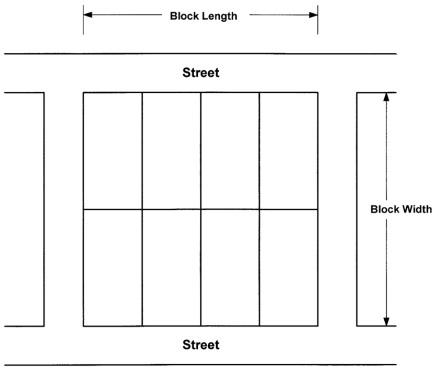
Sec. 15-103. Authority of the Planning Commission

(a) In accordance with the provisions of this Article, the Commerce Planning Commission shall have final authority with regard to the review and approval, conditional approval, or disapproval of preliminary plats, final plats, dedication plats and condominium plans; provided, however, the Commerce Planning Commission does not have authority to accept any public improvements on behalf of the Commerce City Council. Public streets shall only be accepted by the Commerce City Council, following procedures for public dedications specified in this Article.

(b) The Planning Commission and its designated chair shall not sign and approve any final or other plat required by this Article, nor shall any plat be authorized for recording, unless the plat meets the minimum requirements of this Article and any other applicable provision of this UDC.

Sec. 15-104. Definitions.

Block: An area of land that is entirely surrounded by streets, public lands, railroad rights-of-way, watercourses, or other well defined and fixed boundaries.



Block, Block Length, and Block Width

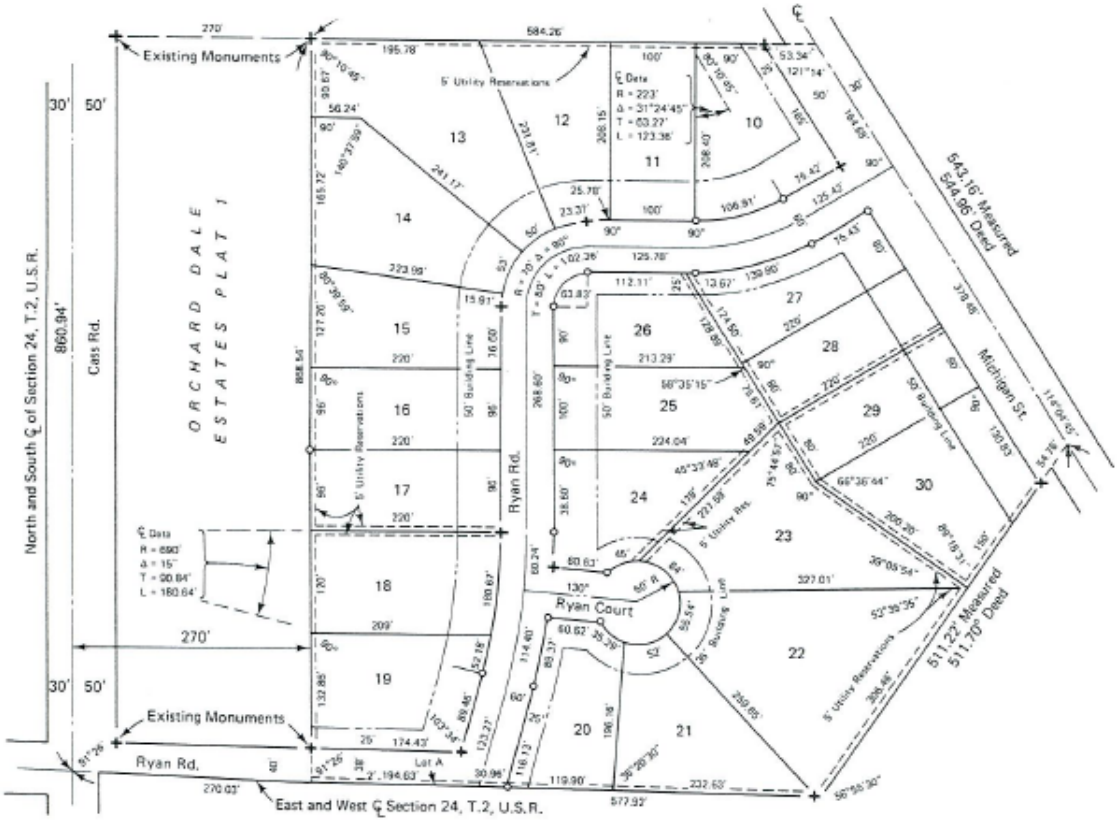
Condominium plan: A drawing that is required to be recorded prior to the first conveyance of a condominium unit pursuant to subsection (b) of O.C.G.A. Section 44-3-83, including, but not limited to, a condominium floor plan, condominium plot plan, or condominium site plan.

Cul-de-sac: A dead-end street of limited length having a primary function of serving adjoining land and constructed with a turnaround at its end.

Dedication plat: A plat drawn specifically for the purpose of dedicating public right-of-way or land for public use, drawn to meet final plat specifications and following procedures for final plat approval of this Article.

Easement: A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

Final plat: The final drawing of a subdivision and, as applicable, dedication, prepared for filing for record with the Clerk of Superior Court of Jackson County, and containing all elements and requirements set forth in this Article.



Source: Brewer, William E. and Charles P. Alter. 1988. The Complete Manual of Land Planning & Development. Englewood Cliffs, NJ: Prentice Hall.

Illustrative Final Plat

Homeowners' association: An organization formed for the maintenance and operation of the common areas of a subdivision or development, where membership in the association is automatic with the purchase of a dwelling unit or lot within the development, with the ability to legally assess each owner of a dwelling unit or lot and which has authority to place a lien against all dwelling units and lots within the subdivision or development.

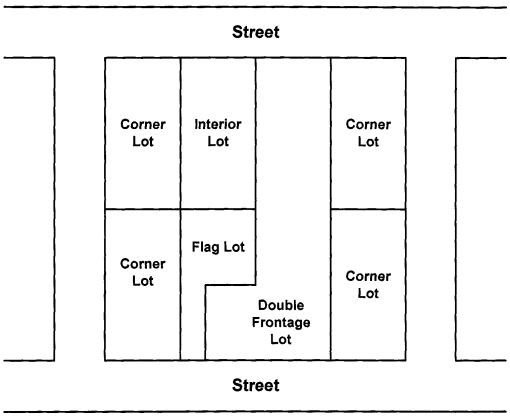
Lot: A parcel or tract of land held in single ownership.

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

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

Lot, double frontage: A lot other than a corner lot that has frontage upon two or more streets that do not intersect at a point abutting the property.

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



TYPES OF LOTS

Major subdivision: The division of a tract of land into any number of lots, which requires the construction of a new street or the widening of an existing roadway, the provision of stormwater drainage facilities (other than driveway culverts), or the construction or improvement of public utilities; or the division of land into more than five lots, regardless of whether public improvements are involved.

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

Minor subdivision: The division of a tract of land into five or less lots which does not require public improvements, as defined.

Preliminary plat: A professional drawing which shows the proposed layout of a subdivision in sufficient detail to indicate its general design. A preliminary plat is prepared by a professional engineer, a registered land surveyor, a landscape architect, a land planner, or any other person professionally familiar with land development and project construction activities. A preliminary plat is not a construction document.

Professional engineer: An engineer duly registered or otherwise authorized by the State of Georgia to practice in the field of civil engineering.

Protective covenants: Contracts made between private parties as to the manner in which land may be used, with the view toward protecting and preserving the physical and economic integrity of any given area.

Public improvement: The construction, enlargement, extension or other construction of a facility intended for dedication to the city or a public utility provider or to a facility already owned by the city, including but not limited to a street including the minimum required right-of-way as

defined within this UDC, curb and gutter, sidewalk, cross drain, catch basin, other roadway appurtenance, domestic water supply system main, fire hydrant, valve or other water system appurtenance, or sanitary sewerage main or outfall, lift station, force main, manhole or other appurtenance. Utility supply lines to a building are not considered public improvements. Construction of a driveway apron connection shall not be considered a public improvement for purposes of triggering preliminary plat approval.

Registered Land Surveyor: A land surveyor licensed and registered to perform the duties of a registered land surveyor (R.L.S.) by the State of Georgia.

Retracement: A survey, not required to be reviewed and approved by the local jurisdiction prior to filing or recording in the clerk's office, but drawn to specifications required by this Article.

Septic tank: An approved watertight tank designed or used to receive sewage from a building sewer and to affect separation and organic decomposition of sewerage solids, and discharging sewage effluent to an absorption field or other management system.

Subdivider: Any person who undertakes the subdivision of land, and any person having such a proprietary interest in land to be subdivided as will authorize the maintenance of proceedings to subdivide such land under this UDC, or the authorized agent of such person.

Subdivision: The division of a property or tract of land into two or more tracts or lots; or a land development project in which two or more lots are created, along with the streets and utilities needed to support construction of buildings on the lots. The word "subdivision" includes re-subdivision and, when appropriate to the context, relates either to the process of subdividing or to the actual land or area which is subdivided.



CONVENTIONAL SUBURBAN SUBDIVISION

Sec. 15-105. Exemptions from plat approval.

The following types of land subdivisions, transfers, and sales are specifically exempted from the plat approval requirements of this Article; provided, however, that such exemptions shall not apply to land development requirements and improvement requirements of this Article or compliance with other applicable requirements of this UDC:

(a) Retracement surveys and easement surveys, as specifically authorized in this Article;

(b) The creation and sale of cemetery plots;

(c) The sale of lots consistent with previously approved and recorded plats or deeds;

(d) The creation of leaseholds for space within a multiple-occupancy building or the division of property into leaseholds (but not for sale) for commercial, industrial, or institutional use;

(e) The creation of leaseholds (but not for sale) for the agricultural use of property where the use does not involve the construction of a building to be used as a residence or for other purposes not directly related to agricultural use of the land or crops or livestock raised thereon.

(f) Any division of land to heirs through a judicial estate proceeding, or any division of land pursuant to a judicial partition, or any division of land occurring from the foreclosure of a deed to secure debt; provided, however, that such exemption shall not require the Zoning Administrator to issue permits if the resulting lots or parcels fail to meet any applicable zoning provisions regarding lot size, lot width, or other dimensional requirements.

DIVISION II

GENERAL PROVISIONS

Sec. 15-201. Land is one lot until subdivided.
Sec. 15-202. Subdivision of land.
Sec. 15-203. Review of subdivisions along state routes.
Sec. 15-204. Lots must comply with UDC requirements.
Sec. 15-205. Improvements required for final platting.
Sec. 15-206. Creation of homeowner's association.
Sec. 15-207. Easements.
Sec. 15-208. Retracement surveys.
Sec. 15-209. Surveyor certification box for retracement surveys.
Sec. 15-210. Easement surveys.

Sec. 15-201. Land is one lot until subdivided.

Until property proposed for subdivision has received final plat approval and been properly recorded, the land involving the subdivision shall be considered as one lot, or as otherwise legally recorded.

Sec. 15-202. Subdivision of land.

(a) No person shall subdivide land except in accordance with this Article and this UDC.

(b) It shall be unlawful to sell or transfer title to another person any lot or tract or portion thereof of land that has not been established as a lot of record, except in compliance with this article. Unless the lot to be sold or transferred is a lot of record, final plat approval by the city in accordance with this Article shall be required. This section shall not be interpreted as limiting the sale or transfer of lots consistent with previously lawfully approved recorded plats or deeds.

(c) It shall be unlawful for any person, firm, corporation, owner, agent or subdivider, by deed or plat, to sell, transfer, agree to sell, offer at public auction, negotiate to sell or subdivide any land until a preliminary plat, if required, and final plat have been approved by the Zoning Administrator and final plat recorded in accordance with this Article. Said restriction applies to lands subdivided for non-residential as well as residential uses. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt the transaction from compliance with this Article or from the penalties established for violations of this UDC.

(d) The city through its attorney or other designated official may enjoin such transfer of, sale, or agreement by appropriate action.

Sec. 15-203. Review of subdivisions along state routes.

(a) No subdivision plat containing land which abuts a state route shall be approved until such plat has been submitted for review and comment by the Georgia Department of Transportation, in accordance with the provisions of O.C.G.A. 32-6-151.

(b) When the city receives such a plat, it shall submit two copies of the proposed subdivision plat to the Georgia Department of Transportation if such proposed subdivision includes or abuts on any part of the state highway system. The Georgia Department of Transportation, within 30 days of receipt of the plat, shall recommend approval and note its recommendation on the copy to be returned to the Zoning Administrator or recommend rejection. Failure of the Georgia Department of Transportation to act within this 30-day period shall constitute approval. If the plat is recommended for rejection, the reasons for rejection and requirements for approval shall be given to the Zoning Administrator in writing; but such recommendation shall be advisory only and shall not be binding.

Sec. 15-204. Lots must comply with UDC requirements.

No person shall subdivide land, and the Zoning Administrator shall not approve any subdivision of land, unless the lots created pursuant to said subdivision meet or exceed all applicable requirements of the zoning district in which it is located, overlay district if applicable, environmental overlay district if applicable and any other applicable requirements of this UDC, and as may be amended from time to time. For minimum lot frontage, minimum lot width and minimum lot size requirements by zoning district, see Table 2-2A and Table 2-2B of this UDC.

Sec. 15-205. Improvements required for final platting.

No final subdivision plat involving a public dedication of land or public improvement of streets or public utilities shall be approved by the Zoning Administrator or accepted for recordation by the Clerk of Superior Court of Jackson County until all improvements, if required by this Article or UDC generally, have been constructed or installed in a satisfactory manner and approved by the Zoning Administrator and public utility provider as applicable.

Sec. 15-206. Creation of homeowner’s association.

(a) **Required.** For any major subdivision involving common areas, open spaces, and/or a stormwater detention facility on a separate tract within the subdivision, a homeowner’s or property owner’s association shall be required to be created which shall be responsible for the ownership and maintenance of common areas, open spaces and/or stormwater detention facilities within the subdivision. The homeowner’s or property owner’s association must be maintained as the responsible owner of such facilities and lands and shall not be dissolved unless another ownership entity is accepted by the Commerce City Council.

(b) **Mandatory membership.** Membership in the homeowner's association must be mandatory for each property in the development.

(c) **Bylaws and covenants.** Such association must also include homeowner's or property owner's declaration and bylaws, including covenants, conditions and regulations applicable to each property in the development.

(d) **Approval and recording.** The instruments of such creation and financial endowment shall be submitted to the Zoning Administrator for review and approval; covenants are also subject to approval by the city attorney, and such approval shall be obtained prior to recording. said instruments shall also be recorded at the time of final plat recording with cross-references to recording information on both the instruments and the final plat. A copy of the recorded instruments shall be filed with the Zoning Administrator following recording.

(e) **Reserve account.** At the time control of the association is passed from the declarant to the property owners, the association shall have a reserve account of not less than $125.00 per occupied residence for residential associations or for nonresidential subdivisions an amount approved by the zoning administrator.

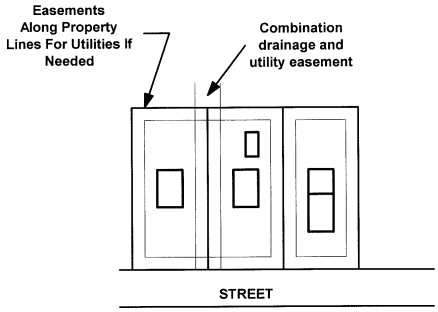
(f) **Enforcement.** The declaration and bylaws shall be enforced by an association management company, which shall have the power to compel the payment of membership dues and assessments.

(g) **Condominium association.** For condominium projects, incorporation of a condominium association consistent with state law will serve in lieu of the requirements of this section.

Sec. 15-207. Easements.

(a) Easements for drainage or public utilities may be required in connection with any major or minor subdivision as determined by the Zoning Administrator in conjunction with utility providers. A drainage easement is required and shall be provided along any manmade drainage channel or drainage pipe located outside a street right-of-way. When required, easements shall be shown on the final plat.

(b) The minimum width of any drainage, water, or sanitary sewer easement shall be twenty feet. Easements for water, sanitary sewers and/or drainage purposes may be combined, but must be a minimum of thirty feet if in combination. Pedestrian easements, if required by the zoning administrator, shall be at least ten feet wide.



Easements

Sec. 15-208. Retracement surveys.

Pursuant to O.C.G.A. 44-2-26, the owner of real property, or of any interest therein or any holder of a lien thereon may file a plat of the property in the office of the clerk of superior court of the county in which the property or any part thereof is located. Said plat shall be considered a retracement survey, provided that it contains the surveyor certification box for retracement surveys as required by this Article. Such retracement survey shall not require local approval and shall be entitled to be filed and recorded.

Sec. 15-209. Surveyor certification box for retracement surveys.

(a) Each plat of a retracement survey shall have depicted thereon a box which contains the following applicable certifications of the land surveyor:

"This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. Recordation of this plat does not imply approval of any local jurisdiction, availability of permits, compliance with local regulations or requirements, or suitability for any use or purpose of the land. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67."

(b) The land surveyor shall sign on a line immediately beneath the certification on the plat. At the discretion of the land surveyor and in conformity with local regulations, the surveyor may electronically sign the certification using a facsimile signature. The facsimile signature may be a reproduction of an original signature or an electronically created signature. If the land surveyor elects to use a facsimile signature, the surveyor must maintain full control over the application and use of such signature.

(c) In the case of a plat that is a retracement survey, the land surveyor shall state clearly the recording information of any document, map, plat, or other instrument which created any

of the parcels depicted. The depiction of gores, overlaps, or other parcel delineation as may be necessary to remedy or address title issues or deficiencies shall be allowed as part of the retracement function.

(d) Plats bearing the certification required for retracement surveys shall be entitled to recordation without further review or local approval.

Sec. 15-210. Easement surveys.

Plats that depict existing or proposed easements, including for any purpose including utilities, access, no access, or for conservation purposes, may be recorded using the certification for retracement surveys, provided that there are no changes to any real property boundaries, and provided that the plat includes information required by this Article. Plats bearing the certification required for retracement surveys shall be entitled to recordation without further review or local approval.

DIVISION III

PRELIMINARY PLAT

Sec. 15-301. Preliminary plat – when required.
Sec. 15-302. Relationship of preliminary plat to development permit.
Sec. 15-303. Preliminary plat specifications.
Sec. 15-304. Procedures.
Sec. 15-305. Amendments to approved preliminary plats.

Sec. 15-301. Preliminary plat – when required.

Any subdivision involving the dedication of a public street or public land, any subdivision involving a new private street, and any subdivision requiring a public improvement as defined, shall require the submission and approval by the Commerce Planning Commission of a preliminary plat.

Sec. 15-302. Relationship of preliminary plat to development permit.

(a) Preliminary plat approval requests may be processed in conjunction with an application for development permit. However, the preliminary plat must be approved prior to issuance of a development permit for the project.

(b) A development permit and a land disturbance permit per the requirements of this UDC shall be required prior to initiation of any land disturbing or construction activities on the lands proposed for subdivision.

(c) Preliminary plat approval shall be valid for a period of two years, after which preliminary plat approval shall expire if there have been no improvements installed on the land subject to subdivision.

Sec. 15-303. Preliminary plat specifications.

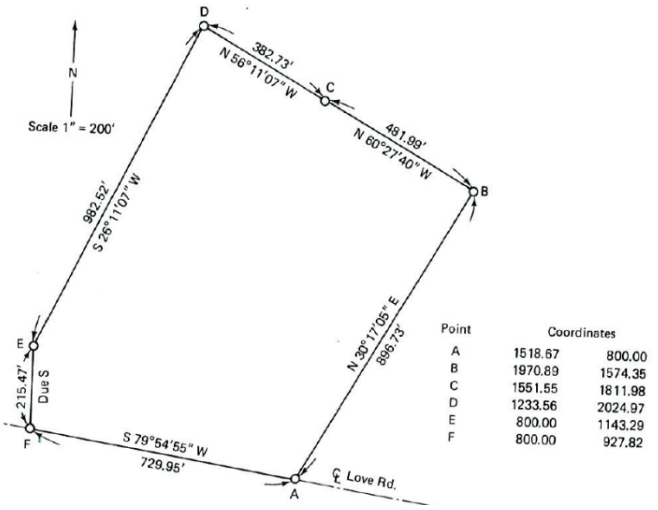
The following specifications are required for a preliminary plat:

(a) **Proposed name of subdivision.** The proposed name of the subdivision shall not duplicate or too closely approximate, phonetically, the name of any other subdivision in the city or county. If shown to the contrary, the Zoning Administrator may refuse to accept such subdivision name.

(b) **Plat scale and sheet size.** The preliminary plat shall be clearly and legibly drawn at a scale of 100 feet or less to 1 inch. The recommended maximum dimensions of the sheet size is 36 inches by 48 inches and the minimum dimensions of 17 inches by 22 inches; however, the Zoning Administrator may approve other sheet sizes and scales as appropriate.

(c) **Owner and professional contact information.** Name, mailing address, telephone and fax numbers and e-mail address of the property owner and the professional preparing the preliminary plat.

(d) **Miscellaneous.** Date of boundary survey, north point and graphic scale, source of data, date of plan drawing, and, if any, revision dates.



Source: Brewer, William E. and Charles P. Alter. 1988. The Complete Manual of Land Planning & Development. Englewood Cliffs, NJ: Prentice Hall.

Illustrative Boundary Survey

(e) **Location and tract boundaries.** Location (including Militia District) and size of the property in acres (or in square feet if less than an acre), and the external boundaries of the tract to be subdivided or developed shown by bearings and distances. The preliminary plat must reference and be based on a boundary survey of the exterior boundaries of the proposed subdivision, prepared by a registered land surveyor.

(f) **Vicinity map.** A location map of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets, railroads, and major water courses.



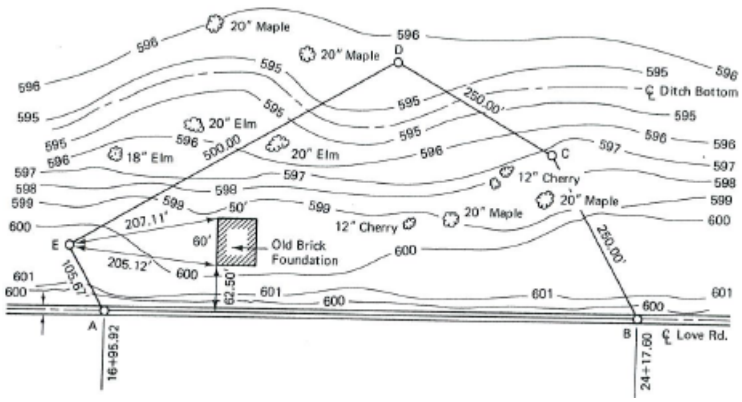
(g) **Abutting property information.** Names of adjoining property owners per recorded deeds, zoning district of all adjoining properties, and if applicable overlay district designations of all adjoining properties.

(h) **Prior subdivision.** Name of former approved subdivision, if any, for all of the land in the preliminary plat that has been previously subdivided, showing boundaries of same.

(i) **Zoning.** Zoning district boundaries and zoning designation(s) of the subject property and, if applicable, overlay district.

(j) **Application number and conditions.** Rezoning, conditional use, and variance application number, date of approval, and conditions of approval, if applicable.

(k) **Natural features and flood plains.** Natural features within the property, including topographic contours at no less than five-foot intervals, drainage channels, bodies of water, wetlands, streams with required buffer designated, wooded areas and other significant natural features such as groundwater recharge areas and rock outcroppings. On all water courses entering or leaving the property, the direction of flow shall be indicated. The 100-year flood plain, if any, shall be delineated.



Source: Brewer, William E. and Charles P. Alter. 1988. The Complete Manual of Land Planning & Development. Englewood Cliffs, NJ: Prentice Hall.

Illustrative Topography and Existing Conditions

(l) **Streets, easements, political boundaries and built features.** Man-made features within and adjacent to the property, including street right-of-way and pavement widths, names of existing streets, all easements, city and county political boundary lines, and other significant information such as location and dimensions of bridges, existing buildings to remain, and other features. A notation must also be included on the plat advising the specific road(s)s and right(s)-of-way will be dedicated and deeded to the City.

(m) **Subdivision block and lot layout.** The proposed subdivision layout including lot lines and street right-of-way lines, with proposed street names or letter designations and right-of-way widths, along with the front building setback line and the approximate dimensions of the length and width of each lot. The total number of lots in the subdivision and the total acreage in the tract to be subdivided shall be indicated. Lots shall be numbered consecutively in a clockwise fashion, and the approximate land area of each lot shall be indicated for each lot. The proposed phasing of the subdivision shall be indicated, if it is proposed to be platted in phases.

(n) **Water and sewage disposal.** A statement as to the source of the domestic water supply and provisions for sanitary sewage disposal. For those properties that will not be served by a public sanitary sewerage system, location and results of soil tests or percolation tests as required and approved by the Jackson County Environmental Health Department.

(o) **Stormwater management.** The approximate location of proposed storm water detention facilities. Compliance with stormwater management requirements of this UDC will be required for the issuance of a land disturbance permit.

(p) **Public land reservations.** In addition to public streets, the preliminary plat shall indicate land if any to be dedicated for public use.

(q) **Approval from Health Department**. A signed certification of approval of the Jackson County Health Department shall be placed on the Preliminary Plat of all subdivisions not connected to the City sanitary sewer system.

(r) **Inscription.** Inscription stating "NOT FOR FINAL RECORDING"

(s) **Certification of Preliminary Approval.** A certificate of Approval of the Preliminary Plat by the Planning Commission shall be inscribed on the plat as follows:

"This preliminary plat was given approval by the City of Commerce Planning Commission on _____, 2_____.

This preliminary plat does not constitute approval of a Final Plat. This Certificate of Preliminary Approval shall expire and be null and void on (one year from the preliminary approval):

Chair, Commerce Planning Commission: _____

Date: _____"

(t) **Additional information.** Additional information as may be required by the Zoning Administrator to ensure compliance with this Article and this UDC.

(Amended 01/21/2025)

Sec. 15-304. Procedures.

(a) Upon receipt of a completed preliminary plat application, the Zoning Administrator shall schedule the application for the next public meeting before the Commerce Planning Commission and forward all pertinent materials in the application to the Commerce Planning Commission for review.

(b) An application for preliminary plat approval must be submitted at least 45 days before the regular meeting date of the Commerce Planning Commission to be considered on that agenda. The Commerce Planning Commission shall approve, conditionally approve, or

deny the preliminary plat application, or it may postpone to a later meeting not to exceed 65 days from the date of its first scheduled consideration of the preliminary plat.

(c) The basis of the Commerce Planning Commission's review of and action on a preliminary plat shall be whether the preliminary plat meets the purposes and requirements of this Article and the UDC generally, whether the public dedications proposed in the subdivision are adequate, and whether the preliminary plat conforms to the policies of the comprehensive plan.

(Amended 01/21/2025)

Sec. 15-305. Amendments to approved preliminary plats.

The Zoning Administrator is authorized to approve minor amendments to preliminary plats. Any proposed amendment to a preliminary plat that is determined by the Zoning Administrator to constitute a public interest shall be deemed a major amendment. For all amendments to preliminary plats determined to be major amendments, approval by the Commerce Planning Commission shall be required. The Commerce Planning Commission shall approve, conditionally approve, or deny the proposed major amendment to a preliminary plat. Procedures for considering a major amendment to a preliminary plat shall be the same as required for an initial application for preliminary plat approval as specified in this division.

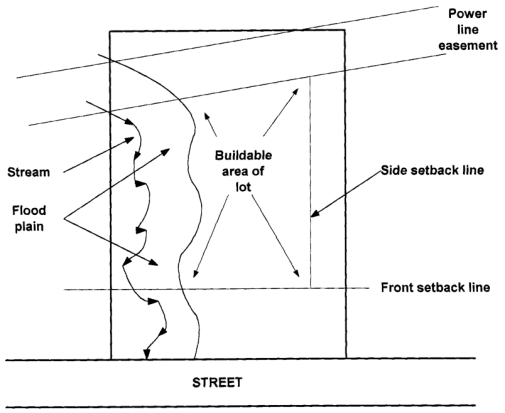
DIVISION IV

STANDARDS FOR BLOCKS AND LOTS

Sec. 15-401. Suitability of land.
Sec. 15-402. Conformance with comprehensive plan and other plans.
Sec. 15-403. Block length.
Sec. 15-404. Block width.
Sec. 15-405. Lot depth.
Sec. 15-406. Adequate building site.
Sec. 15-407. Lot lines.
Sec. 15-408. Double frontage lots.
Sec. 15-409. Flag lots.
Sec. 15-410. Lot remnant not permitted.

Sec. 15-401. Suitability of land.

Land physically unsuitable for subdivision because of flooding, poor drainage, steep slopes, rock formations or other such features that may endanger health, life or property, aggravate erosion, increase flood hazard, or necessitate excessive expenditures of public funds for supply and maintenance of services shall not be approved for subdivision or development unless adequate methods are formulated by the subdivider for solving the problems.



Adequate Building Area Required

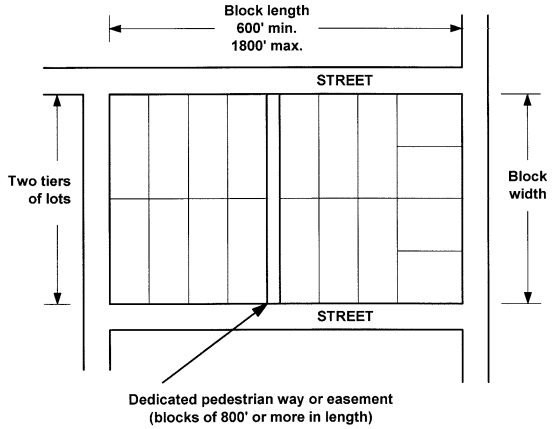
Sec. 15-402. Conformance with comprehensive plan and other plans.

(a) All proposed subdivisions shall conform to the comprehensive plan and development policies in effect at the time of submission to the zoning administrator. All highways, streets and other improvements recommended in the county transportation plan shall be platted by the developer in the location and to the dimension indicated in the county transportation plan.

(b) When features of other plans adopted by city (such as schools or other public-building sites, parks or other land for public uses) are located in whole or in part in a subdivision, such features shall be either dedicated or reserved by the subdivider for acquisition within a reasonable time by the appropriate public agency.

Sec. 15-403. Block length.

Intersecting streets shall be provided at such intervals so as to provide adequate cross traffic and connectivity. Blocks in residential subdivisions should not exceed 1800 feet nor be less than 600 feet in length, except where topography or other conditions justify a departure from these standards. In blocks longer than 800 feet, pedestrian ways and/or easements through the block shall be required near the center of blocks.



Block Length, Block Width, and Pedestrian Way

Sec. 15-404. Block width.

(a) The width of a block shall be sufficient to allow two tiers of lots of appropriate depth, except where reverse frontage lots on arterial streets are provided, or when prevented by topographic conditions or size of the property, or for lots along the periphery of the subdivision, in which case the Zoning Administrator may approve a single row of lots.

(b) Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking, deliveries, and service.

Sec. 15-405. Lot depth.

The depth of lots intended for detached, single-family residential shall not be greater than four times the width of the lot at the regulatory building line, unless unusual circumstances make these limitations not practicable. Lots intended for other uses should observe this maximum lot depths standard where practicable.

Sec. 15-406. Adequate building site.

Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements, required building setback lines, and required stream buffers.

Sec. 15-407. Lot lines.

All side lot lines shall be perpendicular to street lines, and all rear lot lines shall be parallel or radial to street lines, unless not practicable because of topographic or other features.

Sec. 15-408. Double frontage lots.

Double frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or overcome specific disadvantages of topography or orientation. The Zoning Administrator may require a no-access, planting screen easement of at least 10 feet in width, across which there shall be no right of access, along the line of lots abutting such a traffic artery or other disadvantageous use.

Sec. 15-409. Flag lots.

(a) Flag lots, which meet minimum lot area requirements and meet the minimum lot width at the front building setback line where the building is placed, may be allowed where conditions of hardship make standard design or frontage impossible, impractical, or inefficient with regard to land use.

(b) Where such lots are allowed, the street frontage of each panhandle portion of the lot shall not be less than 30 feet wide, and the panhandle portion of the lot shall be no less than 30 feet wide and not more than 300 feet long.

(c) Not more than two such panhandle access points shall abut each other. The Zoning Administrator may require shared driveways for abutting flag lots.

Sec. 15-410. Lot remnant not permitted.

All remnants of lots less than the required minimum lot size which may be left over after subdividing a larger tract, must be added to adjacent lots, rather than allowed to remain as unusable or noncompliant parcels. The Zoning Administrator may permit a lot remnant for a specific purpose such as a detention pond or buffering, provided that access and design is appropriate and the lot remnant is restricted to specific public, utility, or conservation use.

DIVISION V

FINAL PLAT SPECIFICATIONS

Sec. 15-501. Format for plats and condominium plans.
Sec. 15-502. Data for plats required per state law.
Sec. 15-503. Data required for plats per state rules and regulations.
Sec. 15-504. Additional plat data required locally.
Sec. 15-505. Final plat certification data required locally
Sec. 15-506. Additional requirements for final plats involving private streets.
Sec. 15-507. Purchaser's acknowledgement for lot served by private street.
Sec. 15-508. Combination plat.
Sec. 15-509. Boundary line adjustment.

Sec. 15-501. Format for plats and condominium plans.

All images of a plat or condominium plan submitted for filing in the office of the clerk of superior court shall:

(a) Be at full size of the drawing scale stated thereon;

(b) Be an electronic image of a plat or condominium plan presented to the clerk electronically in conformance with all specifications set forth in any rules and regulations promulgated by the Georgia Superior Court Clerks' Cooperative Authority;

(c) Comply with the minimum standards and specifications adopted in the rules and regulations of the State Board of Registration for Professional Engineers and Land Surveyors; and

(d) Provide a box of not less than three inches square, if at full size, in the upper left-hand corner which shall be reserved for the clerk to append filing information.

Sec. 15-502. Data for plats required per state law.

This section enumerates data required to be shown on plats per the Georgia Plat and Condominium Plan Recording Act of 2017.

(a) **County.** The county where the property lies.

(b) **City.** Any municipality wherein the property lies.

(c) **Owner.** The name of the property owner or owners of the subject property as stated on the most current or applicable title instrument.

(d) **Plat type.** The type of plat (final subdivision, boundary line adjustment, lot combination, retracement survey, easement survey, dedication plat, etc.).

(e) **Name.** The name of any subdivision if the property lies within a named subdivision or if the plat is creating a new subdivision; or the name of any condominium if the property is within a condominium development.

(f) **Division designations.** The applicable units, pods, blocks, lots, or other sub-designations of any named subdivision or condominium.

(g) **Developer.** The name or names of the developer or developers of any named new subdivision or condominium.

(h) **Land lots and districts.** All applicable land lots, land districts, sections, reserves, or militia districts wherein the platted property lies.

(i) **Date and revision dates.** The date of initial preparation and issuance and any revision dates, including a brief explanation of each revision.

(j) **Surveyor.** The name, address, and telephone number of the land surveyor who prepared and sealed the plat and, if working for or through a firm, corporation, partnership, association, limited liability company, or other entity, then also the certificate of authorization number of that entity, in which case the address and telephone number of such entity are acceptable in lieu of the individual surveyor's address and telephone number.

(k) **Surveyor registration.** The registration number of the land surveyor or a statement that he or she is the county surveyor and is not required by law to be a registered surveyor.

(l) **Surveyor seal.** The seal of the land surveyor who has prepared the plat and is signing the surveyor certification, which shall be placed within or next to the surveyor certification box.

(m) **Page numbers.** If the plat has multiple pages the page number for each applicable page and the total number of sheets in the set shall be placed on each sheet in the same or similar location. The information required by this paragraph may be placed on all sheets or on different sheets within the set submitted for filing.

(n) **Scale.** The scale of the plat stated and shown graphically.

(o) **Surveyor certification box for subdivision plats.** Each plat involving a subdivision shall have depicted thereon a box which contains the following applicable certifications of the land surveyor:

"As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies

by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67."

The land surveyor shall sign on a line immediately beneath the certification on the plat. At the discretion of the land surveyor and in conformity with local regulations, the surveyor may electronically sign the certification using a facsimile signature. The facsimile signature may be a reproduction of an original signature or an electronically created signature. If the land surveyor elects to use a facsimile signature, the surveyor must maintain full control over the application and use of such signature.

(p) **Additional certifications.** Additional dates, certifications, and signatures, which may be electronically created signatures, may be placed on plats. Such certifications may include, but are not limited to, those that may be required by local jurisdictions or agencies, the United States Small Business Administration, the United States Department of Housing and Urban Development, and the American Land Title Association.

Sec. 15-503. Data required for plats per state rules and regulations.

This section enumerates selected data required to be on plats per Rules and Regulations of the State of Georgia, Department 180, "State Board of Registration for Professional Engineers and Land Surveyors," Chapter 180-7, "Technical Standards for Property Surveys, and local requirements. It is the land surveyor's responsibility to provide all data required by said rules, and the lack of inclusion of said rule requirements in this section shall not relieve a land surveyor from complying with said requirements:

(a) **Point of beginning and point of reference.** There shall be a point of commencement and/or a point of beginning that can be readily re-established. The direction and distance from a point of reference to a point on the boundary of the individual survey, and such additional data as may be required to relocate the boundary point from the point of reference with the same degree of accuracy required of the parcel surveyed. The point of reference shall be an established, monumented position which can be identified or relocated from maps, plats or other documents on public record, including state plane coordinates when applicable. The point of reference may lie on or within the boundary of the survey.

(b) **Names of adjoining subdivisions and property owners and documents reviewed.** The names of adjoining subdivision and/or property owners on all lines, as can be determined at the time of commencement of the survey through public records such as the county tax assessor and/or clerk of court records, along with a notation as to what documents were reviewed for each adjacent property.

(c) **Roads.** Adjacent streets, roads, or other rights-of-way, and the width and the former widths, if pertinent, of rights-of-way adjacent to or crossing the property.

(d) **Water.** All water boundaries.

(e) **Easements.** The width and the former widths, if pertinent, of easements adjacent to or crossing the property. Where water and sewer utilities are located within rights of ways to be dedicated to the city, temporary easements shall be required for such utilities in favor of the service provider until the rights of ways are officially accepted by resolution of the Commerce City Council.

(f) **Encroachments and cemeteries.** Apparent encroachments and observed evidence of human burials or cemeteries.

(g) **North arrow.** An arrow to indicate the principal meridian and a notation as to the reference of bearings to magnetic north, astronomic north, record or grid north. A grid north reference shall indicate the zone. Record north shall reference the document or survey to which the meridian is oriented and the line of the survey to which the "record bearing" was applied to.

(h) **Metes and bounds bearings and distances and areas.** Bearings of all lines of the boundary or lot lines, and distances of all boundary or lot lines, and area of the parcels expressed in acres or square feet. The total acreage of the subdivision shall be shown. All bearings, distances, and areas shown on the survey shall be based upon the measurements of the surveyor, except that both the measured and the record measurements may be shown if the surveyor feels that such comparison is necessary or otherwise required, in which case a clear distinction shall be made as to which are measured and which are record. All angular directions shall be represented in degrees, minutes, and seconds. Distances that are shown for proximity purposes only and have not been measured shall be clearly labeled as “approximate”; A metes and bounds description shall describe all courses in logical sequence around a lot or tract in a clockwise direction such that the ending point is the beginning point. In the case of curved lines, the curve shall be defined by curve data to include the radius, arc length, chord bearing, and distance of regular curves. Chord distances and directions shall be given for irregular curves.

(i) **Equipment reference.** A statement to indicate the type of equipment used to obtain the linear and angular measurements used in the preparation of the plat, or the proper notations required by Rule 180-7-.09 when GPS equipment is used in performing the survey.

(j) **Closure precision.** The closure precision of the data shown on the plat. The closure may be stated as follows: “This map or plat has been calculated for closure and is found to be accurate within one foot in ____ feet.”

(k) **Monuments.** Monuments shall be set at all boundary corners. All monuments found, placed or replaced shall be described on the survey plat. The land surveyor shall set monuments, unless monuments already exist or cannot be set due to physical obstructions. Those monuments that cannot be set due to physical obstructions shall have a reference monument set. Said reference monument shall be referenced on the plat by

bearing and distance from the true position of said monument. Also, said reference monument shall be set far enough away from the true corner so as not to be confused with the position of the true corner. Corner descriptions shall state the size, material and cap identification of the monument as well as whether the monument was set or found. In the case of badly disturbed or deteriorated monuments that are replaced for the purpose of position preservation, the survey shall indicate the size, type, and material of both the found monument and the monument with which it was replaced.

(l) **Monument specifications.** All monuments set shall be composed of a durable material and shall incorporate a ferrous material to aid in location by magnetic locators. Said monuments shall have a minimum length of 18 inches. Monuments placed at land lot corners, district corners or county corners shall if a rod have a minimum diameter of 5/8 inches, a pipe of 1 inch diameter or a concrete or stone monument of not less than 4 inches square. Every boundary monument set shall be identified with a durable marker or cap bearing the Georgia registration number of the land surveyor in responsible charge or the name of the business entity in responsible charge.

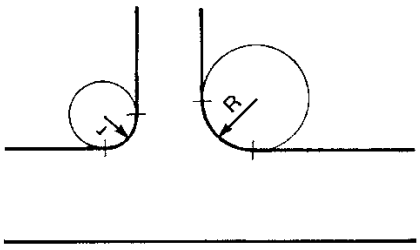
Sec. 15-504. Additional plat data required locally.

In addition to the requirements of state law and state rules and regulations, all plats shall including the following additional information:

(a) **Street names.** Street names including both the name and the suffix, such as “street,” “avenue,” etc.

(b) **Location sketch or vicinity map.** A hand-drawn or map reproduction, whether or not to an engineering scale, showing the subject property in context of a larger area. Typical scale when a scale is used, is 1inch equals 2,000 feet.

(c) **Road centerlines, pavement widths and radii.** The centerline of all roads within or adjacent to the subdivision, and the exact pavement width of the road or roads abutting the subject property and within the subdivision. For cul-de-sacs, both the right of way radius and the pavement radius shall be shown. In addition, the right of way and pavement radii of all street intersections shall be shown.



(d) **Lot and block identifiers.** Lots numbered in numerical order and blocks lettered alphabetically.

(e) **Addresses.** Prior to recording, the street address number shall be shown on each lot as assigned by the Jackson County E-911 coordinator (GIS Department).

(f) **Building setbacks.** Front building setback lines with dimensions as to length across each lot and distance from the street right-of-way.

(g) **Flood hazard area note.** A note indicating whether or not the property is located within a 100-year flood plain, as designated on Federal Emergency Management Agency Flood Insurance Rate Maps, along with the community map panel number and effective date.

(h) **Dedications and common areas.** Any areas to be reserved, donated, or dedicated to public use and common use shall be shown along with their acreage. If streets are to be dedicated, the total linear distance of streets to be dedicated shall be indicated on the plat. A notation must also be included on the plat advising the specific road(s) and right(s)-of-way will be dedicated and deeded to the City.

(i) **Private covenants.** Statement of and reference to private covenants, conditions and restrictions, if any.

(j) **Lot sizes.** All lots shall have their acreage displayed on the individual lot or keyed in a table on the plat.

(k) **Zoning Conditions, Variances, and Overlay(s).** Zoning designations, applicable conditions, approved variances, and overlay districts must be shown on the final plat. If mappable, they must be depicted, if not, listed.

(l) **Buffers**. All buffers must be clearly shown on the plat, including all maintained vegetation and replacement vegetation.

(m) **Other data.** The Zoning Administrator may require that additional information be shown on the final plat, including but not limited to the existing zoning district and if applicable zoning conditions, zoning overlay and/or environmental overlay district, if applicable, variances if applicable, required stream buffers and zoning buffers, and wetlands.

Sec. 15-505. Final plat certification data required locally.

The following certifications shall be required for final plats, as applicable:

(a) **Owner's certification.** A certificate signed by the owner directly on the final plat, as follows:

"The owner of the land shown on this plat and whose name is subscribed hereto, certifies that that he/she is the fee simple absolute owner of the land shown on this plat and that all state, city and county taxes or other assessments now due on this land have been paid.

_____

Owner

Signed, sealed and delivered
in the presence of:

_____

Witness

_____

Notary Public"

(b) **Certificate of approval and signature block.** The following certification of approval and signature block shall be provided on the plat:

"Pursuant to the Unified Development Code of the City of Commerce and all requirements of approval having been fulfilled, this final plat was given final approval by the Zoning Administrator and it is entitled to be recorded in the Clerk's Office, Jackson County Superior Court."

_____ _____

Signature, Zoning Administrator Date"

(c) **Certificate of dedication.** If the subdivision involves the dedication of land or streets to the public, the following certification shall be provided on the plat:

The owner dedicates to the public for use forever the street right of way(s) and/or other public dedications shown on this plat, as follows:

Street right of way(s): __ linear feet and ___ acres.
Other: ___ acres.

A dedication is not final until acceptance of the dedication by resolution of the Commerce City Council.

_____

Owner

Signed, sealed and delivered
in the presence of:

_____

Witness

_____

Notary Public"

(d) **Health department certificate.** If the subdivision involves an on-site sewage management system or community water system, the following certification shall be provided on the plat:

"This final plat has been approved by the Jackson County Health Department as being consistent with applicable state and local environmental health requirements.

_____ _____

Signature, Director, Jackson County Health Department Date"

For a minor subdivision, the Zoning Administrator may waive the requirement to include a signed health department certificate on a final plat; provided, however, that if the lot(s) included in the final plat of a minor subdivision are to be served by an on-site sewage management system (septic tank), in lieu of said certification the final plat shall contain the following note: "Each lot must be reviewed and approved by the Jackson County Environmental Health Department for on-site sewage management system placement prior to the issuance of a building permit."

(e) **Engineer's utility certificate.** If the subdivision involves water and/or sanitary sewer lines to be dedicated, the following certification shall be provided on the plat:

"The civil engineer responsible for the design and oversight of construction of water and/or sewer lines within this subdivision to be dedicated, hereby certifies that said water and sewer lines have been constructed and inspected as being in accordance with the standard specifications of the utility provider(s) and the requirements of the Commerce Unified Development Code:

_____ _____

Signature, Name of Professional Engineer Date"
(affix seal)

(f) **Utility dedication certificate.** If the subdivision involves water and/or sanitary sewer lines to be dedicated, the following certification shall be provided on the plat:

"The owner hereby dedicates to the City of Commerce forever the water and sanitary sewer lines within easements or within street rights of ways shown on this plat, as follows:

Water lines: __ linear feet.
Sanitary sewer lines: __ linear feet.

_____

Owner

Signed, sealed and delivered
in the presence of:

_____

Witness

_____

Notary Public"

(g) **Temporary utility easement dedication:**

"The subdivider hereby dedicates temporary easements to the City of Commerce within proposed rights of ways containing water and/or sewer lines to be dedicated, until such rights of ways are accepted by resolution of the Commerce City Council."

_____

Owner

Signed, sealed and delivered
in the presence of:

_____

Witness

_____

Notary Public"

(h) **Utility easement dedication.** If easements for water and/or sewer are included in the subdivision but located outside of right of way to be dedicated, the subdivider shall include the following easement dedication statement:

The subdivider hereby dedicates utility easements to the City of Commerce as shown on this final plat."

_____

Owner

Signed, sealed and delivered
in the presence of:

_____

Witness

_____

Notary Public"

(i) **Utility acceptance of dedication.** If the subdivision involves water and/or sanitary sewer lines to be dedicated, the following certification shall be provided on the plat:

"The City of Commerce hereby accepts the water and/or sanitary sewer lines within easements or within street rights of ways shown on this plat:

_____ _____

Signature, Mayor Date"

The exact language of the plat certifications specified in this section may be changed to match the requirements of the utility provider or health department, as may be appropriate and as approved by the zoning administrator.

Sec. 15-506. Additional requirements for final plats involving private streets.

No final plat involving a private street shall be approved by the Zoning Administrator for recording unless and until it shall contain the following on the face of the plat:

(a) The private street shall be located within an exclusive and irrevocable access and utility easement granted to the city. The access and utility easement shall be no less wide than that required for right-of-way for a similar public street. All lot area requirements, setbacks and other requirements of the applicable zoning district shall be measured outside of or from such access and utility easement. As an alternative, the private street may be located within a separate parcel of land, no less wide than that required for right-of-way for a similar public street, owned by a homeowner's association for the development and granting an exclusive and irrevocable access and utility easement to the city.

(b) Covenants, or reference to the deed book and page of the recorded covenants.

(c) "The City of Commerce has no responsibility to build, improve, maintain, or otherwise service the private streets, drainage improvements, and other appurtenances contained within the general public purpose access and utility easement or easements for private streets shown on this plat."

(d) "Grant of Easement. The general purpose access and utility easement(s) shown on this plat for private street(s) is (are) hereby granted and said grant of rights shall be liberally construed to provide all necessary authority to the City of Commerce, and to public or private utility providers serving the subdivision, for the installation and maintenance of utilities, including, but not limited to, electric lines, gas lines, telephone lines, water lines, sewer lines, cable television lines, and fiber optic cables, together with the right to trim interfering trees and brush, together with a perpetual right of ingress and egress for installation, maintenance, and replacement of such lines.

_____

Signature of Property Owner"

At the discretion of the zoning administrator, a subdivision improvement guarantee as required for public streets may be required for a subdivision containing private streets.

Sec. 15-507. Purchaser's acknowledgement for lot served by private street.

Prior to the sale or as a condition of the closing of a real estate transaction involving any lot served by a private street in the city, the subdivider or seller shall ensure that the purchaser of said lot shall execute a notarized purchaser's acknowledgement of private street construction and drainage maintenance responsibilities as set forth below. A copy of the purchaser's acknowledgement shall be retained by the purchaser and shall be required to be submitted as a condition of a building permit for a principal building on said lot.

"Purchaser's Acknowledgement of Private Street and Drainage Maintenance Responsibility.

(I) (We) have read the Declaration of Covenant which pertains to the lot that is the subject of this real estate transaction _____ (insert address or attach legal description). (I) (We) understand that the Declaration of Covenant applies to the lot that (I am) (we are) purchasing and requires (me) (us) to provide a specified percentage or amount of the financing for the construction and maintenance of any private street and drainage facilities serving the lot which (I am) (we are) purchasing, and that owners of other lots in this plat may sue for and recover those costs which this covenant requires (me) (us) to pay, plus their damages resulting from (my) (our) refusal to contribute, plus reasonable attorney's fees. (I) (we) further understand that the City has no obligation to assist with the maintenance and improvement of the private street, drainage facilities, and other appurtenances within the general purpose public access and utility easement for the private road serving the lot in question. I (we) understand that a copy of this purchaser's acknowledgement shall be required as a condition of the issuance of a building permit for a principal building on the lot (I am) (we are) purchasing.

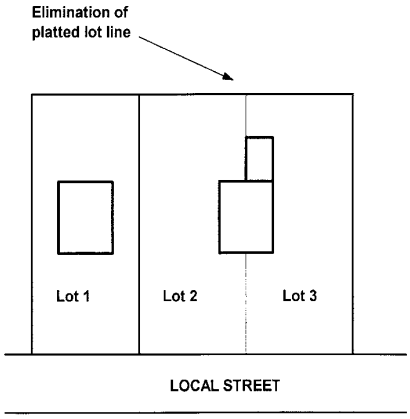
_____

Purchaser"

A reference to this requirement to execute a purchaser's acknowledgment prior to the sale of any lot served by a private street shall also appear in the recorded. covenants, conditions, and restrictions for the subdivision.

Sec. 15-508. Combination plat.

(a) An existing lot line forming the boundary between two conforming platted lots located within the same subdivision or a lot line between lots or parcels that have merged to form one building lot may be removed or eliminated through a final plat revision process which conforms to the final plat requirements of this Article.



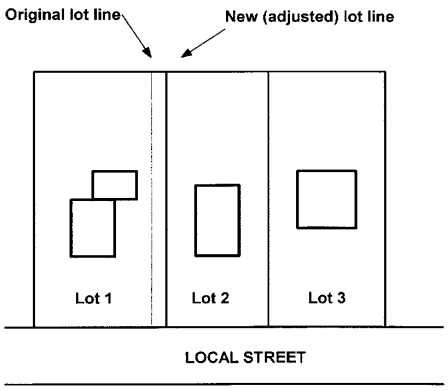
Lot Combination

(b) Where separate lots of land are proposed to be combined, they shall be submitted to the Zoning Administrator as a final plat for review and approval. In the case no final plat applies to the subject lots or parcels, a boundary survey and plat depicting all lots involved in the lot combination shall be required to be approved by the Zoning Administrator as a final plat.

(c) Such combination plat shall be titled with the same name as that of the original subdivision, if applicable, and shall indicate thereon that the replat is for the purpose of removing the lot lines between specific lots.

(d) The Zoning Administrator shall review and grant approval, conditional approval, or disapproval based on this UDC. No combination plat shall be approved or conditionally approved by the Zoning Administrator if it is not in conformance with the minimum standards of this UDC.

Sec. 15-509. Boundary line adjustment.



Boundary Line Adjustment

(a) One or more existing lot lines forming boundaries between conforming platted lots located within the same subdivision, or one or more lot lines between abutting lots or parcels may be adjusted through a final plat revision process that requires the approval of the Zoning Administrator and recording of a plat meeting the specifications of a final plat. In the case no final plat applies to the subject lots or parcels, a boundary survey and plat of the entire lots involved in the boundary line adjustment shall be required to be approved by the zoning administrator.

(b) Such plat showing said boundary line adjustment shall be titled with the same name as that of the original subdivision and shall include thereon that the replat is for the purpose of adjusting the lot lines between specific lots.

(c) No boundary line adjustment plat shall be approved or conditionally approved unless it conforms to the minimum standards of this UDC.

DIVISION VI

FINAL PLAT PROCEDURES

Sec. 15-601. Application for final plat.
Sec. 15-602. Process for review and approval of a final plat.
Sec. 15-603. Recording of final plat.
Sec. 15-604. Distribution of approved final plat.
Sec. 15-605. Revision of final plat.

Sec. 15-601. Application for final plat.

Applications for final plat approval shall include the following:

(a) **Application form.** Completion of an application form with information specified by the zoning administrator, including but not limited to owner information. The owner, or agent if so authorized, shall sign the application attesting to the accuracy of the application and confirming authority and intent to submit the application for consideration.

(b) **Copies of plat.** Nine (9) printed copies and one (1) digital copy of the final subdivision plat, showing the entire ownership and drawn to the specifications required by this article.

(c) **Fee.** Payment of the applicable application and review fees as established by the Commerce City Council from time to time for a final plat.

(d) **Payment for signs and striping.** Payment for materials and installation of traffic signs and street name signs in an amount determined by the city engineer. Payment of the cost of street striping or signalization, if required and not completed by the owner, shall also be included with the application.

(e) **Financial guarantee of improvements**. For major subdivisions involving public improvements, a subdivision improvement guarantee as specified in this article.

(f) **Protective covenants and homeowner's association documents.** If required by provisions of this UDC, a homeowners' association shall be created and the instruments of such creation and financial endowment shall be recorded at the time of final plat recording. Similarly, if a property owners association is required by this UDC or established by the developer, such association shall be created and instruments of creation and financial endowment shall be required at the time of final plat recording. Two copies of the recorded instruments or instruments to be recorded shall be filed with the zoning administrator.

(g) Protective covenants and homeowner's association documents. If required by provisions of this UDC, a homeowners' association (HOA) shall be created and the

instruments of such creation and financial endowment shall be recorded at the time of final plat recording. Similarly, if a property owners association (POA) is required by this UDC or established by the developer, such association shall be created and instruments of creation and financial endowment shall be required at the time of final plat recording. Two copies of the recorded instruments or instruments to be recorded shall be filed with the zoning administrator. The HOA/POA shall be turned over to homeowners of the HOA/POA within 5 years of approval of the final plat or upon 80% of the development's lots being sold, whichever occurs later. The conversion of the HOA/POA shall be automatic, not requiring any act by the declarant.

Sec. 15-602. Process for review and approval of a final plat.

Upon completion of all requirements, the subdivider or property owner can file an application for final plat approval. The procedures for final plat review and action shall be as specified in this section.

(a) **Review for completeness and application acceptance.** The Zoning Administrator shall review the final plat application for completeness within no more than 10 business days from the posted submission deadline. Incomplete applications will not be processed and will be returned to the applicant.

(b) **Distribution and agency review of final plat.** The Zoning Administrator may forward a copy of the final plat application to other city departments as may be appropriate, the Georgia Department of Transportation if the proposed subdivision has frontage on or proposes access to a state or federal road. The applicant shall be required to obtain approval from the Jackson County Environmental Health Department if septic tanks are proposed within a major subdivision, and public utility providers in cases where connection to public water and/or sewer is proposed or required.

(c) **Time period for completion of review.** Except for final plats that have frontage on or propose access to a state or federal road which require review by the Georgia Department of Transportation (which require a 30-day review period), within no more than 25 business days following receipt of a complete final plat application, during which agency review shall be completed, the Zoning Administrator shall indicate on the final plat or in writing all comments related to compliance with this Article and the UDC. The Zoning Administrator shall provide all comments to the applicant for resolution, who shall work with each department as necessary to resolve all issues.

(d) **Action.** When the Zoning Administrator has determined that the final subdivision plat is in compliance with the approved preliminary plat for the subdivision (if applicable) and the requirements of this UDC and consistent with the comprehensive plan, it shall be approved; provided, however, that any final plat that was required to have a preliminary plat approved by the planning commission must also be approved and signed by the planning commission. The owner shall be responsible for compliance with all codes, regulations, and zoning requirements and for the satisfaction of all the noted and written comments. If it is determined that the final plat is not in compliance with the

requirements of this UDC, the Zoning Administrator shall disapprove the final plat. Action must be taken by the Zoning Administrator to approve, conditionally approve, or disapprove the final plat application within no more than 45 business days from receipt of a completed application.

Sec. 15-603. Recording of final plat.

(a) Once the final subdivision plat has received approval as evidenced by the certificate of final plat approval, the applicant shall record the plat electronically with the Jackson County Clerk of Superior Court.

(b) The applicant is responsible for paying any required recording fees.

(c) All plats must be in the Georgia Coordinate System West Zone NAD 83 before the plat is recorded. If the project is within 1,000 feet of a Jackson County geodetic monument the plat must use the monument as a control/tie point. The applicant for final plat approval shall be responsible for forwarding an electronic copy of the final plat as recorded, along with recording information, to the zoning administrator. In addition, the subdivision applicant shall submit electronic (DWG/DXF and PDF) file copies of lot boundaries of subdivisions and related information as specified by the zoning administrator. Building permits may be withheld pending receipt of the electronic files and copy of the recorded final plat.

(d) Recordation of a final plat constitutes approval to begin the sale or transfer of subdivision lots.

Sec. 15-604. Distribution of approved final plat.

The final plat is a source of essential information to tax officials, public safety officials, and utility officials, among others. Accordingly, the Zoning Administrator may forward recorded final plats to appropriate departments and agencies, such as the Jackson County Emergency Services Department; the city building official; the city engineer; and The United States Postal Service (local postmaster). At the discretion of the zoning administrator, additional agencies or persons may be added to the distribution list.

Sec. 15-605. Revision of final plat.

The application requirements and procedures for amending final plats shall be the same as for final plat applications.

DIVISION VII

SURETY FOR COMPLETION OF PUBLIC IMPROVEMENTS

AND ACCEPTANCE OF PUBLIC IMPROVEMENTS

Sec. 15-701. Improvements to be completed.
Sec. 15-702. Submission.
Sec. 15-703. Maintenance period and duration of guarantee.
Sec. 15-704. Amount of guarantee.
Sec. 15-705. Inspection.
Sec. 15-706. Repairs.
Sec. 15-707. Remedies.
Sec. 15-708. Release of improvement guarantee.
Sec. 15-709. Performance and maintenance mechanisms.
Sec. 15-710. Existing situations without improvement guarantees.
Sec. 15-711. Warranty deed and resolution of acceptance.

Sec. 15-701. Improvements to be completed.

All public improvements required for subdivisions shall have been properly installed and completed in accordance with all requirements and standards of this UDC (other than traffic signs, street name signs, street striping, and signalization) prior to final plat approval. This includes, but is not limited to streets, water facilities, sewer facilities, pump stations, gas facilities, electric facilities, drainage mechanisms, stormwater retention ponds, and telecommunication facilities.

Sec. 15-702. Submission.

Prior to approval of a final plat, the owner of a subdivision involving public improvements shall submit a subdivision improvement guarantee in a form and amount acceptable to the Zoning Administrator and city attorney which is required for all planned improvements shown on the preliminary plat, that shall remain in effect during the development period.

Sec. 15-703. Maintenance period and duration of guarantee.

(a) The subdivider shall maintain any public improvements in the subdivision, for a period of two years or until certificates of occupancy have been issued for 75% or more of the principal buildings on the lots shown on the final subdivision plat, whichever occurs later.

(b) The two-year maintenance period shall begin upon recordation of the final subdivision plat.

(c) If the two-year term expires before the issuance of certificates of occupancy for 75% or more of the principal buildings on the lots shown on the final subdivision plat, the improvement guarantee shall be renewed or extended, until certificates of occupancy

have been issued on 75% of the principal buildings on the lots shown on the final subdivision plat.

(d) The subdivider shall not assign this responsibility to another entity without permission of the city attorney and zoning administrator.

(e) In cases where the maintenance and performance guarantees are to cover a second phase or any other later stage of a development project governed by this UDC, said guarantees shall be required to be extended in amount and application to cover the original phase of the project in addition to said later phase for the same period of application as set out in this UDC if the later phase will utilize the same street entrance as that used by the original phase of the project.

(f) Maintenance shall include maintenance of all public improvements including, but not limited to, streets, sidewalks, gas facilities, electric facilities, telecommunications facilities, water and sewer mains, pumps and appurtenances, repair of drainage mechanisms, erosion controls, removal of silt from retention ponds and other public improvements.

Sec. 15-704. Amount of guarantee.

The value of the improvement guarantee shall be equal to but not exceeding 120% of the cost of the installation of the improvements shown on the as-built surveys or final plat. The cost of construction shall be evidenced by copies of contractor agreements or actual invoices paid, or as otherwise determined or accepted by the zoning administrator.

Sec. 15-705. Inspection.

Prior to the end of the maintenance period, the subdivider shall request an inspection of the subdivision's public improvements. The Zoning Administrator or designee shall perform the inspection. The subdivider shall be notified of the inspection results in writing at least 30 days after receipt of a request from the subdivider to the city to initiate an inspection.

Sec. 15-706. Repairs.

(a) If repairs are needed for the public improvements to meet city specifications during the maintenance period, the subdivider shall be required to make such repairs within 30 days, after written notification by the zoning administrator.

(b) The subdivider must correct all defects or deficiencies in materials or workmanship and make such repairs as necessary to approximate the as-built condition of the improvements.

(c) When the subdivider completes the necessary maintenance repairs, he or she shall request in writing that the Zoning Administrator inspect the repairs. The Zoning Administrator or

designee shall inspect the repairs and notify the developer of the inspection results within 30 days.

Sec. 15-707. Remedies.

(a) If the repairs are not completed, the subdivision improvement guarantee shall be called to pay for the repairs.

(b) Should the amount of the subdivision improvement guarantee be inadequate to pay for the repairs, the subdivider shall pay the remaining amount.

(c) The city may withhold building permits in the subdivision if the remaining amount required by this paragraph is not paid.

Sec. 15-708. Release of improvement guarantee.

Upon adoption by the Commerce City Council of a resolution, the improvement guarantee shall be released by the zoning administrator.

Sec. 15-709. Performance and maintenance mechanisms.

The performance and maintenance guarantees shall be provided by a variety of means including, but not limited to the following:

(a) Security bond. The applicant may obtain a security bond from a surety bonding company authorized to do business in this state and in good standing with the Georgia Insurance and Fire Safety Commissioner's Office and listed in Circular 570 (Federal Register Vol. 62, No. 126) among companies holding certificates of authority as acceptable sureties on federal bonds and as acceptable reinsuring companies.

(b) Letter of credit. The applicant may provide an irrevocable letter of credit from a bank.

(c) Escrow account. The applicant shall deposit cash or other instruments readily convertible into cash at face value, either with the city, or in escrow with a bank.

Sec. 15-710. Existing situations without improvement guarantees.

(a) Intent. This section is intended to apply only in exceptional circumstances where neither the original subdivision owner nor their successor in interest exists or is solvent and multiple builders have purchased lots in the subdivision, and only in order for the city to ensure a funding source for the maintenance and performance costs associated with the subdivision.

(b) Applicability. This section shall apply when: 1) a final subdivision plat has been approved; and 2) the original owner of the subdivision at the time of approval of the subdivision plat no longer owns any lots in said subdivision, has filed for bankruptcy, or

is otherwise determined to be insolvent; and 3) no improvement guarantee is in place for the subdivision; and 4) more than one person or entity owns undeveloped lots (i.e. lots without a certificate of occupancy) in said subdivision such that posting of a guarantee for the entire subdivision is not feasible.

(c) In the event of the fulfillment of the above-stated four conditions, the city may, in its discretion, accept from the applicant for a building permit or for a certificate of occupancy for any lot or series of lots, a cash guarantee in the amount of a by-lot, pro-rata portion of the amount of the applicable guarantee that would otherwise be required for the entire subdivision, in lieu of the improvement guarantee required to provide for maintenance and performance requirements for the entire subdivision. By way of example, in a 100-lot subdivision for which the normal required improvement guarantee would be $100,000.00, an applicant for one lot could provide a cash improvement guarantee in the amount of $1,000.00; an applicant for two lots could provide a cash improvement guarantee in the amount of $2,000.00. The cash improvement guarantee paid pursuant to this section shall be held by the city and used only for the repair or replacement of the public improvements within the subdivision.

Sec. 15-711. Warranty deed and resolution of acceptance.

(a) Subdivision streets and right of ways and other lands to be dedicated to the public shall be accepted by the city only upon the approval by the Commerce City Council of a general warranty deed conveying fee simple title of such right of ways and lands that are to be owned by the city or by permanent grant of easement where appropriate.

(b) The warranty deed or easement shall be accompanied by a certificate of title and a tax transfer form addressed to the Commerce City Council, certifying that the grantor in such deed or easement is vested with marketable fee simple title to the property conveyed thereby, free and clear of all liens and encumbrances, and further that the individual executing such deed or easement has full authority to do so.

(c) The subdivider shall forward executed deeds for the streets, and dedication of other public properties if applicable, to the Zoning Administrator who will schedule the matters for the next available meeting of the Commerce City Council for consideration, and if approved, recording, along with a resolution accepting the public improvements subject to the improvement guarantee.

ARTICLE 17

SIGNS, ADVERTISING DEVICES, AND OUTDOOR LIGHTING

(Amended 01/16/2023)

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DIVISION I

GENERAL PROVISIONS

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Sec. 17-101. Findings.

It is a substantial and compelling governmental interest to control signs and other advertising devices for the following reasons, among others:

(a) Signs by their very nature are intended to gain the attention of motorists and therefore distract them from the primary purpose of maneuvering a vehicle along a road. Sign controls are needed to promote traffic safety and avoid traffic accidents.

(b) Signage, if left unregulated, can cause confusion and delay in responding to emergencies, because unregulated signs can degrade the utility and reduce the visibility and effectiveness of public safety signs.

(c) Unregulated signage can contribute to clutter and lack of organization in the wayfinding system of a community and thereby increase the stress levels of motorists.

(d) The appearance of the city is substantially influenced by signs, and it is essential to the city's long-term economic viability to maintain a positive appearance. Signs and advertising, without regulation, can detract from the character, beauty, and visual attractiveness of the city.

(e) The size, height, construction materials, location, condition, and attributes of signs can have an adverse impact on surrounding and nearby land uses and properties if not regulated and properly maintained, including the lowering of property values. Abandoned and antiquated signs and sign structures (e.g., a pole with a blank structure for a sign

face) can have a particularly detrimental effect on adjacent properties and contribute to an overall image of blight in the community.

(f) Sign regulations help to assure that public benefits derived from expenditures of public funds for the improvement and beautification of streets and other public structures and spaces are protected. Unregulated signs can neutralize the value and benefit of public investments in streetscapes.

(g) Sign regulations benefit businesses that seek to advertise. Unregulated commercial signage can be detrimental to individual businesses, because business owners may be compelled to erect larger and costlier signs to outperform neighboring or nearby businesses. Such competition for visibility among business can result in too many signs and excessive sizes and heights, to a point of diminishing returns where individual business signs are no longer adequately visible. If unregulated, the competition for visual recognition can defeat the purpose of the signs, which is to carry a message. If signs are left unregulated, patrons of individual businesses may miss their destinations because they cannot find the particular business of choice in the sea of advertising devices.

(h) Signs which are lighted at night give the appearance of activity or operation that is not consistent with residential character of certain parts of the city. Signs that are internally illuminated also tend to give the appearance of a business area. It is appropriate to control the lighting of signs and to make distinctions on where signs may need to remain unlit, and also where internally illuminated signs are permitted. Lights that flash or blink, or vary in intensity have greater potential to attract attention but also a greater probability of distracting motorists. It is in the interests of the community to prohibit lighting practices on signs that are likely to distract motorists. The luminance of a sign (a measurable quantity) can also be perceived by humans as too bright or imposing glare, or causing a nuisance, and it is in the interest of the community to control the intensity of lighting. Electronic changeable copy signs pose special issues and deserve individual regulation specific to that type of sign.

(i) Signs that change copy electronically and that produce multiple, which allow operators to change content from remote locations in a matter of seconds, have been shown to create possible threats to public safety. Such signs are erected for the purpose of trying to hold the attention of motorists by changing messages and pictures for short durations using a series of bright, colorful images produced mainly via LED (light emitting diode) technologies. Brightly lit and colorful signs that change messages every few seconds compel motorists to notice them, and they lure the attention of motorists away from what is happening on the road and onto the sign. Such signs pose public safety threats because if they attract a motorist's attention, the motorist will look at the sign and not at the road. Electronic multiple message signs are also a threat to public safety because of their brightness, making them visible from great distances. Due to their nature of brightness, changing colors, and changing displays, electronic multiple message signs are more distracting than signs which do not vary the brightness, color or message, or multiple message signs that are changed by other means at less frequent intervals. Some electronic multiple message signs could, if unregulated, have the appearance of large, plasma-screen

televisions. An electronic LED display contains brightly-lit text and graphics which can be seen from hundreds of feet away, drawing the attention of everyone within view. Unless otherwise regulated, such displays can be extremely bright since they are designed to be visible in bright sunlight and at night. Furthermore, the human eye is drawn to them far more strongly than to traditional illuminated signs. Such electronic LED displays can be seen from as far away as six-tenths of a mile, making them distracting. It takes a minimum of six seconds to comprehend the message on an electronic sign, which is three times the safe period for driver distraction. For these reasons, it is the intent of the Commerce City Council to make electronic multiple message signs subject to acceptable operational criteria.

(j) The object to which a sign is attached has important implications for compatibility with surroundings. Signs placed on building walls and in windows can be excessive if not regulated as to the area of the sign face, and it is in the public interest to ensure that building and window signs are proportional to the building wall or window on which the signs are placed. It is considered inappropriate to attach signs to certain objects like rocks and benches, thereby justifying certain prohibitions. It is also considered inappropriate to allow signs on roofs of buildings, justifying prohibition, since roof signs interrupt the silhouette of the building, overpower the architecture of the building, and can also block views.

(k) Limitations on window signs can increase visibility from outside a building and may help deter crime and robberies. Sign controls that limit the amount of storefront window and door areas that can be covered with signs enhance visibility of activities within the store or building. Limits on window signs can provide for an appropriate minimum of exterior visibility and may increase public safety of commercial areas through a reduction in crime potential.

(l) Some signs are not movable in the wind, while others are designed to move in the wind. For instance, a flag, or feather banners (also called “wind blades”), or ribbons on strings, etc. are designed to capture attention due to movement in the wind. Further, movement by wind may be naturally generated or power driven, as in the case of machines that blow air through an advertising device. Signs that move in the wind have greater potential for attracting attention to them given their movement. Without regulations and prohibitions on these types of advertising, the result would be clutter and degradation of community appearance.

(m) Flying the American flag is one of the most fundamental rights of every person in the United States. Federal protections have been instigated to protect that right. It is not the intent to prevent the display of the American flag on any sign, although it is also appropriate to restrict the use of flags as an advertising medium. The cities find that the flying of flags, whether the nation’s flag or any other, can be abused. Specifically, businesses, in an effort to outdo their competitors or to stand out in the complex visual environment of messaging, will sometimes install flags on light posts or place multiple small flags along street frontages. Other businesses may, if unregulated, choose to fly uncolored flags in multiple locations just to gain attention. These situations are not

considered responsible displays of the American flag and are considered abuses for advertising purposes. The use of flags as an advertising or attention-attracting medium deserves regulation. Accordingly, it is appropriate to regulate flags, including colored flags without sign copy, to ensure the city's various objectives are met, while at the same time safeguarding the rights of individuals, establishments, and property owners to demonstrate allegiance to the nation, a state, a city or a private establishment. The regulations pertaining to the size, height, and manner of displaying flags is intended to permit such expressions of allegiances while preventing the potential abuses. The copy or content of flags is not regulated by this Article.

(n) Not all lots, parcels, or properties are equal when it comes to the need for signs. Signs along state highways are generally greater in area and height not only because of the desire to allow commercial messages but also because motorist travel speeds (i.e., posted speed limits) are typically greater than in residential neighborhoods. There is evidence that larger signs are needed for legibility and visibility on state highways given their greater motor vehicle speeds (i.e., less time to view a message) and greater width of the right of way, which increases distance of the motorist to sign messages and thus decreases legibility and visibility. This provides justification for differentiating among sign area allowances along different routes based on the number of travel lanes.

(o) The zoning district is an appropriate means of regulating signs, because generally a character is established by each zoning district. The needs for signage differ remarkably among single-family residential zoning districts from zoning districts allowing business, which in turn differ significantly from business parks, low-rise office complexes, and industrial establishments. Greater sign heights and areas are appropriate in business and industrial zones when compared with residential zoning districts.

(p) Due to their large areas, billboards are inherently incompatible with the goals and objectives for development and community character as established in the city's adopted comprehensive plan. Because this Article allows for any type of message on any type of lawful sign, it is unnecessary to allow large signs that are inconsistent with the city's desired character and not fundamentally necessary in terms of providing additional opportunity for messages that may be classified informally as "off site." The purposes served by billboards are reasonably accommodated by other signs, but with smaller areas and at lower heights than would be accomplished with billboards.

(q) It is acknowledged that no set of sign regulations can anticipate all situations relative to sign needs. It is further acknowledged that sign regulations may impose undue burdens on property owners and occupants. Accordingly, it is appropriate to have a procedure, in the form of a variance permission, which can bring relief from strict sign regulations when conditions warrant such relief be granted.

(r) The regulations contained in this Article are no more extensive than necessary to serve the substantial governmental interests and purposes identified in this Article.

Sec. 17-102. Purposes.

The purposes of this Article are to promote and protect the public health, safety, general welfare, and aesthetics, specifically including but not limited to the following:

(a) To provide for the expression of messages by citizens and businesses in the city, and to afford adequate opportunity for self-expression through free speech;

(b) To reduce clutter and to improve the general attractiveness of the city;

(c) To enable the public to locate goods, services, and facilities in the city without difficulty and confusion;

(d) To ensure the reasonable, orderly, and effective display of signs;

(e) To reduce the probability of traffic accidents due to signs obstructing or confusing the vision of drivers, bicyclists, or pedestrians;

(f) To ensure that signs are compatible with their surroundings and to protect property values;

(g) To facilitate and aid in the identification and location of businesses in the city in the event of police, fire, or other emergencies and to avoid confusion and delay in response to such emergencies;

(h) To insure proper maintenance, for safety and structural soundness, as well as the appearance and functionality of signs; and

(i) To balance the rights of individuals to convey their messages through signs with the rights of the public to be protected against the unrestricted proliferation of signs.

Sec. 17-103. Intentions.

(a) **Time, place, and manner restrictions.** It is the intent of this Article to regulate the composition, type, location, placement, height, size, quantity, illumination, duration, and manner of signs and advertising devices that may be displayed. The regulation of these aspects of signs and sign structures is a valid and lawful means of achieving the intentions and purposes of this Article. These intentions and purposes are valid and lawful governmental interests.

(b) **Content neutrality.** The participating municipalities intend to adopt and implement regulations which are content-neutral. It is not the intent to regulate the content of messages in any way. To accomplish this, these regulations do not distinguish between on-site or off-site sign content, nor do they distinguish between commercial and non-

commercial content. It is the intent of this Article to allow political, religious, or personal (non-commercial) messages on any sign permitted to be erected by this Article.

Sec. 17-104. Jurisdiction and general applicability.

No sign or advertising device may be erected, placed, established, painted, created, or maintained within the City of Commerce except in conformity with this Article.

Sec. 17-105. Exemptions.

The following types of signs are specifically exempted from compliance with this Article:

(a) Street address identifiers and building identification numbers on ground signs and on building faces which are required by code or essential to the location of such buildings.

(b) Building markers and decorative or architectural features integral to buildings.

(c) Cemetery stones and markings of individual graves or burial plots.

(d) Incidental signs, unlighted.

(e) Interior signs, unlighted.

(f) Murals, but only when erected as part of a public art program or other program recognized by the Commerce City Council.

(g) Traffic safety and traffic directional signs, installed within the right-of-way of a public street under the authority of the government with jurisdiction, or along private streets or driveways and in off-street parking lots, consistent with the Manual on Uniform Traffic Control Devices.

(h) Public notice signs and signs of a public interest, erected by or on the order of a public officer in the performance of his duty, such as but not limited to public notices, safety signs, memorial plaques, signs of historical interest, and temporary banners pertaining to community festivals.

(i) Signs required by federal, state, or local laws, including but not limited to parking spaces reserved for the handicapped or disabled.

(j) Signs not oriented or intended to be legible from a public right-of-way or adjacent property, or from outdoor areas of public property.

(k) Scoreboards that are permitted as a part of an approved plan for a public or private recreational facility.

(l) Signs, including those attached to fences surrounding ball fields, erected on public park properties and recreation sites with authority of the Commerce City Council or a city or county Board of Education.

(m) Holiday lights and decorations, provided that they are removed within a reasonable period following the holiday season to which they pertain.

Sec. 17-106. Prohibited signs.

The following signs and advertising devices are prohibited unless otherwise specifically provided in this Article:

(a) Air-blown and windblown advertising devices, including but not limited to air puppets and pennants.

(b) Banners and feather banners.

(c) Hand-held signs.

(d) Signs erected within a state, county, or city right-of-way without the permission of the owner. Any unauthorized traffic control device or sign or message placed in a public right-of-way by a private organization or individual constitutes a public nuisance and is subject to removal.

(e) Signs erected at a height of between three and eight feet within a site visibility triangle established by this Article, or a sign at any height or in any manner that obstructs or interferes with the vision of a motor vehicle operator's view of approaching, merging, or intersecting traffic.

(f) Signs erected without the permission of the property owner.

(g) Signs that are painted on or attached to trees, fences (except for one identification plate not exceeding ¼ square feet), fence posts, utility poles, or rocks or other natural features.

(h) Signs that emit smoke, vapor, or odor.

(i) Signs that rotate, revolve (revolving signs), or have moving parts.

(j) Inflatable signs and advertising devices.

(k) Signs that obstruct any fire escape, window, door, or opening usable for fire prevention or suppression, or that prevent the free passage from one part of a roof to any other part thereof.

(l) Signs shaped in a manner and with a color that imitates, or could be mistaken for, an official traffic control sign, such as a red, octagonal "stop" sign or yellow, triangular "yield" sign.

(m) Signs containing reflective elements that sparkle in the sunlight or otherwise simulate illumination during daylight hours or that contain luminous paint that glows in the dark.

(n) Umbrellas used for advertising or with sign copy, except for umbrellas above authorized outdoor seating.

(o) Portable signs.

(p) Projected image signs.

(q) Roof signs.

(r) Vehicular signs, and signs or advertising devices attached to vehicles operating within public rights of ways (also commonly referred to as mobile billboards).

(s) Obscene signs, as defined by the State of Georgia at O.C.G.A Section 16-12-80(b), are not allowed.

(t) Any sign not specifically permitted in a zoning district as provided in this Article shall be prohibited in that district, unless specifically otherwise provided under this Article.

(u) Any other sign or advertising device not specifically permitted by this Article, shall be prohibited unless otherwise specifically provided.

Sec. 17-107. Location restrictions.

(a) **Signs in public right of way.** No sign shall be erected on or encroach on any public right-of-way.

(b) **Vision clearance area.** No portion of a sign face, and no portion of a sign structure wider than 12 inches, between the heights of 2½ feet and 12 feet shall be located within 20 feet of the intersection of the right-of-way lines of streets, roads, highways or railroads, or within 20 feet of the intersection of a street right-of-way and either edge of a driveway. In addition, no sign shall obstruct or impair the vision of any vehicle operator at the intersection of any public rights-of-way, at any entrance onto or exit from a public road, or any other location where said obstruction would create a hazard to life or property.

(c) **Obstruction of visibility of public sign.** No sign shall be located so as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device.

(d) **Height clearance.** Projecting signs and any sign suspended from a canopy shall provide a minimum of 8 feet of clearance from ground level to the bottom of the sign.

Sec. 17-108. Illumination of signs and illumination for advertising purposes.

(a) **Restrictions.**

1. It shall be unlawful to utilize strobe, laser, and search lights except for emergency or public safety operations.

2. No sign illumination device shall resemble an official traffic control sign, signal, or device.

3. Neon tubes or other exposed tubes containing luminescent gas on the outside a building or located inside a building and any form of illuminated outlining a window or door, are prohibited.

4. The use of colored lights is prohibited.

5. Signs shall not flash or blink, except as may be specifically authorized in this Article.

6. Signs located on properties utilized exclusively for a single-family dwelling (including manufactured home), two-family dwelling (duplex), exclusively for agricultural use, or combination of agricultural and residential use, shall not be illuminated.

7. Signs in agricultural, residential, and central business zoning districts shall not be internally illuminated.

8. Back-lit awnings are prohibited.

9. Temporary signs shall not be illuminated.

10. Strings of bulbs are not permitted, except as part of holiday decorations.

11. Exposed or visible lighting strips mounted on a building or any window or door frame is prohibited, except for café style lighting used specifically in outdoor dining areas as defined in this UDC.

(b) General standards for signage illumination.

1. All sign lighting must be designed, directed, and shielded in such a manner that the only the sign face is illuminated, and the light source is not visible beyond the property boundaries where the sign is located, does not cause glare, or spill light into adjacent roadways, rights-of-way, up into the sky, or into the eyes of drivers or pedestrians.

2. No electronic sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. In no case may the brightness exceed 5,000 nits or equivalent candelas during daylight hours, or 250 nits or equivalent candelas between dusk and dawn. Signs found to be too bright shall be adjusted as directed by the planning and development department.

3. All illuminated signs shall be erected with an automatic light detector/photocell, or a scheduled dimming timer by which the sign's brightness shall be dimmed when ambient light conditions darken.

4. All wiring must meet current code requirements as adopted by the City.

5. **Externally Illuminated Signs.** In addition to general standards for signage illumination, externally illuminated signs shall also meet the following:

    a. Externally illuminated signs, when permitted, shall have concealed wiring and controls.

    b. Externally illuminated signs shall be lighted by a white, steady stationary light of reasonable intensity.

    c. Lighting for externally illuminated signs must be mounted at the top of the sign (or within 2 feet of the top of a wall mounted sign), except for freestanding monument style signs which may be illuminated by ground mounted lighting.

        1. Lighting shall consist of no more than four (4) individual fixtures (or lamps) per sign face and produce a maximum of 40,000 lumens per fixture.

        2. All sign lighting shall be included in the calculation of total light output.

6. **Internally illuminated signs.** In addition to general standards for signage illumination, internally illuminated signs shall also meet the following:

    a. Internally illuminated signs, where permitted, must completely shield the source of light from direct view.

    b. Internally illuminated channeled or reverse-channeled letters are permitted only in instances of wall signs affixed to a building.

    c. Only sign text areas and logos may be illuminated on an internally illuminated sign.

d. Internally illuminated signs shall use semi-opaque materials for sign text and logos such that the light emanating from the sign is diffused. Transparent or clear materials are not allowed for sign text and logos. Non-text portions of the sign (e.g., background and graphics other than the logo) shall be made of completely opaque material.

7. **Backlit Signs.** In addition to general standards for signage illumination, backlit signs shall also meet the following:

   a. The light source shall not be visible.

   b. Backlit signs shall only allow indirect illumination to emanate from the sign. For example, signs that create a "halo" effect around sign copy are allowed.

Sec. 17-109. Sign height limitations.

(a) **Ground signs.** The maximum height of any ground sign regulated by this shall be 15 feet in all office, commercial and industrial zoning districts, and 8 feet maximum height in residential and agricultural zoning districts.

(b) **Wall signs.** No wall sign shall exceed the height of the building or structure on which it is placed; provided, however, that the zoning administrator may upon application authorize via administrative variance a wall sign to extend not more than 2 feet above the height of the wall, for good cause shown.

(c) **Temporary signs.** The maximum height of a temporary sign shall be 8 feet.

(d) **Variance.** The maximum sign height established in this Article may be exceeded upon application for and approval of a variance as provided in Article 14 of this UDC.

Sec. 17-110. Sign area limitations.

No sign shall exceed the maximum area of signs permitted for the type of sign as specified in this Article.

Sec. 17-111. Sign number limitations.

The number of sign shall be limited to one of each type, unless otherwise specifically provided in this Article.

Sec. 17-112. Material and composition.

(a) Temporary signs shall be made of metal, plastic, laminated cardboard, or some other durable and waterproof material.

(b) No sign shall be made of paper.

(c) Principal ground and multi-tenant ground signs shall be monument signs.

(d) Hand-made signs shall not be authorized. Unprofessionally fabricated signs may be disapproved. Hand lettering of sign copy is not authorized except for sandwich board signs.

(e) Signs should typically be square or rectangular; provided, however, this shall not prevent the zoning administrator from approving individual signs that may be circular or some other shape, or shaped like a particular object (e.g., a sign in the shape of a shoe for a shoe store).

Sec. 17-113. Display of street address on principal ground sign.

Any principal ground or multi-tenant ground sign hereafter permitted shall be required to include the assigned street address for the property on which the sign is erected. Area devoted to display of a street address on such sign shall not be counted toward the maximum area limitations for such sign as specified in this Article.

Sec. 17-114. Variances.

(a) It is acknowledged that no set of sign regulations can anticipate all situations relative to sign and advertising needs. It is further acknowledged that sign regulations may impose undue burdens on property owners and occupants. Accordingly, it is appropriate to have a procedure, in the form of a variance permission, which can bring relief from strict sign regulations when conditions warrant such relief be granted.

(b) The Board of Zoning Appeals shall have the authority to grant variances to this Article, upon application, subject to compliance with applicable provisions of Article 14 of this UDC.

Sec. 17-115. Conformance to building codes.

(a) In addition to any sign permit required under this Article, a building permit shall be obtained from the city planning director prior to installation or placement of any freestanding sign having a sign structure area greater than 15 square feet or any building sign having a sign face area greater than six square feet. All signs for which a building permit is required shall be constructed and maintained in conformance with all building code and electrical code requirements.

(b) For any freestanding sign with a sign face greater than 240 square feet in area, plans for the sign shall be certified as to conformance with all structural and wind-load resistive standards of the building code by a qualified structural engineer or be prepared using standard drawings prepared by a structural engineer or other qualified professional meeting or exceeding all requirements of the building code.

(c) All signs involving internal lights or other electrical devices or circuits shall display a label certifying it as being approved by the Underwriter's Laboratories, Inc. All electrical service to a sign shall be in compliance with the electrical code and electrical permit obtained as required per the same. Clearance from all electrical power lines shall be in conformance with the requirements of the electrical code.

Sec. 17-116. Conformance to state law.

The following applies to any sign located or to be located within 660 feet of the nearest edge of the right-of-way of a U.S. or State-numbered highway (or any other road designated as a "primary highway" by the State of Georgia and approved by the U.S. Department of Transportation), or located or to be located beyond 660 feet of such highway but visible and intended to be read from such highway:

(a) Such sign shall comply with all requirements of the Georgia Outdoor Advertising Act, O.C.G.A. 32-6-70 et seq.

(b) Such sign shall comply with all requirements of this Article. Between the Georgia and Commerce City regulations, such sign must comply with the most restrictive requirements with respect to each and every item of regulation.

DIVISION II

DEFINITIONS

Accessory ground sign: A secondary sign allowance provided for in this Article, for a sign erected on the ground.

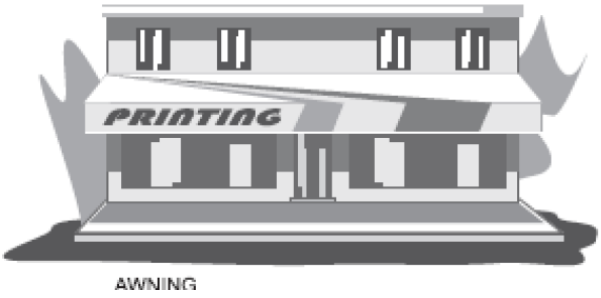
Advertising device: Any structure or device erected or intended for the purpose of displaying advertising situated upon or attached to real property. For purposes of this Article, an advertising device is a "sign."

Air-blown device: Any device not otherwise specifically defined in this Article, that is designed to inform or attract, whether or not such device carries a message, and which all or part of the device is set in motion by mechanically forced air. For purposes of this Article, air-blown devices are advertising devices.



Alteration: A change in the size or shape of an existing sign. Copy or color change of an existing sign is not an alteration. Changing or replacing a sign face or panel is not an alteration.

Awning sign: An awning that contains letters, numbers, symbols, pictures, logos, or visual display, or other communication, attached, painted on, or made an integral part of an awning. An awning is an architectural projection or shelter projecting from and supported by an exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable. Awning signs are "wall signs" for the purposes of this Article.

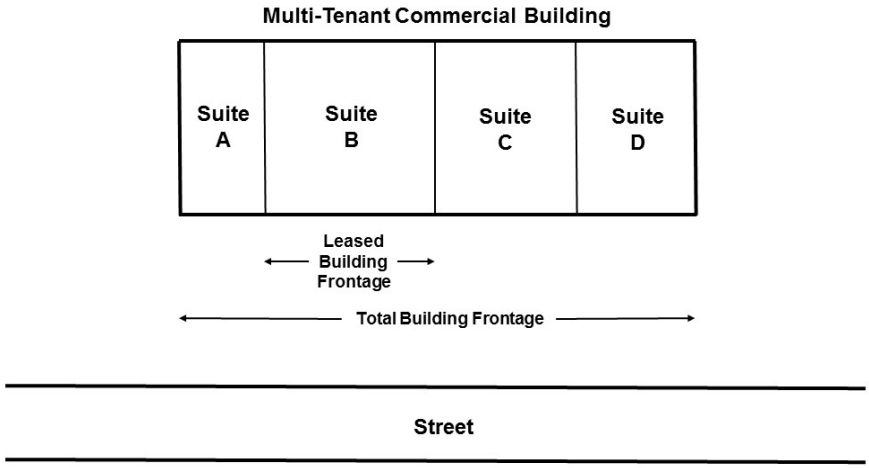


Source: United States Sign Council. 2011.
Model Code for Regulation of On-Premise Signs.

Back-lit awning: An awning comprised of covering material exhibiting the characteristic of luminosity obtained by means of a source of illumination contained within its framework.

Banner: A sign with or without characters, letters, illustrations, or ornamentation applied to cloth, paper, plastic, or natural or synthetic fabric of any kind with only such material for a backing. For purposes of this Article, a banner is a "sign." A banner may be installed on a building or structure or may be attached to poles or other supports and freestanding. It is characteristic of a banner that, even though tied to a support, there is some movement in the wind.

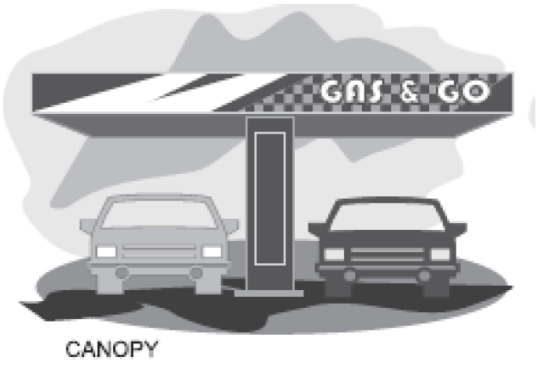
Building frontage: The width in linear feet of the front exterior wall of a particular building in which an establishment is located (see figure).



Canopy, attached: A multi-sided structure or architectural projection supported by attachment to a building on one or more sides and also supported by columns at additional points. Signs placed on attached canopies are considered "wall signs" for the purposes of this Article.

Canopy, freestanding: A multi-sided structure or architectural projection supported by columns. Signs placed on freestanding canopies are considered "wall signs" for the purposes of this Article.

Canopy sign: A sign attached, painted on, or made an integral part of a canopy, whether that canopy is attached to a building or structure or freestanding. An attached canopy is a multi-sided structure or architectural projection supported by attachment to a building on one or more sides and also supported by columns or supports at additional points. Canopy signs, whether attached, painted on, or made an integral part of an attached canopy, are wall signs for the purposes of this Article.



Source: United States Sign Council. 2011. Model Code for Regulation of On-Premise Signs.

Changeable copy sign, electronic, static display: A sign on which the sign copy (words, numbers, images, etc.) changes or can be changed by electronic means, but which stays static (unchanged) except for changes made no more than three times in any 24-hour period (e.g.,

gasoline and diesel price signs at convenience stores). The illuminated display of messages or information by the use of a matrix of electric lamps, for example, digital, LED (light emitting diode) or similar or refined display technology, or other electric methods, can be actuated by an electronic control mechanism. It is characteristic of such signs that the sequence of messages and the rate of change can be electronically programmed and modified by electronic processes. These signs are also "internally illuminated" signs.

Changeable copy sign, electronic, multiple message display: A sign on which the sign copy (words, numbers, images, etc.) changes or can be changed by electronic means, and which changes more than three times in any 24-hour period. The illuminated display of messages or information by the use of a matrix of electric lamps, for example, digital, LED (light emitting diode) or similar or refined display technology, or other electric methods, can be actuated by an electronic control mechanism. It is characteristic of such signs that the sequence of messages and the rate of change can be electronically programmed and modified by electronic processes. These signs are also "internally illuminated" signs.

Changeable copy sign, manual: A sign on which the sign copy (words, numbers, images, etc.) can be changed manually on the sign itself, such as by replacement of letters.

Changeable copy sign, mechanical: A sign on which the sign copy (words, numbers, images, etc.) changes or can be changed by movement or rotation of panels or slats.

Derelict sign: A sign that is dilapidated or in such condition as to create a hazard or nuisance, or to be unsafe or fail to comply with the building or electrical codes applicable in the jurisdiction.

Dissolve: A mode of message transition on an electronic changeable copy sign accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the subsequent message.

Double-faced sign: A sign structure with two sign faces that are parallel (back-to-back) or that form an angle to one another of no more than 60 degrees, where each sign face is designed to be seen from a different direction.

Erect: To construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish. Activities performed as an incident to the change of advertising message or the normal maintenance or repair of a sign structure are excluded from this definition.

Externally illuminated sign: Any sign that is partially or completely illuminated at any time by an artificial light source that directly or indirectly illuminates the face of the sign from outside the sign structure.

Fade: A mode of message transition on an electronic changeable copy 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.

Feather banner: A vertical portable sign, made of lightweight material that is prone to move in the wind, and that contains a harpoon-style pole or staff driven into the ground for support or supported by means of an individual stand. This definition includes such signs of any shape including flutter, bow, teardrop, rectangular, shark, feather, and U-shaped. For purposes of this Article, a feather banner is an advertising device and sign. Also known as "blade signs."



Flag: A device made of cloth, plastic, or natural or synthetic fabric, with or without characters, letters, illustrations, or ornamentation applied to such surface, and which is designed to move in the wind. For purposes of this Article, except as specifically authorized, a "flag" is an advertising device and "sign."

Ground sign: A sign or advertising device which is wholly independent of a building or structure for support (i.e., freestanding). A ground sign may contain more than one sign face, and it is typically double-faced.

Hand-held sign: Any sign or advertising device designed to be used while being held in a parson's hands or attached to a human body, except for signs and devices used for traffic control when conducted as part of a city-approved traffic control function such as the case for road construction purposes through lane closures.

Holiday decorations: Signs or displays including lighting which are a non-permanent installation celebrating national, state, and local holidays, religious or cultural holidays, or other holiday seasons (also known as seasonal decorations).

Illuminated sign: A sign characterized by the use of artificial light, either projecting through its surface(s) (i.e., internally illuminated); or reflecting off its surface(s) (i.e., externally illuminated).

Incidental sign: A sign, emblem, decal, or other message no larger than 2 square foot, designed and sized to be read only from close range (i.e., 5 feet or less), attached to or integrated into a device or structure more than 25 feet from the right-of-way of a road, and not readily legible from any public rights-of-way.

Inflatable sign: Any sign or balloon other than defined as an "air-blown device" that is or can be filled with air or gas. This includes any three-dimensional ambient air-filled depicting a container, figure, or product. For purposes of this Article, inflatable signs and balloons are considered advertising devices.

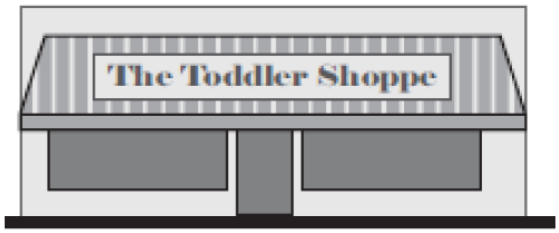


Source: Model Sign Ordinance, Montgomery County (Pennsylvania) Planning Commission, 2014

Interior sign: Any sign erected within a building, including product displays, more than two feet inside an exterior window within a business or establishment and which is not intended to be seen from outside the business or establishment in which the sign is located.

Internally illuminated sign: A sign illuminated by an internal light source which is viewed through a transparent or translucent panel. Electronic changeable copy signs, both static displays and multiple-message displays, are internally illuminated signs.

Marquee sign: A sign painted on, attached to, or hung from a marquee. A marquee is a roof-like structure attached to and supported by a building wall without vertical supports and that projects in a cantilever fashion from the wall of a building. For purposes of this Article, marquee signs are "wall signs."



Source: United States Sign Council. 2011. Model Code for Regulation of On-Premise Signs.

Monument sign: A sign where the structural part of the sign below the sign face encompasses an area at least forty (40) percent of the area of the sign face but no more than 1.5 times the area of the sign face, and which is composed of brick, stone, or other material approved by the zoning administrator.

Multi-tenant property: Any parcel designed, occupied, or intended for occupancy for three or more leasable spaces or parcels under one ownership or management. This includes multiple-family apartment complexes, office parks with multiple buildings on individual parcels or multiple office buildings on a single parcel, commercial shopping centers, individual commercial buildings with three or more leasable spaces; and industrial parks with separate parcels and industrial buildings with three or more leasable spaces.

Multiple-faced sign: A sign containing three or more faces.

Mural: A picture or image (including but not limited to painted art) which is painted, constructed, or affixed directly onto a building wall, which may or may not contain text, logos, and/ or symbols.

Nit: A standard unit of luminance; a measurement of direct light (i.e., looking directly at the light source), used to describe displays. A "nit" is an amount of emanating light equal to one candela per square meter (cd/m2).

Nonconforming sign: Any sign which lawfully existed on the effective date of the adoption of this Article but which does not conform to the provisions of this Article, or which does not comply with this Article due to amendments to this Article since the date of erection of the sign.

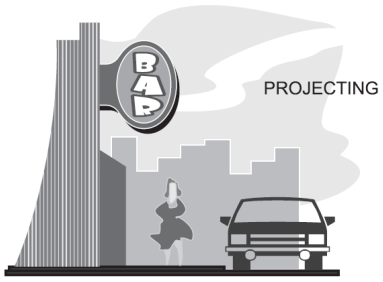
Pennant: A small, triangular or rectangular flag or multiples thereof, made of lightweight plastic, fabric, or other material, individually supported or attached to each other by means of a string, rope, or other material and meant to be stretched across or fastened to buildings, or between poles and/or structures, and which is designed to move in the wind. For purposes of this Article, pennants are advertising devices.

Portable sign: Any sign whether on its own trailer, wheels, or otherwise, which is designed to be transported from one place to another. It is characteristic of a portable sign that the space provided for advertising messages may be changed at will by the replacement of lettering, symbols or images (i.e., a changeable copy sign). Even if the wheels or supports of such sign are removed and the sign converted and attached, temporarily or permanently, to the ground or other structure, said sign shall remain a portable sign.

Principal ground sign: A primary sign allowance provided in this Article for a given lot which contains any notice or advertisement, the content of which is not regulated by this Article.

Projected image sign: An image projected onto a building, structure, sidewalk or other surface, such that the image projected has no structure itself.

Projecting sign: A sign affixed to a wall and extending more than 14 inches from the surface of such wall, usually perpendicular to the wall surface.

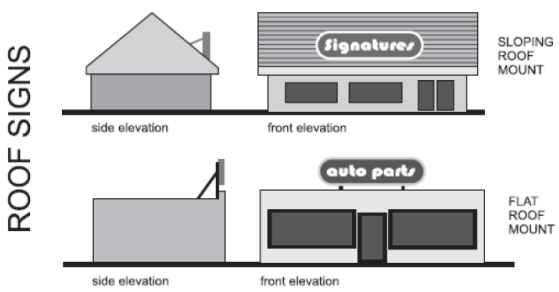


Source: United States Sign Council. 2011.
Model Code for Regulation of On-Premise Signs.

Revolving sign: A sign that has the capability to revolve about an axis.

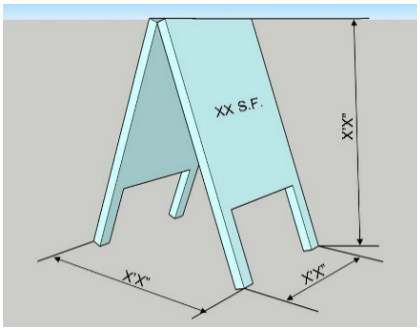
Road frontage: The distance in linear feet of a parcel where it abuts the right-of-way of any public street.

Roof sign: A sign projecting to a greater height than the front building wall, or any sign supported by or attached to a roof, including a sign painted on or adhered to a roof. A sign placed on the fascia portion of a mansard roof is not a roof sign.



Source: United States Sign Council. 2011. Model Code for Regulation of On-Premise Signs.

Sandwich board sign: A portable sign that typically consists of two faces connected and hinged at the top and with a message targeted to pedestrians. They are also commonly referred to as A-frame signs.



Scoreboard: A sign contained within an athletic venue and which is directed so as to be visible to the attendees of an athletic event.

Scroll: A mode of message transition on an electronic changeable copy sign in which the message appears to move vertically across the display surface.

Sign: A lettered, numbered, symbolic, pictorial, 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 Article. The term sign includes but is not limited to "banners," "balloons," "flags," "pennants," "streamers," "windblown devices," and "advertising devices." Furthermore, the term "sign" includes the sign structure, supports, lighting system, and any attachments, ornaments, or other features used to draw the attention of the observers.

Sign area: The area within a continuous perimeter enclosing the limits of writing, representation, emblem, figure, or character together with any frame, other material, open space, or color forming an integral part of the display or used to differentiate such writing, representation, emblem, figure, or character from the background against which it is placed, measured by the smallest possible rectangle or combination of rectangles enclosing the display surface of the sign.



Source: United States Sign Council. 2011. *Model Code for Regulation of On-Premise Signs.*

The following provisions shall also apply to determinations of sign area:

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

2. Sign area for ground signs does not include the structural support for the ground sign (e.g., pole or monument base), unless the structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device.

3. When a sign incorporates a property address, the area devoted to the property address shall not be included in any calculations for purposes of determining the maximum permissible sign area.

Sign copy: The physical sign message including any words, letters, numbers, pictures, and symbols.

Sign height: The height of a sign shall be equal to the vertical distance from the average grade at the base of the sign, or from the crown of the roadway of the nearest street within 50 feet of any portion of the sign, to the highest point of any portion of the sign, whichever results in the greater sign height. Any earthen berms and elevated foundations supporting signs, signposts or other sign supports shall be included in the height of the sign.

Sign in need of maintenance: Any sign or advertising device that includes any of the following or similar condition as identified by the city: lettering or other elements of the sign have become detached or have fallen off the sign or become misaligned; painted surfaces on the sign or sign structure have begun to peel, flake over a significant portion of the sign, or have faded or oxidized to an extent that the sign no longer displays the message as originally intended; a significant number of the bricks, stones, or other materials on the structural base of a sign have become detached or have fallen off, or have become misaligned; or one or more illumination devices are not working and have not been replaced.

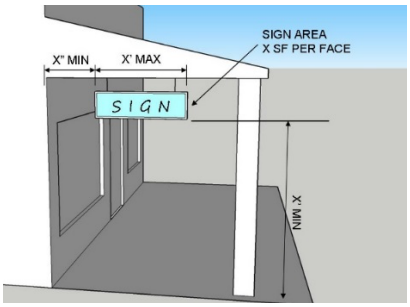
Signable area: In the case of a wall sign, signable area is the leased building face on which the sign is proposed, excluding windows and doors. In the case of marquees or canopies, signable area shall be the area of the marquee or canopy wall on which the sign is proposed. For window signs, signable area shall be measured and calculated on the basis of the proportion of area

within each individual window frame, not the total window area of all building windows visible from a street.

Streamers: See "Pennants."

Subdivision entrance monument: A freestanding monument sign pertaining to a subdivision designed for single-family residences each on their own lot.

Suspended sign: A sign that hangs or is suspended beneath an awning or the cover of a walkway or beneath a support extending from a building. A suspended sign is not a wind-blown device, even if the sign copy area is attached to a building or structure in a way that can be set in motion with wind pressure. This term does not include any freestanding signs.



Temporary ground sign: A sign of a nonpermanent nature and erected for a limited duration. This term includes signs constructed from coated paperboard, or corrugated plastic and which are either attached to a wooden post or stake in the ground, or set with a wire metal frame in the ground.

Transition: A visual effect used on an electronic changeable copy sign to change from one message to another.

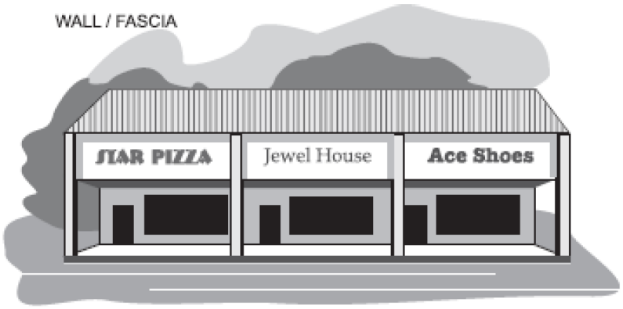
Travel: A mode of message transition on an electronic changeable copy sign, in which the message appears to move horizontally across the display surface.

Uniform sign plan: A set of drawings and specifications that illustrate the location, materials, size, letter style, and color of all signs to be installed or erected on a given parcel to ensure uniformity of design, coherence and coordination among the various signs on the parcel, and which is binding on tenants or future uses within the parcel.

Vehicular sign: Any sign placed, mounted, painted on or affixed to a motor vehicle, freight, flatbed or storage trailer or other conveyance when same are placed or parked in such a manner that can be viewed from the public right(s)-of-way; provided, however, that this definition shall not apply when (1) Such conveyances are actively being used to transport persons, goods or services in the normal course of business; or (2) such conveyances are actively being used for storage of construction materials for, and on the same parcel where a construction project for which building is underway and required permits have been issued. Even if the wheels or supports of such sign are removed and the sign converted and attached, temporarily or permanently, to the ground or other structure, said sign shall remain a vehicular sign for purposes of this Article.

Visible: Capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

Wall sign: A single-sided sign with one visible face applied to or mounted to the wall or surface of a building or structure, in a parallel fashion, and which does not project more than 14 inches from the outside wall of such building or structure.



Source: United States Sign Council. 2011.
Model Code for Regulation of On-Premise Signs.

Windblown device: Any device that is designed to inform or attract, whether or not such device carries a message, and which all or part of the device is set in motion by wind. This device includes banners (except where otherwise specifically authorized), streamers, ribbons, or long narrow strips of fabric, plastic, or other pliable material designed to move in the wind. Air-blown devices, suspended signs, and flags are defined separately. For purposes of this Article, windblown devices are advertising devices.

Window sign: A sign that is placed on or behind a windowpane or a glass door or a sign installed within two feet of an exterior window or door and intended to be visible from the exterior of the building. Displays which show products or depict services sold on the premises and which are more than two feet from an exterior window or door are “interior signs” and shall not be classified as window signs.

DIVISION III

SIGN ALLOWANCES BY SIGN TYPE

Sec. 17-301. Principal and multi-tenant property ground signs.
Sec. 17-302. Accessory ground signs.
Sec. 17-303. Wall signs.
Sec. 17-304. Window signs.
Sec. 17-305. Signage when for sale or under construction.
Sec. 17-306. Banner, interim.
Sec. 17-307. Changeable copy sign, electronic, static display.
Sec. 17-308. Changeable copy sign, electronic, multiple message display.
Sec. 17-309. Directory signs.
Sec. 17-310. Drive-through lane signage.
Sec. 17-311. Flags.
Sec. 17-312. Projecting signs.
Sec. 17-313. Sandwich board signs.
Sec. 17-314. Temporary special event signage.
Sec. 17-315. Subdivision entrance monuments.
Sec. 17-316. Suspended signs.
Sec. 17-317. Temporary banner during graduation season.
Sec. 17-318. Signage in PUD zoning districts.
Sec. 17-319. Signage in highway corridor overlay district.

Sec. 17-301. Principal and multi-tenant property ground signs.

1. A lot containing a non-residential principal permitted use shall be allowed principal ground signage as follows (a principal ground sign is not permitted on a vacant lot or for residential use). Note: NP = not permitted

Zoning District	# Principal Ground Signs Permitted	Maximum area per sign (square feet)					
		Local street		2 or 3-lane state highway		4-lane state highway	
		Principal ground	Multi-tenant	Principal ground	Multi-tenant	Principal ground	Multi-tenant
Any residential or agricultural zoning district	1 per road frontage	16	NP	16	NP	16	NP
OCR or C-1	1 per road frontage	32	48	32	64	48	72
CBD	1 per road frontage	32	48	32	64	48	72
C-2	1 per road frontage	48	64	64	72	96	96
M-1 or M-2	1 per road frontage	64	64	72	72	96	128

2. All principal ground signs and multi-tenant property ground signs shall be monument structures.

Sec. 17-302. Accessory ground signs.

Accessory ground signs shall be permitted by zoning district by use as follows: Only one accessory ground sign is permitted for a vacant lot or a lot containing a single-family dwelling. Two accessory ground signs are permitted for properties in any zoning district developed for any non-residential permitted use. Accessory ground signs are subject to the following area limitations:

Zoning District	Maximum area per sign (square feet)								
	Local street			2 or 3-lane state highway			4-lane state highway		
	Vacant	Single dwelling	Non-res.	Vacant	Single dwelling	Non-res.	Vacant	Single dwelling	Non-res.
Any Residential or Agricultural District	4	4	8	4	4	8	4	4	8
OCR or C-1	4	4	8	6	6	12	8	8	24
CBD	4	4	8	6	6	12	8	8	24
C-2	4	4	16	6	6	24	16	8	32
M-1 or M-2	4	4	16	6	6	24	16	8	40

Sec. 17-303. Wall signs.

Wall signage allowances apply only to properties developed for non-residential permitted uses and shall be as follows. Wall signage is not permitted for dwellings. The allowance is for a percentage of the signable area of the building wall, but with a cap, not to exceed the maximum square footage shown. Where more than one wall sign is allowed, the maximum square footage shown is the aggregate for all wall signs placed on the building. Note: N/A = not applicable/ no maximum.

Zoning District	# Wall Signs Permitted	Allowance for Wall Signs					
		Local street		2 or 3-lane state highway		4-lane state highway	
		% of Signable Area	Maximum aggregate sq. ft.	% of Signable Area	Maximum aggregate sq. ft.	% of Signable Area	Maximum aggregate sq. ft.
Any Residential or Agricultural District	1 per wall	n/a	4	n/a	6	n/a	8
OCR or C-1	2 per wall	20%	n/a	20%	n/a	20%	n/a
CBD	2 per wall	20%	n/a	20%	n/a	20%	n/a
C-2	2 per wall	40%	n/a	40%	n/a	40%	n/a
M-1 or M-2	2 per wall	5%	128	5%	192	5%	256

For any freestanding canopy, 1 sign per canopy wall is permitted, not to exceed 20% of the canopy area.

Sec. 17-304. Window signs.

1. Window signage is allowable for non-residential permitted uses only, in certain zoning districts only, as provided in this section. Window signage is not permitted for dwellings in the zoning districts shown. Where permitted, window signage is not limited in number. The area covered is measured on the basis of each window.

Zoning District	Area Allowed (Percent of Window)
Any Residential or Agricultural District	20%
OCR	20%
CBD	20%
C-2	20%
M-1 or M-2	20%

2. No window sign shall extend from one window to another.

3. In CBD, C-1, C-2, and OCR zoning districts, one illuminated sign that flashes is permitted within a building window for non-residential permitted uses only, not to exceed two square feet in area, but only when the business or establishment is open (i.e., during business hours). No such sign shall be illuminated after the close of the business or establishment.

4. This Section applies to building windows and also applies to any front wall, front door, or front building surface constructed of glass or other clear material.

(Amended 06/15/2026)

Sec. 17-305. Signage when for sale or under construction.

During the time a property (whether vacant or not), building, portion of a building, or dwelling unit is under construction, or for rent, sale or lease, additional signage shall be permitted as follows: Said additional signage is permissible as a temporary ground sign, or a wall sign, or a window sign, or combination thereof. Two signs are permitted per frontage. The maximum square footages shown are the aggregate for all such signs measured along a property frontage.

Zoning District	Maximum area per sign (square feet)								
	Local street			2 or 3-lane state highway			4-lane state highway		
	Vacant	Single dwelling	Non-res.	Vacant	Single dwelling	Non-res.	Vacant	Single dwelling	Non-res.
Any Residential or Agricultural District	4	4	8	4	4	8	4	4	8
OCR or C-1	4	4	16	6	6	24	16	8	32
CBD or C-2	4	4	16	6	6	24	16	8	32
M-1 or M-2	4	4	16	6	6	24	16	8	40

Sec. 17-306. Banner, interim.

(a) The occupant or prospective occupant of a building or leased space, may erect a temporary banner not exceeding 32 square feet in area on a front building wall or in a freestanding location, prior to the issuance of a certificate of occupancy, provided that the occupant or prospective occupant has applied for a permanent wall sign for the building or leased space.
(b) Any such interim banner shall be removed upon installation and operation of the permitted wall sign or principal ground sign, as the case may be.

Sec. 17-307. Changeable copy sign, electronic, static display.

Sign copy changed by electronic means that is static ("changeable copy sign, electronic, static display"), may be incorporated into a principal ground sign or multi-tenant sign in commercial zoning districts, provided that the area devoted to changeable copy shall not exceed 50% of the sign copy area.

Sec. 17-308. Changeable copy sign, electronic, multiple message display.

(a) **Permissions.** Subject to compliance with this section, changeable copy signs, electronic multiple message display, shall be authorized to be permitted in whole or in part on any principal ground sign, any window sign, or any wall sign permitted by this Article for the zoning district and use, except as otherwise limited in paragraph (b) of this Section; provided further, that no such sign shall exceed the area or height specified for the type of sign for which it is defined and permitted under the terms of this Article. Such multiple

message displays shall not be authorized to be permitted in whole or in part on "corner signs," or "temporary" signs.

(b) **Zoning districts permitted.** Electronic multiple message signs shall not be permitted in residential zoning districts.

(c) **Nature of display.** Except for changes during transition time and scrolling, sign content/messages shall not blink, animate, flash, or vary in light intensity.

(d) **Duration of message.** Each message on such an electronic multiple message display shall remain fixed for at least 10 seconds.

(e) **Transition time.** The change sequence of messages shall either occur immediately, or there shall be a transition time of no more than one second between different messages. A "fade" or "dissolve" mode, may be used to accomplish a gradual transition from one message to another.

(f) **Freeze of display when malfunction occurs.** Such signs shall include a default designed to freeze a display in one still position if a malfunction occurs.

(g) **Illumination.** No electronic multiple message display may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle. No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal. The maximum illumination, intensity, or brightness of electronic signs shall not exceed 5,000 nits (candelas per square meter) during daylight hours, or 250 nits (candelas per square meter) between dusk to dawn. The sign must have an automatic phased proportional dimmer control, photocell or other light sensing device, or a scheduled dimming timer, or another approved device, which produces a distinct illumination change that reduces nighttime brightness levels (compared to daytime brightness levels). The applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified in this subsection; end-user manipulation of pre-set levels shall not be permitted.

Sec. 17-309. Directory signs.

In addition to other signage allowed by this Article, the zoning administrator may upon application authorize, via issuance of parcel sign plan permit, one or more directory signs and traffic safety and traffic directional signs along private streets, driveways, and in off-street parking lots directing residents, visitors, customers, deliveries, etc. to buildings and activities within a development, in accordance with the provisions of this section.

(a) A complete application for sign permit shall be submitted, even if one or more signs proposed are 16 square feet or less; and

(b) A parcel sign plan shall be submitted with the sign permit application, consisting of such drawings and specifications as may be required to clearly illustrate the location, materials, size, letter style, color, shape, etc. of all ground and building signs existing and to be placed on the parcel; and

(c) The parcel sign plan must demonstrate that there is coherence and coordination among the various signs proposed, such that the location, materials, size, letter style, color, shape, etc. present a unified design concept for signage on the parcel that is proportional to the size and characteristics of existing or proposed development on the parcel; and

(d) The directory signs and/or traffic safety and traffic directional signs authorized by the zoning administrator pursuant to this section shall not exceed the following area and height maximums by zoning district:

Zoning District	Maximum Area (Square Feet)	Maximum Height (Feet) of Ground Sign
Any residential or agricultural zoning district	10	8
OCR or C-1	12	10
CBD or C-2	16	10
M-1 or M-2	24	12

Note: Maximum height of a wall sign shall be the height of the building wall.

Sec. 17-310. Drive-through lane signage.

A drive-through lane, where authorized by this UDC, may have a maximum of two display boards not exceeding 10 feet in height or 40 square feet in area.

Sec. 17-311. Flags.

(a) **Generally.** Any residence, establishment, or institution may display as many as three flags per parcel, when displayed in accordance with this section. Flags may be displayed on a freestanding pole or poles, projecting from a building or door, or placed in a window.

(b) **Pole flags.** No flag displayed from a pole shall be flown at a height of greater than 24 feet. An individual flag shall not exceed an area of 40 square feet.

(c) **Projecting flags.** Flags may be flown from a metal or wooden pole attached to a bracket projecting from the side of a building or doorframe. The pole shall not exceed 6 feet in length, or 1 inch in diameter. The flag flying from such pole shall 15 square feet in area.

(d) **Window flags.** Flags may be hung in the window of any non-residential property. The area of the flag(s) shall be used in the calculation of allowable window signage but in no event shall exceed 50% of any given window.

(e) **Prohibitions.** Flags shall not be attached to light poles, fences, or vehicles, or erected on the ground except on a freestanding pole manufactured for the purpose.

Sec. 17-312. Projecting signs.

Projecting signs are permissible, subject to the limitations for wall signs and the following limitations:

(a) Projecting signs shall project perpendicularly from the building.

(b) Projecting signs shall not project more than 3 feet beyond the face of the building.

(c) Projecting signs shall be secured in place with a frame mount assembly.

(d) Projecting signs shall have a ground clearance of no less than 8 feet above the lowest ground elevation.

Sec. 17-313. Sandwich board signs.

(a) For commercial uses in buildings with a private hard-surfaced walkway in front of the building, one sandwich board sign is permitted for each 100 feet of leased frontage of a building, during times when the business is open.

(b) Any such signs shall be removed when the business or establishment is not operating.

(c) No such sign shall exceed a height of 4 feet above the ground.

(d) No such sign shall exceed an area of 8 square feet per sign face.

Sec. 17-314. Temporary special event signage.

Upon application for a sign permit, in the same manner as described in this Article for a sign permit, additional signage and advertising devices may be authorized by the zoning administrator on a temporary basis in the form of a special event sign permit, subject to the following requirements:

(a) Only 2 temporary special event sign permits shall be issued to any 1 business or institution in any calendar year.

(b) Each temporary special event sign permit is valid for a period not to exceed 60 days. No additional temporary special event sign permit may be issued within 30 days after the expiration of any other temporary special event sign permit.

(c) At the discretion of the applicant for a temporary special event sign permit, the following may be authorized by the zoning administrator, provided that the total square footage of

temporary special event signage shall not exceed 64 square feet or its equivalent as determined by the zoning administrator and the total number of different signs or advertising devices authorized by the permit shall not exceed four during any event: temporary ground sign, temporary wall sign, banner (freestanding or attached), feather banner, flag, hand-held sign, and inflatable advertising device.

(d) It shall be a violation of this Article to continue to display temporary signs or advertising devices authorized pursuant to this section, after the expiration of a temporary special event signage permit, unless another such permit is lawfully issued.

Sec. 17-315. Subdivision entrance monuments.

(a) Two subdivision entrance monuments (one on each side of the street providing access to said subdivision) are permitted, either on common area owned by a homeowner's association or on an individual lot (if an easement is secured).

(b) The maximum height shall be 8 feet.

(c) The area devoted to the sign copy for each sign face shall not exceed the following area limitations (square feet):

Local street	2 or 3-lane state highway	4-lane state highway
32	40	64

(d) The subdivision entrance monument shall be designed by a registered landscape architect and a sign permit shall be required.

Sec. 17-316. Suspended signs.

(a) An establishment with a paved and covered walkway in front of the building shall be permitted one suspended sign per establishment, not exceeding 8 square feet, in addition to permitted wall signage.

(b) Any sign that is suspended from the underside of a canopy (including awnings), shall be located perpendicular to the wall surface of a building.

Sec. 17-317. Temporary banner during graduation season.

A banner, not exceeding 32 square feet in area, shall be authorized to be erected on or over a subdivision entrance monument or in a freestanding location (between two poles or stakes) on the same lot as a subdivision entrance monument, no longer than 45 days before and 60 days after the annual date of a public high school graduation.

Sec. 17-318. Signage in PUD zoning districts.

Unless otherwise provided in conditions of PUD zoning district approval, signage for individual land uses in a PUD zoning district shall be governed by the zoning district sign regulations that most closely resemble the uses proposed, as individually determined by the zoning administrator.

Sec. 17-319. Signage in highway corridor overlay district.

For properties within the highway corridor overlay district established by Article 4 of this UDC, see Sec. 4-216 for additional requirements.

DIVISION IV

MAINTENANCE, ABANDONMENT, AND NONCONFORMITIES

Sec. 17-401. Maintenance.
Sec. 17-402. Procedure for non-maintained signs.
Sec. 17-403. Derelict signs.
Sec. 17-404. Abandoned signs.
Sec. 17-405. Requirements to maintain an abandoned sign.
Sec. 17-406. Nonconforming sign – replacement.
Sec. 17-407. Nonconforming sign – replacement or modification.
Sec. 17-408. Nonconforming sign – repairs and maintenance.
Sec. 17-409. Nonconforming sign – duration and continuance.
Sec. 17-410. Treatment of illegal signs.

Sec. 17-401. Maintenance.

All signs shall be maintained by the sign owner in good condition so as to present a neat and orderly appearance. It shall be unlawful, after being notified pursuant to this section and after the 30 days' notice has expired, for any person to display a sign in any of the following conditions, which shall not be limiting, that constitute a lack of maintenance:

(a) Lettering or other elements of the sign have become detached or have fallen off the sign or become misaligned.

(b) Painted surfaces on the sign or sign structure have begun to peel, flake over a significant portion of the sign, or have faded or oxidized to an extent that the sign no longer displays the message as originally intended.

(c) A significant number of the bricks, stones, or other materials on the structural base of a sign have become detached or have fallen off, or have become misaligned.

(d) Other similar conditions of disrepair or lack of maintenance as determined by the zoning administrator.

(e) For lighted signs, one or more illumination devices are not working and have not been replaced.

Sec. 17-402. Procedure for non-maintained signs.

(a) Upon discovery of a sign in need of maintenance, the zoning administrator shall give written notice of violation to the owner of the sign or the owner of the property on which the sign is located if the owner of the sign itself cannot be determined. Said notice shall state the item or items requiring repair or maintenance.

(b) The owner shall have 30 days in which to repair or maintain the sign before a citation is issued. If the owner has failed to make repairs or the necessary maintenance within that time, the zoning administrator shall cause a citation to be issued.

Sec. 17-403. Derelict signs.

The zoning administrator may cause to be removed after notice pursuant to this Article any sign which shows gross neglect, is dilapidated, or in the opinion of the building inspector poses an imminent threat to public safety.

Sec. 17-404. Abandoned signs.

(a) If the principal use or activity on a property has ceased operation for period of 6 months or more, any ground signs including supports, and wall signs, which are allowed by this code in connection with said principal use or activity shall be removed by the owner, or the owner shall apply for a sign permit to maintain the sign in accordance with the standards of this section.

(b) Any application to maintain an abandoned sign received after the 6 month period shall be required to pay double to sign permit fee.

(c) No new sign shall be permitted to be erected on the same property until the discontinued sign, including its supports, has been removed or is converted to a lawfully conforming sign, or unless a sign permit to maintain the sign has been issued by the city.

(d) Upon the expiration of the 6-month time period provided in this section for the removal of abandoned signs and sign supports, or if an application for a sign permit to maintain said sign(s), has not been made by the owner, said sign(s) shall be deemed unlawful abandoned signs.

Sec. 17-405. Requirements to maintain an abandoned sign.

No permit to maintain an abandoned sign shall be issued by the zoning administrator unless the abandoned sign is made to conform with the following requirements:

(a) **Sign with removable panel**. If an abandoned sign contains a sign face that is in the form of a removable panel, the panel containing advertising shall be removed and replaced with a panel without advertising until another principal use is established and a sign permit is issued for a new principal ground (monument) sign.



Source: Model Sign Ordinance, Montgomery County (Pennsylvania) Planning Commission, 2014

(b) **Sign without removable panel.** If an abandoned monument sign contains a sign copy area that is not removable without disassembling the monument, then the said sign copy area shall be painted over if possible, or, where it cannot be painted over, covered with durable cloth or canvas flush with the sign copy area so that the sign copy and/or underlying structure which was permitted in connection with the business or activity discontinued is no longer visible, until such time as a new sign permit is applied for and granted and approved sign copy is affixed on the sign copy area of said monument.

Sec. 17-406. Nonconforming sign – replacement.

A nonconforming sign shall not be replaced by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards or dismountable material on nonconforming signs shall be permitted. It shall be the responsibility of the sign owner to prove that a sign is a lawful, nonconforming sign.

Sec. 17-407. Nonconforming sign – replacement or modification.

(a) A nonconforming sign shall not be replaced by another nonconforming sign.

(b) Nonconforming signs shall not be modified to add additional lighting or to be altered in any way that increases the value of said nonconforming sign.

(c) A nonconforming sign that is a multiple message sign but the messages are changeable only by manual means may continue to have its copy changed, and change copy, by any manual means.

(d) A nonconforming sign that is a multiple message sign but the messages are changeable by means of the movement or rotation of panels or slats may continue to have its copy changed, and change copy, by any such same means.

(e) A non-conforming sign that does not meet the definition of a "changeable copy sign, electronic, multiple message display" as defined in this Article at the time it was

nonconforming shall not be changed, modified, or retrofitted in any way so as to become a "changeable copy sign, electronic, multiple message display."

Sec. 17-408. Nonconforming sign – repairs and maintenance.

No structural repairs, change in shape, or size of a nonconforming sign shall be permitted except to make the sign comply with the requirements of this Article. Minor repairs and maintenance of nonconforming signs shall be permitted.

Sec. 17-409. Nonconforming sign – duration and continuance.

Signs which did not meet all requirements of this Article when enacted, or which do not meet provisions of this Article at the time of its amendment, may stay in place until one of the following conditions occurs:

(a) In the case of principal and accessory signs, the business, entity, or activity for which the sign is permitted in connection therewith ceases at that location;

(b) The deterioration of the sign or damage to the sign makes it a hazard;

(c) The sign has been damaged to such extent that repairs equal to or exceeding 50% of the sign's current replacement value, as determined by independent appraisal and accepted by the zoning administrator, are required to restore the sign.

(d) No ground or wall sign shall be allowed to be erected on the same property with an existing nonconforming sign until the nonconforming sign has been removed or made to conform to the provisions of this Article.

Sec. 17-410. Treatment of illegal signs.

(a) Illegal signs located within a public right-of-way or on public lands:

1. Signs located illegally within any public right-of-way or other public lands shall be removed immediately upon adoption of this Article.

2. The Planning Director, Building Inspector, Code Enforcement Director or officer or other city employee(s), (and/or private individuals, corporations and entities, if so authorized by the Mayor and council), are authorized to remove and dispose of illegal signs from public rights-of-way and other public lands with or without notice to and at the expense of the owner, builder or other parties responsible for placement of said sign.

(b) Illegal signs not located within a public right-of-way or on public lands:

1. A sign that was not lawfully existing under the city's regulations prior to adoption of this Article shall, within 30 days of adoption of this Article, either be removed or be brought into conformance with all provisions of this Article.

2. Failure to remove such illegal sign or bring it into conformance following 30 days' notice to the owner or occupant of the property by the Planning Director, Code Enforcement, Building Inspector, or designee, shall constitute a violation of this Article.

DIVISION V

PERMITTING PROCEDURES

Sec. 17-501. Sign permit required.
Sec. 17-502. Exemptions from permitting.
Sec. 17-503. Sign permit application required.
Sec. 17-504. Sign permit application review fee.
Sec. 17-505. Process for issuing sign permits.
Sec. 17-506. Inspection.

Sec. 17-501. Sign permit required.

A sign permit shall be required for the following:

(a) Any sign greater than 16 square feet in area; and

(b) Any monument sign, regardless of area; and

(c) Any sign requiring an electrical connection.

It shall be unlawful for any person to post, display, or erect a sign or advertising device without first having obtained a sign permit, when required. The fact that a sign permit is not required in certain instances shall not be construed to exempt such sign from compliance with applicable provisions of this Article, including but not limited to maximum sign height and maximum sign area.

Sec. 17-502. Exemptions from permitting.

Sign permitting will not be required for legally existing signs for which a sign permit has previously been issued, under the following conditions:

(a) Replacing or altering the words, letters, figures, symbols, logos, fixtures, colors or other design elements that compose a sign's message, in whole or in part shall not require a sign permit unless a structural or size change is made.

(b) Painting, repairing, cleaning, or maintaining a sign shall not require a sign permit unless a structural change is made.

(c) Sign permitting will not be required for any signs that are exempt from permitting according to this Article.

Sec. 17-503. Sign permit application required.

Applications for sign permits shall be filed by the sign owner or his or her agent in the office of the zoning administrator upon forms furnished by said office and accompanied by the following whether on the application form or via attachment:

(a) Application review fee;

(b) The type and purpose of the sign as defined in this Article;

(c) A drawing of the sign which shows the height of the sign, the area of the face(s) of the sign, and the structural supports of the sign, all drawn to an engineering or architectural scale;

(d) The street address of the property upon which the subject sign is to be located and the proposed location of the sign on the subject property, and the suite number, where applicable;

(e) A boundary survey or tax plat or other accurate drawing of the property on which the sign will be located which shows where thereon the sign will be located;

(f) The location, number, area, and height of all existing signs on the subject property;

(g) The name and address of the applicant and the owner(s) of the real property upon which the subject sign is to be located, and consent of the owner, or his agent, granting permission for the placement or maintenance of the subject sign, which may include a copy of the lease or other document from the owner of the sign which authorized the erection thereof;

(h) Name, address, and phone number of the sign contractor.

The zoning administrator may require additional information as a part of the application to ensure compliance with this Article.

Incomplete applications will not be processed. The zoning administrator will notify applicants with incomplete information with instructions on what additional information is needed to process the application.

Sec. 17-504. Sign permit application review fee.

(a) No sign permit shall be issued until a sign permit application review fee has been paid.

(b) Said sign permit application review fee shall be submitted at the time of application for a sign permit and shall be paid to offset the costs associated with review and processing of the application.

(c) Sign permit application review fees shall not be refunded if the application for sign permit is denied.

(d) Any sign permit application review fee involving a sign which was unlawfully erected or established without a sign permit required by this Article shall be assessed a permit

application review fee that is double the amount of the applicable sign permit application review fee.

(e) The Mayor and Council may, from time to time, establish and/or modify said fee schedule as necessary to include, but not limited to, the cost of issuing permits, making inspections, and other administrative matters related to this Article.

Sec. 17-505. Process for issuing sign permits.

(a) Except as specified otherwise in this section, upon receipt of a complete application for sign permit, the zoning administrator shall process all sign permit applications as quickly as possible but in no case more than 10 calendar days of receipt of a complete sign permit application and a sign permit fee if required. For purposes of this section only, the term "process" shall mean to make a decision on sign permit applications which can be administratively approved or denied.

(b) Applicants for sign permits that receive approval of the zoning administrator shall be issued a sign permit. The zoning administrator shall be authorized to issue sign permits in accordance with the provisions of this Article. The zoning administrator shall be authorized to deny applications for sign permits that do not meet the requirements of this Article.

(c) Sign permits may be withheld if the site on which the sign is proposed to be located contains a prohibited sign, a derelict sign, a sign for which maintenance is required and which has not been maintained, or any other condition of advertising or signage that is not in accordance with the requirements of this Article.

(d) For any sign requiring a separate building and/or electrical permit per this Article *(see Sec. 17-115)*, issuance of said permit shall be required prior to the issuance of the sign permit.

Sec. 17-506. Inspection.

Upon issuance of a sign permit, it is the responsibility of the sign applicant and contractor to call for an inspection of footing and electrical connections, where applicable. The building inspector will conduct the necessary sign inspections.

DIVISION VI

OUTDOOR LIGHTING

DIVISION VI GENERAL PROVISIONS

Sec. 17-601. Purpose.
Sec. 17-602. Applicability.
Sec. 17-603. Standards.
Sec. 17-604. Modification, waiver, or variation.
Sec. 17-605. Exempt outdoor lighting and related acts.

Sec. 17-601. Purpose.

The purpose of the proposed amendments is to provide more specific guidelines for site plan applications and standards in regard to lighting, in order to maximize the effectiveness of site lighting, to avoid unnecessary upward illumination and illumination of adjacent properties, and to reduce glare.

Sec. 17-602. Applicability.

Except as provided in Sec. 17-605, each outdoor luminary installed or replaced after the date of adoption of these regulations which is:

(a) Located on property within a commercial or industrial zoning district and is equipped with a lamp which emits 3,000 or more initial lumens; or

(b) Located on property within a residential zoning district or agricultural zoning district and is equipped with a high intensity discharge lamp, regardless of its initial lumens.

Sec. 17-603. Standards.

(a) All exterior lights and illuminated signs shall be designed, located, installed, and directed in such a manner as to prevent objectionable light at, and glare across, the property lines and disability glare at any location on or off the property. The "maintained horizontal illuminance recommendations" set by the Illuminating Engineering Society of North American shall be observed.

(b) All parking area lighting will be full cut-off type fixtures.

(c) Uplighting is prohibited. Externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward. The lighting must be shielded to prevent direct glare and/or light trespass. The lighting must also be, as much as physically possible, contained to the target area. Internally lighted signs are acceptable, provided they meet the requirements of this Article.

(d) All building lighting for security or aesthetics will be full cut-off or a shielded type, not allowing any upward distribution of light. Floodlighting is discouraged, and if used, must be shielded to prevent:

1. Disability glare for drivers or pedestrians.

2. Light trespass beyond the property line, and

3. Light above a 90-degree, horizontal plane.

4. Wall-pack type fixtures are not acceptable.

(e) Adjacent to residential property, no direct light source will be visible at the property line at ground level or above.

(f) All non-essential lighting will be required to be turned off after business hours, leaving only the necessary lighting for site security. Non-essential shall apply to display, aesthetic, parking and sign lighting.

Sec. 17-604. Modification, waiver, or variation.

A modification, waiver or variation from the standard set forth in this Division may be granted by the Zoning Administrator, as provided herein:

(a) The Zoning Administrator may modify, waive, or vary the standard in a particular case, and impose conditions on such a modification, waiver or variation which it deems appropriate to further the purposes of these outdoor lighting regulations, in either of the following circumstances:

1. Upon finding that strict application of the standard would not forward the purposes of this Article or otherwise serve the public interest, or that alternative proposed by the owner would satisfy the purposes of these outdoor lighting regulations at least to an equivalent degree.

2. Upon finding that an outdoor luminary, or system of outdoor luminaries, required for a baseball, softball, football, or soccer field cannot reasonably comply with the standard and provide sufficient illumination of the field for its safe use, as determined by recommended practices adopted by the illuminating Engineering Society of North America for that type of field and activity or other evidence if a recommended practice is not applicable.**Sec. 17-605. Exempt outdoor lighting and related acts.**

The following outdoor lighting and related acts shall be exempt from the requirements of these outdoor lighting regulations:

(a) Lighting which is not subject to this Article by state or federal law.

(b) Construction, agricultural, emergency or holiday decorative lighting, provided that the lighting is temporary, and is discontinued within seven days upon completion of the project or holiday for which the lighting was provided.

(c) Lighting of the United States of America flag, State of Georgia flag, and other non-commercial flags expressing constitutionally protected speech.

(d) Security lighting controlled by sensors which provides illumination for 15 minutes or less.

(e) The replacement of an inoperable lamp or component which is in a luminary that was installed prior to the date of adoption this Article.

(f) The replacement of a failed or damaged luminary which is one of a matching group serving a common purpose.

ARTICLE 18

ARCHITECTURAL DESIGN REVIEW

DIVISION I GENERAL PROVISIONS

Sec. 18-101. Findings.
Sec. 18-102. Definitions.
Sec. 18-103. Compliance.
Sec. 18-104. Design review permit required.
Sec. 18-105. Exterior building material finish prohibitions.
Sec. 18-106. Authorized building material finishes for non-residential, non-industrial buildings.
Sec. 18-107. Minimum building material finish requirements for non-residential, non-industrial buildings.
Sec. 18-108. Other architectural or aesthetic building requirements.

DIVISION II DESIGN REVIEW PERMIT

Sec. 18-201. Design review permit required.
Sec. 18-202. Exemptions.
Sec. 18-203. Application requirements.
Sec. 18-204. Incomplete applications.
Sec. 18-205. Criteria for design review permit approval.
Sec. 18-206. Time frame for decision.
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Sec. 18-208. Conditions of approval.
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Sec. 18-210. Changes after permit issuance.

DIVISION III GENERAL DESIGN GUIDELINES

Sec. 18-301. Reserved.
Sec. 18-302. Orientation in relation to street.
Sec. 18-303. Building setback or build-to line.
Sec. 18-304. Modulation.
Sec. 18-305. Multiple buildings on site.
Sec. 18-306. Outparcel development.
Sec. 18-307. Streetscape.
Sec. 18-308. Awnings and canopies.
Sec. 18-309. Architectural lighting.
Sec. 18-310. Color.
Sec. 18-311. Single-Family Design Standard.
Sec. 18-312. Multi-Family Residential and Condominiums.
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DIVISION IV GUIDELINES FOR NEW DWELLINGS AND ALTERATIONS OR ADDITIONS

Sec. 18-401. Applicability.
Sec. 18-402. Guidelines for residential building exterior material finishes.
Sec. 18-403. Guidelines for dwellings.
Sec. 18-404. Guidelines for additions to alterations of dwellings.

DIVISION I

GENERAL PROVISIONS

Sec. 18-101. Findings.
Sec. 18-102. Definitions.
Sec. 18-103. Compliance.
Sec. 18-104. Design review permit required.
Sec. 18-105. Exterior building material finish prohibitions.
Sec. 18-106. Authorized building material finishes for non-residential, non-industrial buildings.
Sec. 18-107. Minimum building material finish requirements for non-residential, non-industrial buildings.
Sec. 18-108. Other architectural or aesthetic building requirements.

Sec. 18-101. Findings.

(a) Establishing the appropriate character in the city by necessity requires attention to the aesthetics of development.

(b) It is in the public interest to direct and control the visual appearance of buildings, structures, and development in the city, to prevent patently offensive harm to the existing visual character of the city, and to safeguard the happiness, comfort, and general well-being of citizens.

(c) Careful attention to the architectural design of buildings and their associated relationship with their land development sites is in the best interests of the city, its citizens, and business owners.

(d) Attractive and integrated architectural and site design features tend to improve an area's image, raise overall property values, attract new businesses and residents, and improve the quality of life.

(e) Without guidance and review, private landowner decisions about the architecture and building appearances can result in negative impressions about the aesthetics of the city. It is therefore in the city's interest to ensure that the architecture and features of buildings in the city present a high-quality appearance such that lasting impressions will be positive and negative impressions will be minimized.

(f) The choice of building materials and texture applied to the exterior of buildings has great visual significance and can affect the long-term appearance and maintenance of the built environment. Exterior building materials are directly related to the durability of the building against weathering and damage from natural forces.

Sec. 18-102. Definitions.

Appearance: The outward aspect of a building or site development that is visible to the public.
Architectural features: Ornamental or decorative features attached to or protruding from an exterior wall or roof, including cornices, eaves, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

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

Asymmetrical: Not symmetrical, as in a building façade that is not identical on either side of an imaginary line drawn down its center.

Attractive: Having qualities that arouse satisfaction and pleasure in numerous, but not necessarily all, observers.

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

Awning, internally illuminated: A fixed awning covered with a translucent membrane that is, in whole or part, illuminated by light passing through the membrane from within the structure.

Board and batten siding: A type of exterior siding that has alternating wide boards and narrow wooden strips, called battens. The boards are usually (but not always) one-foot wide. The boards may be placed horizontally or vertically.

Brick veneer: A building construction technique in which an external, non-structural, brick wall conceals a structural wall of another material. Brick veneer is one layer of real brick and differs from solid masonry. With solid masonry, the brick is holding up the structure and is applied in two or more layers.

Building footprint: The horizontal area of a building as seen in plan view, measured from the outside of all exterior walls and supporting columns.

Build-to line: An alignment establishing a certain distance from the curb or right-of-way line to a line along which a building or buildings is or is to be built.

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

Clapboard: A wood exterior siding material that is applied horizontally and overlapped with the lower edge thicker than the upper edge.
Cohesiveness: Unity of composition among elements of a building or among buildings and/or structures, and their landscape development.

Continuity: The flow of elements or characteristics in a non-interrupted manner.

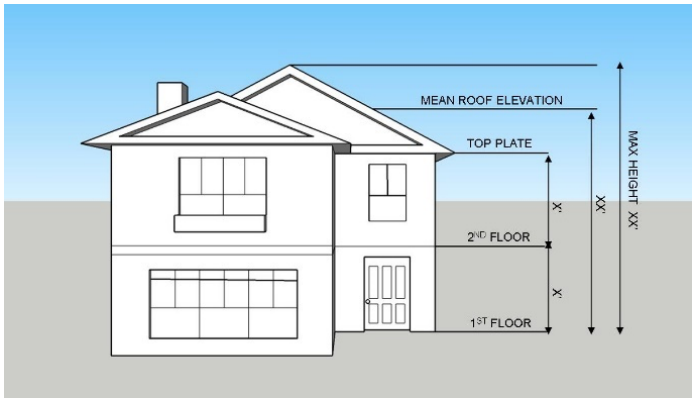
Cornice: Any molded projection which crowns or finishes the edge of a roof.

Design guideline: A standard of appropriate activity that will establish, preserve, or enhance the architectural character and site design and function of a building, structure, or land development.

Dormer: A small window with its own roof projecting from a sloping roof. Dormers are projections that provide ventilation, light, and additional space for attic areas.

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

Elevation drawing: An architectural drawing of a building or building façade, intended to illustrate its design, characteristics, and major features.



Illustrative Elevation Drawing

Engineered wood siding: A manufactured siding consisting of composite wood, mixed with different fibers and strands of various woods to create the finished product.

Exterior insulating and finish system (EIFS): An exterior wall cladding system consisting primarily of polystyrene foam board with a textured acrylic finish that resembles plaster or stucco; A general class of non-load bearing building cladding systems that provides exterior walls with an insulated, water-resistant, finished surface in an integrated composite material system.

Façade: The face (exterior elevation) of a building, especially the face parallel to or most nearly parallel to a public street.

Façade, front: Any façade with a main public entrance which faces a streets. A lot with two street frontages (whether a corner lot or double-frontage lot) shall have two front façades.

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

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

Fenestration: The organization of windows on a building wall.

Fiber cement siding: A mix of Portland cement reinforced with cellulose wood fibers and used as a siding material. Hardie board is an example.

Gable: The triangular upper portion of an end wall, underneath a peaked roof.

Harmony: A quality that represents an attractive arrangement and agreement of parts of a composition, as in architectural elements.

Hardie board or Hardie Plank: A siding material comprised of cement, sand, water and cellulose wood fibers, created by James Hardie.

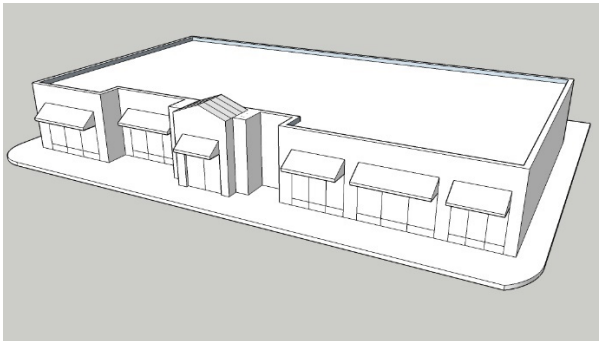
Masonite: A kind of engineered wood which is made of steam-cooked and pressure-molded wood fibers in a process patented by William H. Mason.

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

Material, primary: The dominant material of a building's exterior walls. A primary material will typically comprise 75% to 90% of each exterior building face excluding windows and doors.

Material, accent: A material utilized to provide architectural interest and variety on a building. Accent materials will typically comprise 10% to 25% of each building face excluding windows and doors, depending on architectural style and context.

Modulation: A measured setback or offset.



Modulation

Pedestrian-scale development: Development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. In the case of pedestrian retail districts, there are generally windows or display cases along building facades which face the street.

Plaza: An open area adjacent to a building that functions as a gathering place and may incorporate a variety of non-permanent activities.

Porch: A projection from a building wall which is covered but enclosed on no more than one side by a vertical wall.

Portico: An exterior appendage to a building, normally at the entry, usually roofed.

Proportion: Balanced relationship of parts of a building.

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

Roof, flat: A roof having no pitch or a pitch of not more than 2:12.

Roof, gable: A roof sloping downward in two parts from a central ridge, so as to form a gable at each end.

Roof, hipped: A roof with slopes on all four sides meeting at a ridge or at a single point.

Roof, pitched: A shed, gabled, or hipped roof having a slope or pitch of at least one foot rise for each four feet of horizontal distance.

Scale: Proportional relationships of the size of parts to one another and to humans.

Spray-on siding: A mix of resins and polymers in a vinyl-like compound that can be sprayed directly onto a structure's existing siding.

Stone veneer (natural): Thinly cut pieces of quarry stone applied to an exterior.

Stone veneer (artificial): Concrete or other materials that emulate the look of natural stone applied to an exterior.

Streetscape: The appearance and organization along a street of buildings, paving, plantings, street hardware, street furniture, and miscellaneous structures.

Stucco: A type of hand-troweled masonry plaster consisting of cement, water, and sand.

T1-11 siding: A wood or wood-based siding product that reached its height of popularity in the 1960s, 1970s and early 1980s and featuring a wood-grained look. T1-11 siding comes in two major grades: plywood and Oriented Strand Board (OSB).

Vinyl siding: A plastic exterior siding which imitates wood clapboard, board and batten or shakes. Also known as PVC or polyvinyl chloride, a plastic resin that contains chlorine and stabilizers such as lead. Vinyl siding comes in various thicknesses (grades): builder grade or economy vinyl siding (.040 mm); thin residential grade (.042 mm); standard residential grade (.044 mm); and thick premium grades residential (.046 - .055+ mm). Types of vinyl siding include vertical, horizontal and shake. Styles of vinyl siding include those that mimic the look of wood (clapboard), log siding, stone, and brick. Vinyl siding may also be insulated (i.e., containing foam board) or hollow; insulated vinyl siding is thicker than traditional siding due to the foam insulation.

Sec. 18-103. Compliance.

(a) Prior to issuing a building permit, it shall be the responsibility of the Zoning Administrator and the Building Official to ensure that the building or structure meets all applicable requirements of this Article.

(b) No building permit shall be issued that would allow construction contrary to the requirements of this Article.

Sec. 18-104. Design review permit required.

(a) Within the Highway Corridor Overlay District established in Article 4 of this UDC, no building permit shall be issued and no material change in appearance shall be permitted unless the architectural characteristics are approved by the Zoning Administrator per Sec. 4-214(b) of this UDC.

(b) Within the CBD, Central Business District, and for any lot within the OCR (Office, Commercial and Residential) District lying within 500 feet of a CBD zoning district boundary, no development or building permit shall be issued and no material change in appearance shall be permitted unless an application for a design review permit is applied for and approved by the zoning administrator, unless specifically exempted from such requirement by this Article.

(c) Within any residential lot in the city that is outside of a subdivision that has a controlling homeowner’s association with applicable covenants, conditions and restrictions, no building permit shall be issued by the Zoning Administrator or Building Official for a new dwelling unit or addition or alteration of a dwelling unit unless it complies with the provisions of this Article, as applicable, including application for design review permit, unless specifically exempted from such requirement by this Article.

Sec. 18-105. Exterior building material finish prohibitions.

This section shall apply to all principal and accessory buildings and structures for land uses of all types, except as otherwise specifically indicated. Exterior building material finishes shall not include any of the following:

(a) Highly reflective, shiny, or mirror-like materials;

(b) Mill-finish (non-colored) aluminum metal windows or door frames;
(c) Unfinished walls;

(d) Smooth faced concrete block;

(e) Exposed plywood or particle board; and

(f) Vinyl siding.

(g) Except for light industrial, manufacturing and warehouse buildings in the M-1 and M-2 zoning districts, building exteriors shall not be finished with tilt-up concrete panels or prefabricated panels. Such materials may be used for construction in any zoning district, but they must be veneered or covered with exterior building material finishes approved by the zoning administrator.

Sec. 18-106. Authorized building material finishes for non-residential, non-industrial buildings.

This section shall apply to all institutional, office, commercial, and mixed-use principal buildings and accessory structures. It shall not apply to light industrial, manufacturing and warehouse buildings in the M-1 and M-2 zoning districts or to residential dwellings.

(a) The exterior of all institutional, office, and commercial principal buildings and accessory structures shall be limited to the following finishes: The percentage shall be measured on the basis of the height multiplied by the width of each building façade.

1. Brick (or brick veneer);

2. Stone (or stone veneer).

3. Glass or glass block up to 50% of the surface area of each side of a principal building;

4. Split-face block/architectural concrete masonry unit (ACMU) up to 50% of the surface area of each side of a building;

5. Engineered wood siding or fiber cement siding, such as Masonite or Hardie Plank, up to 25% of the surface area of each side of a building;

6. Wood siding, as an accent material only, up to 10% of the surface area of each side of a building;

7. Painted metal, as an accent material only, up to 10% of the surface area of each side of a building, galvanized metal is prohibited and

8. Tile, as an accent material only, up to 10% of the surface area of each side of a building.

Sec. 18-107. Minimum building material finish requirements for non-residential, non-industrial buildings.

(a) This section shall apply to all institutional, office, commercial and mixed-use principal buildings. It shall not apply to light industrial, manufacturing and warehouse buildings in the M-1 and M-2 zoning district or to residential dwellings.

(b) Unless the front façade of an institutional, office, commercial or mixed-use principal building is finished entirely with brick, brick veneer, stone, or stone veneer, the building finish shall include a minimum two-foot-high contrasting base (commonly referred to as a water table), constructed of brick or stone, or finished with brick veneer or stone veneer extending along the entire front of buildings.

(c) Front building facades for institutional, office or commercial buildings or mixed-use principal buildings shall be at least 50 percent brick, brick veneer, stone, and/or stone veneer. The percentage shall be measured on the basis of the height multiplied by the width of each building façade, minus windows and doors. This requirement shall also apply to any building façade for institutional, office or commercial buildings or mixed-use principal buildings that abut a public street (such as in the case of a corner or double-frontage lot).

Sec. 18-108. Other architectural or aesthetic building requirements.

(a) Awnings. Awnings that are backlit through translucent materials are considered out of context and therefore prohibited.

(b) Rooftop equipment. If located on a top of building that will be visible from a public street, rooftop mechanical equipment shall be screened with a parapet wall or screened from view by other appropriate means approved by the zoning administrator.

(c) Canopy supports. The support columns for freestanding drive under canopies shall be finished with brick veneer or stone veneer.

(d) Freestanding exterior lighting. All freestanding exterior light fixtures hereafter installed for outdoor lighting shall be full cutoff luminaires, or another luminaire which does not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire.

(e) Dumpsters and trash enclosures. For all newly built structures, or when a change of use occurs that requires a rezoning, a conditional use or a variance all garbage dumpsters and other similar areas devoted to the storage of waste materials such as grease or oil containers shall meet the following requirements:

1. They shall be screened on 3 sides of said dumpster or area with a minimum 8-foot-high wall constructed of sturdy, durable, opaque materials (with trash receptacles screened from view) substantially similar in appearance to the building on site or as approved by the zoning administrator.

2. Dumpster areas must be gated on the fourth side with a material that provides opaque screening, such as a solid wooden fence or metal gate matching the height of the surrounding wall and compatible in material and appearance as approved by the zoning administrator.

3. Dumpster areas and their immediate approach zones shall be constructed of concrete of sufficient size and strength to support the weight of service vehicles.

DIVISION II

DESIGN REVIEW PERMIT

Sec. 18-201. Design review permit required.
Sec. 18-202. Exemptions.
Sec. 18-203. Application requirements.
Sec. 18-204. Incomplete applications.
Sec. 18-205. Criteria for design review permit approval.
Sec. 18-206. Time frame for decision.
Sec. 18-207. Notice of decision.
Sec. 18-208. Conditions of approval.
Sec. 18-209. Appeal of decision.
Sec. 18-210. Changes after permit issuance.

Sec. 18-201. Design review permit required.

When required by this Article, a design review permit shall be required to be issued by the Zoning Administrator prior to the material change in appearance of a building or structure, or the occupancy of land or water within an area regulated by this Article.

Sec. 18-202. Exemptions.

For properties that would otherwise be subject to the requirement to obtain a design review permit, a design review permit shall not be required for the following activities:

(a) Ordinary maintenance or repair of any exterior design feature in or on property, which maintenance or repair does not involve a material change in design, material, or outer appearance thereof.

(b) The addition of accessory structures to detached, single-family residential dwellings.

(c) Other material changes in appearance where, in the opinion of the zoning administrator, such changes are minor and do not rise to the level of a public interest.

Sec. 18-203. Application requirements.

A design review permit requires an application to be made by the property owner or agent for the property owner. At minimum, application requirements shall include a site plan and building elevation drawings. Submission requirements may also include photographs of adjacent or nearby structures and/or color and material samples for building materials.

Sec. 18-204. Incomplete applications.

The Zoning Administrator may refuse to act on an incomplete application or an application for design review permit that fails to contain submission materials with respect to design that are

found to be necessary to make a decision on said permit, which may include a site plan and landscaping plan, building elevation drawings, photographs, and/or color and material samples for building materials.

Sec. 18-205. Criteria for design review permit approval.

The Zoning Administrator shall approve the application for design review permit, unless it is found that:

(a) The application fails to meet the requirements of this Article and/or the zoning ordinance more generally; or

(b) The proposed building activity is inconsistent in one or more significant respects with the applicable design guidelines provided in this Article.

(c) The proposed design of the building or its architectural features, or the proposed exterior building materials, are not compatible with buildings, structures and development in the immediate surrounding area (defined as lots within 750 feet of the subject property). Determinations of compatibility or incompatibility may take into account any of the following:

1. Size (the relationship of the project to its site)
2. Scale (the relationship of the building to those around it)
3. Massing (the relationship of the building's various parts to each other)
4. Fenestration (the placement of windows and doors)
5. Rhythm (the relationship of fenestration, recesses and projections)
6. Placement (in relation to setback of building in the immediate surroundings)
7. Materials (their compatibility with surroundings)
8. Context (the overall relationship of the project to its surroundings)

(d) Specific grounds for denying an application for design review permit may include but are not limited to the following:

1. The applicant proposes use of a building material finish or another building characteristic that is foreign to the area;
2. The applicant’s proposal will result in substantial contrasts of material or color, or intense colors;
3. There is a multiplicity or incongruity of details resulting in an appearance incompatible with surroundings; and/or
4. The design exhibits an absence of unity and coherence in composition and is not in consonance with the density and character of the existing buildings and structures on the site or in the surrounding area.

Sec. 18-206. Time frame for decision.

The Zoning Administrator shall make a final determination on a complete application for design review permit within no more than 30 days from the date a complete application is received.

Sec. 18-207. Notice of decision.

The Zoning Administrator shall notify the applicant in writing of the decisions made on the design review permit application. If a design review permit is denied, the Zoning Administrator shall include in the notice the reason or reasons the application for design review permit was denied.

Sec. 18-208. Conditions of approval.

In granting a design review permit, the Zoning Administrator may impose such reasonable requirements and conditions with respect to the location, construction, maintenance and operation of any use or building, whether or not articulated in design guidelines, as may be deemed necessary for the protection of adjacent properties and the public interest.

Sec. 18-209. Appeal of decision.

Any decision by the Zoning Administrator regarding the issuance or denial of a design review permit may be appealed as administrative decision (see Article 14 of this UDC).

Sec. 18-210. Changes after permit issuance.

After the issuance of a design review permit, no material change in the appearance of a site, building, or structure shall be made or permitted to be made by the owner or occupant thereof, unless and until all applicable requirements of this Article are met.

DIVISION III

GENERAL DESIGN GUIDELINES

Sec. 18-301. Reserved.
Sec. 18-302. Orientation in relation to street.
Sec. 18-303. Building setback or build-to line.
Sec. 18-304. Modulation.
Sec. 18-305. Multiple buildings on site.
Sec. 18-306. Outparcel development.
Sec. 18-307. Streetscape.
Sec. 18-308. Awnings and canopies.
Sec. 18-309. Architectural lighting.
Sec. 18-310. Color.
Sec. 18-311. Single-Family Homes.
Sec. 18-312. Multi-Family Residential and Condominiums.
Sec. 18-313. Commercial and Nonresidential Design Standards.

Sec. 18-301. Reserved.

Sec. 18-302. Orientation in relation to street.

The face of the principal building should parallel the street to which it derives access. This guideline does not apply to sites such as office parks that have internal buildings that do not directly front on a public street and does not prevent rear entry or side entry garages which are accessed from an alley or side street.

Sec. 18-303. Building setback or build-to line.

To ensure that the placement of buildings is compatible in relationship to the fronting street and principal building on abutting lots facing the same street, a build-to line may be established and recommended by the Zoning Administrator during the review process.

Sec. 18-304. Modulation.

Building façades with lengths of 200 feet or more should exhibit modulation by extending or stepping back a portion of the façade. Recesses and projections should be used along front building façades of such dimensions to break up long expanses of wall planes. Façade modulation also can be achieved by (1) providing bay windows or repeating window patterns at regular intervals; (2) providing a porch, patio, deck, covered entry to portions of the façade at ground level or by adding balconies on buildings with two or more stories; (3) changing the roofline by alternating dormers or using stepped roofs, gables, or other roof elements; and (4) changing materials with the change in building plane.

Sec. 18-305. Multiple buildings on site.

When more than one principal building exists on the site, or when there are accessory buildings or structures on site along with a principal building, the multiple buildings on the same site should be designed to create a cohesive visual relationship between the buildings. This will normally mean a sharing of common architectural features such as pitched roofs, use of exterior building material finishes, similar building height, and similar width when more than one building fronts a given street.

Sec. 18-306. Outparcel development.

Buildings that are located on outparcels of a shopping center or other multi-tenant commercial development should be constructed with building material finishes complementing the principal building or common development with which they are associated.

Sec. 18-307. Streetscape.

Gathering places provide area for activities that promote safe community interaction, exchange, and congregation. Designers of nonresidential buildings are encouraged to provide plazas or gathering places, especially where building breaks occur, by including design elements such as play areas, landscaping, street furniture, public art, and/or other attractive features that improve functionality and introduce a pedestrian orientation.

Sec. 18-308. Awnings and canopies.

(a) Building design should incorporate and feature awnings, canopies, porches, porticos, patios, decks, or other covered entries to portions of the façade at the ground level.

(b) Awnings or canopies are recommended above doors and windows on commercial, office, and institutional building facades fronting or parallel to a public street. More generous use of awnings and canopies is particularly encouraged along first floors of buildings to provide architectural interest and to encourage pedestrian activity.



Shed Awnings

(c) Shed awnings are the most appropriate design for commercial buildings. Bubble, concave, and convex forms are discouraged.

(d) Where awnings are used, they should be designed to coordinate with the design of the building and any other awnings along the same block face.

(e) Awning frame and material. Awnings are recommended to be constructed with a durable frame covered by a canvas or fabric material. Aluminum and other metal canopies are acceptable in most instances, particularly when integrated into shopping center designs.

(f) Awning colors. Awning fabric, where it exists, should not use more than two colors. Solid colors are preferred over striped awnings, but striping is permitted if colors compliment the character of the structure or group of buildings.

Sec. 18-309. Architectural lighting.

The lighting of a few key architectural features or details is preferred over uniform floodlighting of an entire building façade. Lighting of any highly polished surfaces such as glass, marble, glazed tile, glazed brick, porcelain enamel, and various metals should be avoided due to reflectivity considerations.

Sec. 18-310. Color.

(a) The primary material color (used on the majority of the building surface) of buildings and accessory buildings and structures should be harmonious and compatible with the primary material colors of other buildings within the general area.

(b) High-intensity or fluorescent colors should not be used.

(c) Trim color (used on the window trim, fascia, balustrades, and posts) may be brighter than primary material color.

(d) All vents, gutters, downspouts, flashing, electrical conduits, etc., should be painted to match the color of the adjacent surface primary material, unless they are being used expressly as a trim or accent element.

Sec. 18-311. Single-Family Design Standards.

(a) **Purpose.** This section provides supplemental direction for the design of new residential developments consistent with the goals and policies of the comprehensive plan. Development should, to the extent possible, incorporate substantive building elements and varied materials that maintain Commerce's existing "small town" character. This includes:

1. Creating well-designed, detailed buildings that highlight subtle and refined design elements including decorative building materials such as tile, timbers and metalwork.
    a. Stylistically distinguishing new buildings from existing buildings.
2. Creating a varied, non-homogenous set of buildings within the neighborhood that provide a sense of evolution rather than the appearance of a one-step development.
3. Providing a variety of finish materials, colors or textures on building elements to provide further articulation, add variety and define building details.
4. Using high quality building materials that enhance the character of the area.

(b) **General Provisions.**

1. Elevations and Models. Elevations and models are required to ensure that new developments provide a diverse streetscape with a variety of floor plans and frontage character.

    a. Residential buildings shall avoid a uniform appearance by providing variation in building architecture and elevations using methods such as building modulation, primary and secondary building forms (e.g., covered porches, dormers, window bays), and changes in exterior materials, colors, windows, doors, and trim.

    b. The same elevation shall not be built next to each other or across the street from each other. To differentiate the same elevations, different colors and materials shall be used. The following major elements must be substantially different (see Figure 18-311.A)
        1. Building configuration/massing.

        2. Roof type (gable, hip, shed, etc.).

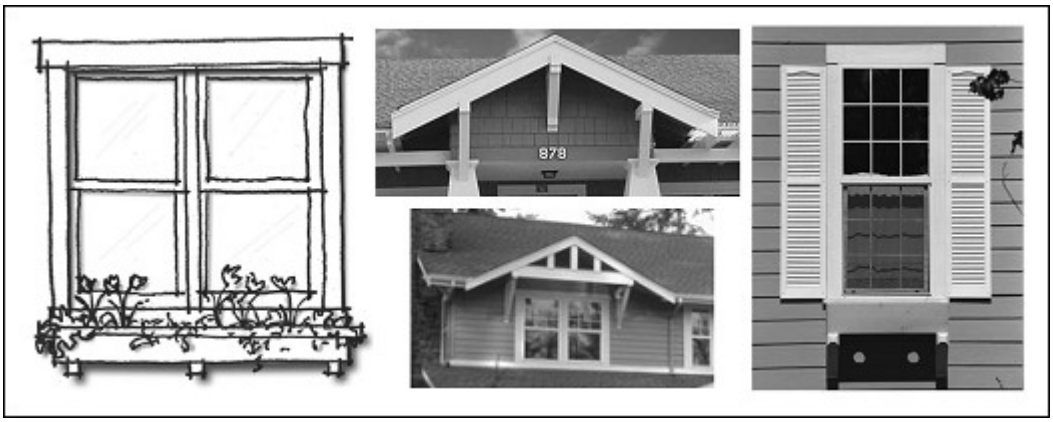


Variety of Models and Elevations

    c. The following minor features must be substantially different:
        1. Finish color (siding, roofing, or trim).
        2. Siding style.
        3. Window configuration, architectural detailing or elements.

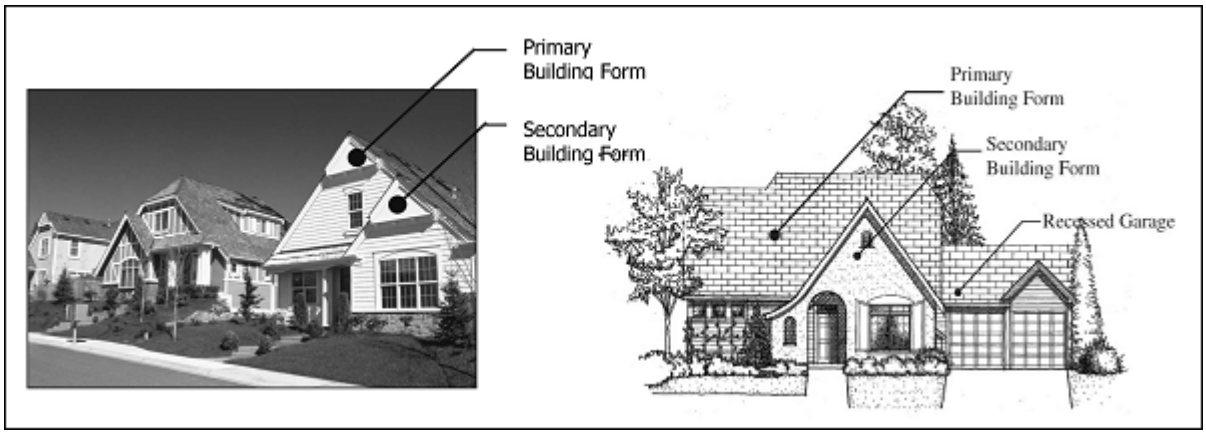
2. Architecture Detail and Features. To ensure the appropriate scale and to provide elements of human interest, at least one architecture feature shall be used in residential buildings. These elements shall follow the home's architectural style. Architectural features include, but are not limited to:
    a. Shutters (proportional to window).
    b. Flower boxes.
    c. Knee braces.
    d. Columns.
    e. Trellises.

Figure 18-311. B. Examples of Architectural Details



3. Massing and Composition. A clear pattern of massing changes and modulation of building forms and composition is required to create architectural variety and interest.
    a. Primary building forms shall be the dominating form while secondary formal elements shall include porches, dormers, or other significant features.
    b. Secondary roof forms, such as dormers, shall be proportional to the primary roof form.

Figure 18-311.B Building Form Examples



4. Building Modulation. Building modulation is required to avoid monotonous repetition of elevations, reduce bulk and mass, and provide pedestrian scale elements adjacent to the streetscape. Buildings shall have a consistent visual identity on elevations visible to the public realm (e.g., public/private streets, sidewalks, and common areas). This should be achieved by providing similar levels of materials, detailing and window placement.

5. Roof Overhangs. Roof overhangs shall be a minimum of twelve inches (excluding gutter). Overhangs and eaves should be detailed and proportioned to complement the architectural style of the home.

Figure 18-311.C Roof Overhangs



6. Building Transparency.

a. Doors.
    1. Front doors shall be in keeping with the architectural style of the structure.
    2. Front doors shall be paneled or have inset windows (see Figure 18-311.D
    3. A three and one-half-inch minimum head and jamb trim is required around all doors.

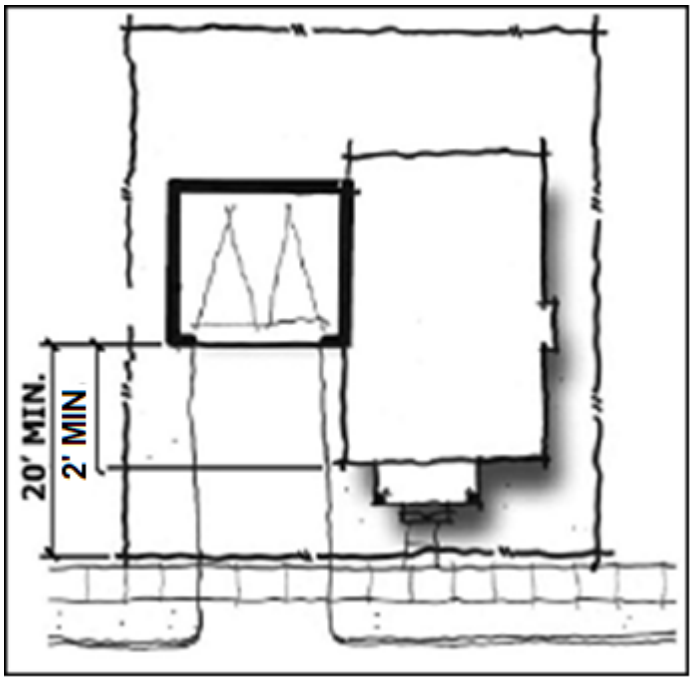
Figure 18-311.D Acceptable Doors



7. Primary Windows.
    a. Windows are required to have a trim on all building facades fronting the public right-of-way or access easement.
    b. The trim must be appropriate to the architectural character of the home and be a minimum of three and one-half inches wide.
    c. Vertical windows may be combined together to create a larger window area.
    d. Divided light windows are encouraged. They must either be true divided light or have properly proportioned mullions applied to the window. Individual panes must be vertically proportioned or square (see Figure 18-311.E).
8. Parking, Garages, and Vehicular Access. Design standards for parking, garages and vehicular access are necessary to mitigate parking and traffic impacts and preserve the aesthetic quality of homes, and to minimize the negative impacts of vehicular access and parking areas on the streetscape and pedestrian environment.
    a. Garages – General.
        1. A single car garage shall be a minimum of nineteen feet in depth and ten feet in width (unobstructed).
        2. A two-car garage shall be a minimum of nineteen feet in depth and twenty feet in width (unobstructed).

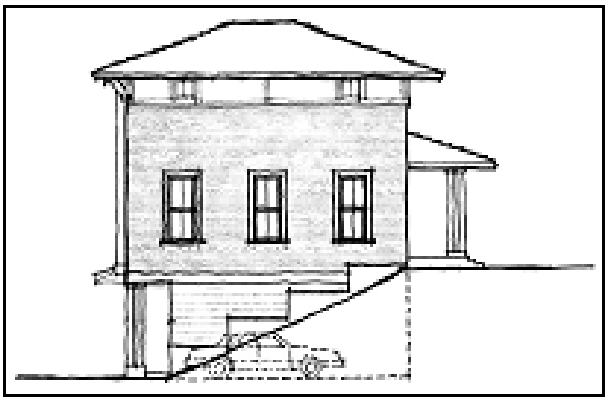
3. A tandem two-car garage shall be a minimum of thirty-eight feet in depth and ten feet in width.
    i. Front-Loaded Garages. Front-loaded garages shall be set back a minimum of two feet from the front building facade (see Figure 18-311.F). Front-loaded tuck-under garages may be permitted subject to zoning administrator's approval on sites that slope downward from the street only if they reduce the negative visual impact of the garage and where each garage entry is individually articulated.

Figure 18-311.F Front-Loaded Garage



b. Tuck-Under Garages.
    1. Tuck-under garages must be set back from the primary facade a minimum of two feet. Where used, tuck-under garages and associated driveways shall provide sufficient width for a driver to comfortably maneuver a vehicle into and out of the garage.

Figure 18-33. G Tuck-Under Garage



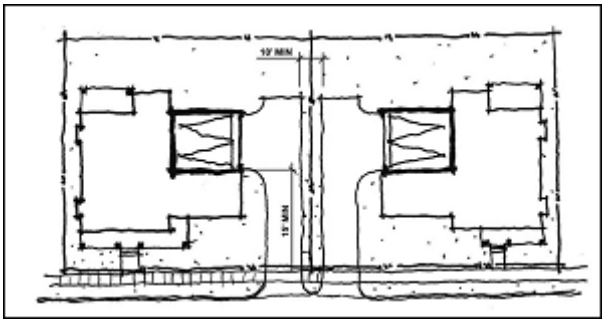
2. The cumulative garage door in the residential zones shall occupy no more than fifty percent of the lineal, ground level façade facing the street, except as follows:
    i. Cul-de-sac lots. Additional design elements shall be included to reduce the mass of the garage.
    ii. Tuck-under garages.
    iii. Detached garages are exempt from meeting the fifty percent of the ground level facade requirement.

c. Rear-Loaded Garages.
    1. Driveway lengths shall be a minimum of twenty feet (standard driveway) in length.
    2. Rear-loaded garages are not subject to the fifty percent facade requirement.

d. Side-Loaded Garages.
    1. Side-loaded garages must be set back a minimum of fifteen feet from the designated front property.
    2. The side of the garage facing the street must provide windows and architectural design elements that mimic the overall design of the home, as well as landscaping in front of or along the garage wall for a depth of at least three feet.
    3. Driveways shall be separated from the sidewalk and front entry (stoop or porch) with lawn or landscape beds. Pedestrian entries shall be from the street and may not be accessed from the driveway.
    4. Where side-loaded garages are located behind a house (see Figure 18-311.H), there is no limitation on their quantity in a plat.
    5. Where side entry garages are located on adjoining lots, there shall be a minimum ten-foot landscape area between driveways with a maximum driveway width of fifteen feet. In lieu of two fifteen-foot

driveways and the associated landscape requirements, the adjoining lots may be served by a single joint use driveway not exceeding fifteen feet in width.

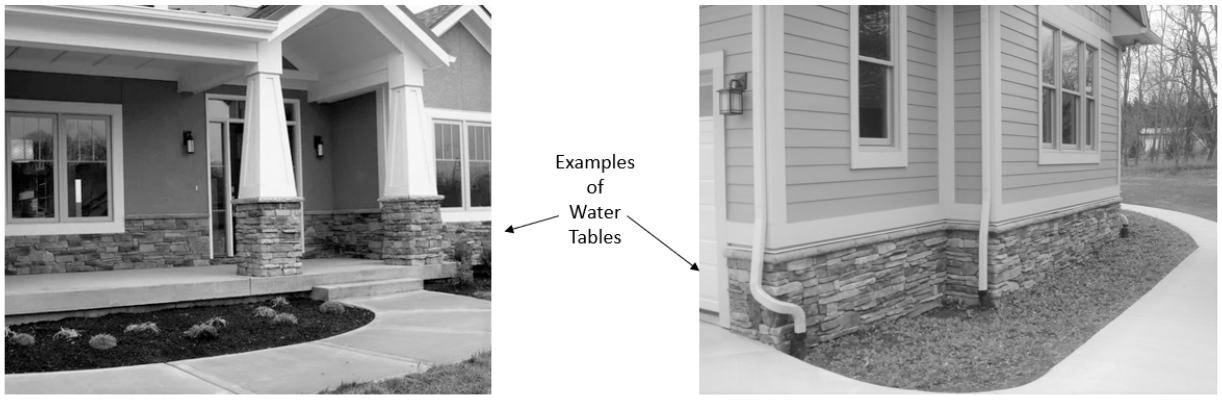
Figure 18-311.H Side-Loaded Garage



e. Additional Driveway Standards.
    1. Tandem parking in garages is permitted for all housing types as long as spaces are identified for the exclusive use of occupants of a designated dwelling.
    2. Where lots abut an alley, the garage or off-street parking area must take access from the alley, unless precluded by steep topography. No curb cuts to the adjacent street shall be permitted unless access from the alley is precluded by steep topography.

9. Water Tables. A Water Table, at least three feet in height, consisting of brick, stone or masonry, shall be constructed on the front and sides of all single-family detached residences which do not have a basement or crawlspace.

Figure 18-311. I. Water Tables



Sec. 18-312. Multi-Family Residential and Condominiums.

(a) **Purpose.** The purpose of these standards is to address site-specific design elements for multifamily developments to ensure that multifamily units have an appropriate relationship to the street, open spaces, and other amenities intended to serve residents.

(b) **Orientation**. Multifamily residential buildings, where allowed, must be oriented toward a public street rather than parking areas or adjacent properties. The siting and frontage design of multifamily buildings shall address the following standards:

1. When fronting an improved right-of-way, the primary building entry and/or individual building entries shall face the improved right-of-way.
2. Buildings shall provide windows that face the street to provide "eyes on the street" for safety.
3. Where the orientation of the lot makes the requirement in this subsection (B) infeasible, the structure shall:
    i. Front the access tract to the site;
    ii. Provide architecture details to the portion of the building fronting the improved right-of-way, such as porches, landscape screening, and common areas.

Figure 18-312.A. Appropriate Street-Front Treatments for Multifamily Uses



4. Buildings containing street level residential uses shall be set back from the sidewalk a minimum of ten feet and feature substantial landscaping between the sidewalk and the building. Maintaining views, however, between the dwelling units and the sidewalk is important for safety.

(c) **Modulation.** Building design must modulate at least every thirty feet along public streets. Building modulations must step back the building wall back or forward at least four feet. The minimum depth of modulation shall be eighteen inches and width is four feet if tied to a change in color, building material and/or roofline modulation; otherwise, the minimum depth is ten feet and minimum width is fifteen feet.

1. Modulation can be achieved by an offset in the building foundation, projecting window bays, connecting an open porch to the building, a dormer facing the street, a variety of roof forms, a well-defined entry element, or other features that provide architectural variation and reduce the bulk and mass of a multifamily building.

(d) **Dormers and rooflines.** Dormers or intersecting rooflines shall be used to break up continuous sloped roofs.

(e) Shared Garages and Driveways.

1. Shared garages are permitted in the R4 and R6 zoning districts.
2. Each housing unit shall be assigned a garage space and may share the structure with other homes.
3. Shared detached garages shall not exceed forty-four feet in width and shall maintain a minimum eight-foot separation from adjacent dwellings. Where occupiable space is permitted above a shared garage, a maximum width of fifty feet shall be permitted to allow for stair access.

(f) On-Site Recreation.

1. On-site recreation space shall be required for multifamily residential development that is subject to the provisions of this Article and containing seven or more dwelling units. This can be incorporated as part of the 20% greenspace requirement.
2. On-site recreation space shall be provided in accordance with the following table:

Table 18-312. A. On-Site Recreation Open Space

Type of Dwelling Unit	On-Site Recreation Open Space Required per Each Dwelling
One Bedroom	90 square feet per unit
Two Bedrooms	130 square feet per unit
Three or more Bedrooms	170 square feet per unit

3. Open space should be oriented to receive sunlight by facing east, west, or south when possible.

4. On-site recreation open space shall be designed as follows:

   a. On-site recreation open space shall be located in a separate tract for subdivisions from the residential dwellings and shall have an undivided ownership interest by owners of the development;

b. At least forty percent of the total required on-site recreation open space shall be consolidated in one location within the development with no dimension less than fifteen feet and may not include fenced yards or balconies serving a single dwelling unit;

c. All of the required on-site recreation open space shall be located outside of buffers;

d. No on-site recreation open space tract shall contain less than seven hundred square feet in area;

e. On-site recreation open space shall be developed for active and passive uses. At least fifty percent of the on-site recreation open space shall be designed and improved for one or more active uses. When an area of on-site recreation open space is designed and improved for active uses other than improved pedestrian or bicycle paths with hard surfaces, the average width of the area shall be at least equal to half of the average length of the area. Active uses include, but are not limited to:

    1. Playgrounds developed with children's play equipment;

    2. Improved pedestrian or bicycle paths with hard surfaces;

    3. Sports fields (such as soccer or softball fields), with associated improvements;

    4. Indoor or outdoor sports courts (such as volleyball, basketball or tennis courts), swimming pools, and similar facilities;

    5. Picnic areas with permanent tables, benches or gazebos;

    6. Community clubhouse and meeting facilities;

    7. Community gardens for use by the residents; and

    8. Plazas with lighting, artwork, and sitting space for pedestrians at four or more spaces for every required one hundred square feet of area.

f. Passive uses include critical areas that cannot be developed, nature interpretive areas, bird watching facilities, unimproved trails, and similar uses approved by the zoning administrator;

g. Drainage facilities located above underground detention facilities may be counted as on-site passive recreation space.

h. Access for pedestrians shall be provided from all dwellings within the development to the on-site recreation space through trails, sidewalks, pathways and other similar means of access.

Sec. 18-313. Commercial and Nonresidential Design Standards.

(a) **Purpose.** The overall purpose of these commercial and nonresidential design standards is to enhance and protect the community and its high quality of life, consistent with the city's comprehensive plan goals and policies.

(b) **Massing and Composition.** A strong overall building composition, along with a clear pattern of massing changes and modulation of building forms, is required to create interest and to support the building's integration into the overall context.

1. Building massing shall be focused on the primary street front, with primary uses oriented to this frontage.

2. Where a building has a double frontage (e.g., street on side, parking on the other), primary and secondary facades shall be established.

3. Service uses, parking, and utilities should be accessed from nonprimary facades and fully screened.

4. Weather protection is required over the primary building entry/facade and shall cover at least fifty percent of overall facade.

5. Upper level balconies on buildings over two stories are encouraged, but subject to design review.

(c) **Building Modulation.** Building facades of large-scale buildings such as commercial, office, or institutional buildings, where the building is multi-story or wider than sixty feet, as measured along the primary facade, shall substantially include the following modulation and other features:

1. Divide larger buildings into "modules" that are similar in scale – buildings with facades over one hundred feet in length parallel to a roadway or parking. Express modules three-dimensionally along the building's exterior, limited to thirty feet in length. The minimum depth of modulation shall be eighteen inches and width is four

feet if tied to a change in color, building material and/or roofline modulation; otherwise, the minimum depth is ten feet and minimum width is fifteen feet;

2. Significant building elements such as a focal point at a corner or mid-building;

3. Vertical building modulation in the form of window bays, pilasters, or other treatments;

4. Roof modulation through changes in height, pitch (i.e., flat to sloped), material, overhangs or roof cap detail (banding, cornice treatment, etc.);

5. Change in building material or siding style (perhaps coordinated with a change in building color);

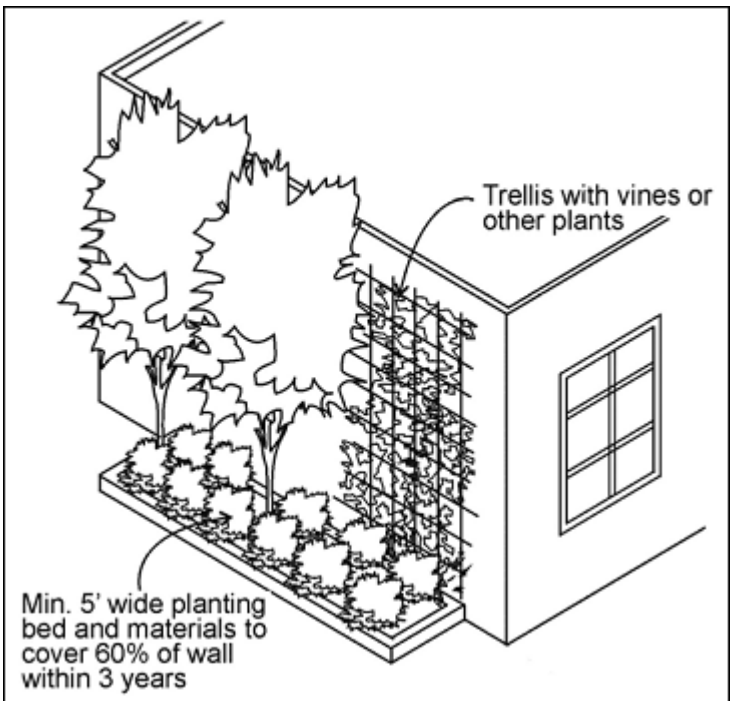
6. Provision of lighting fixtures, trellis, trees, or other landscape feature within each interval;

7. Repeating distinctive window patterns at intervals less than the modulation interval.

(d) **Blank Wall Treatments.** Blank walls, which are visible from a public street, common open space, plazas, courtyards, sidewalks, trails, or interior pathways, are prohibited. Design treatments to eliminate blank walls shall include:

1. Landscape planting beds at least five feet wide or a raised planter bed at least three feet wide in front of the wall. Such planting areas must include planting materials that are sufficient to obscure or screen at least sixty percent of the wall's surface within three years.

Figure 18-313. A. Blank Wall Treatments



2. Installation of a vertical trellis in front of the wall with climbing vines or plant materials sufficient to obscure or screen at least sixty percent of the wall's surface within three years. For large areas, trellises should be used in conjunction with other blank wall treatments.

3. Other methods such as murals or special building material treatments that cover at least sixty percent of the wall's surface.

(e) **Architectural Details.** All new buildings shall substantially include the following elements on their primary facades subject to Zoning Administrator approval:

1. Display windows divided into a grid of multiple panes. Display windows can vary between storefronts to avoid uniform appearance on multi-tenant buildings;

2. Transom windows;

3. Recessed windows;

4. Decorative weather protection feature(s);

5. Material distinctions between ground and upper level;

6. Window bays;

7. Recessed entry;

8. Sills;

9. Pilasters;

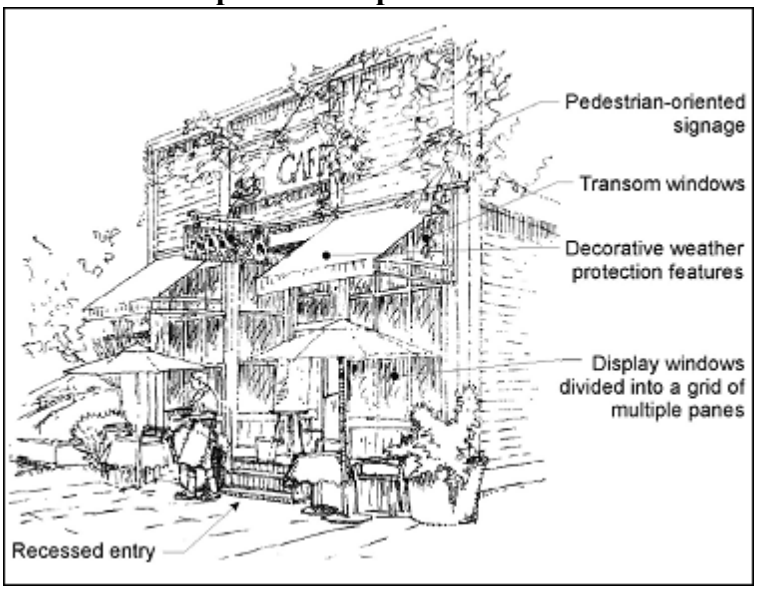
10. Landscaped trellises or other decorative element that incorporates landscaping near the building entry (element must be integrated into the building and not a simple potted plant);

11. Decorative light fixtures;

    a. Decorative building materials and/or trim work. This could include decorative stone, tile, or woodwork, decorative kick plates, or other methods as approved by the zoning administrator;

    b. Artwork incorporated into the building facade or entry area.

Figure 18-313 B. Examples of Acceptable Facade Architectural Details



(f) **Exterior Materials.**

1. Concrete blocks (cinder blocks) used for walls that are visible from public street or park shall be a textured surface and use colored mortar or other masonry types, i.e., brick glass block, or tile with the concrete blocks.

2. All vent, gutter, downspout, flashing, and electrical conduits shall match the color of adjacent surfaces unless they are used as a trim or accent element.

DIVISION IV

GUIDELINES FOR NEW DWELLINGS AND ALTERATIONS OR ADDITIONS

Sec. 18-401. Applicability.
Sec. 18-402. Guidelines for residential building exterior material finishes.
Sec. 18-403. Guidelines for dwellings.
Sec. 18-404. Guidelines for additions to alterations of dwellings.

Sec. 18-401. Applicability.

The guidelines in this division shall be considered by the Zoning Administrator in determining whether or not to issue a design review permit for dwellings on a residential lot in the city that is outside of a subdivision that has a controlling homeowner's association with applicable covenants, conditions and restrictions.

Sec. 18-402. Guidelines for residential building exterior and material finishes.

(a) Exterior structural sheathing shall consist of oriented strand board (OSB), pressboard, or plywood; the minimum thickness of which shall not be less than 7/16 inches.

(b) Brick (masonry) and stone convey permanence and are preferred primary and accent building materials. Brick veneer is acceptable. Natural stone veneer is acceptable. Artificial stone veneer may be used No less than 30% of building facades, excluding windows and doors should be comprised of brick (masonry), stone, brick veneer and/or natural stone veneer.

(c) Horizontal clapboard (wood siding) is acceptable such that the exterior is finished. Natural unfinished wood is prohibited. Vertical and horizontal board and batten is discouraged. T1-11 siding comprised of oriented strand board (OSB) or plywood is prohibited.

(d) Engineered wood, such as Masonite, is acceptable as a siding material but it should be applied horizontally only.

(e) Fiber cement siding, including but not limited to "Hardie Plank," is acceptable but should normally be limited to horizontal applications.

(f) Stucco and exterior insulating and finish system (EIFS) should not be used as a primary siding material. Use of stucco or EIFS should be justified based upon the design intent of the building and limited to accent applications above the pedestrian level (approximately 10 feet above ground).

(g) No vinyl siding allowed.

Sec. 18-403. Guidelines for dwellings.

(a) Orientation. The primary entrance to a dwelling should face the primary street on which the lot fronts.

(b) Dwelling entry. The use of a covered porch, stoop, and/or other entryway feature is encouraged for the dwelling's primary entrance. A minimum front porch depth of 4 feet and a minimum area of 40 square feet are encouraged.

(c) Walkways and pathways. A concrete walkway is encouraged from the dwelling's primary entrance to the fronting street, connected to the public sidewalk where one exists.

(d) Elements from a variety of house types or styles should not be used in new design.

(e) New houses should have a height compatible with adjacent dwellings. New dwellings should have heights within the range typically observed for dwellings on adjacent or nearby lots in the neighborhood. Where a dwelling must be taller than existing dwellings in the vicinity (e.g., a two-story home along a street where one-story homes are prevalent), the scale of the new, taller infill dwelling should be mitigated through the use of upper story setbacks and articulation of façade planes. For two-story or taller dwellings, the second story should be designed so that it is subordinate in scale to the first story and so as not to project or overhang the first floor footprint.

(f) New dwellings should have a foundation height compatible with adjacent dwellings. New buildings should not be constructed at grade. Foundation heights should be at least one foot above grade.

(g) New foundations of concrete block should be faced with brick or stone, or masked with a stucco wash or paint application.

(h) The front façade should have either an entry porch or a full-width porch.

(i) New dwelling placement on lots should follow the block's placement pattern by maintaining the spatial rhythm and side yard setbacks.

(j) Window and door openings should not exceed the height to width ratios of adjacent dwellings by more than 10%.

(k) Garages and carports. Except in neighborhoods where such design is already clearly prevalent, garages attached to the principal dwelling should not face the street. If such placement is necessary, street-facing garages should be recessed a minimum 10 feet behind the façade of the principal dwelling. Street-facing garages, where proposed, should have recessed garage doors (i.e., appear to be set into a wall rather than flush with an exterior wall) to allow for shadow and depth.

Sec. 18-404. Guidelines for additions to alterations of dwellings.

(a) Alterations should not use materials or elements that change the architectural character of the residential building.

(b) The height or width of any alteration or addition should not be taller or wider than the existing building by more than 10%.

(c) Any alterations or additions should have the same massing, scale and architectural features as the existing building elements.

(d) Additions should not alter the orientation of the existing building.

(e) The size and scale of a building addition should be smaller than the main building and should not obscure the view of the main dwelling or its architectural features.

(f) The roof form and pitch of a new addition should be similar to the roof form of the existing building.

ARTICLE 19

BOARDS AND COMMISSIONS

DIVISION I COMMERCE PLANNING COMMISSION

Sec. 19-101. Purpose of Planning Commission.
Sec. 19-102. Powers and duties.
Sec. 19-103. Continuance.
Sec. 19-104. Membership, appointment, and composition.
Sec. 19-105. Quorum.
Sec. 19-106. Chairperson.
Sec. 19-107. Removal.
Sec. 19-108. Conflicts of interest.
Sec. 19-109. Meetings and records.
Sec. 19-110. Training.

DIVISION I

COMMERCE PLANNING COMMISSION

Sec. 19-101. Purpose of Planning Commission.
Sec. 19-102. Powers and duties.
Sec. 19-103. Continuance.
Sec. 19-104. Membership, appointment, and composition.
Sec. 19-105. Quorum.
Sec. 19-106. Chairperson.
Sec. 19-107. Removal.
Sec. 19-108. Conflicts of interest.
Sec. 19-109. Meetings and records.
Sec. 19-110. Training.

Sec. 19-101. Purpose of Planning Commission.

The general purpose of the Planning Commission shall be Develop and maintain Comprehensive Plans, administrative procedures, zoning ordinance, subdivision regulations, and design ordinances for City Council adoption; Recommend and/or develop and maintain other plans, ordinances and "tools" relating to land use as needed by the City Council. Such documents may include sign ordinance, re-development plan, and others; Hold public hearings on plans/ordinances or changes thereto.

Sec. 19-102. Powers and duties.

The Planning Commission shall have all those duties necessary and reasonably implied as being necessary to carry out its duties as specified in this UDC. Said powers and duties shall specifically include without limitation, the following:

(a) To adopt and amend bylaws, without the need to amend this Article.

(b) Prepare or cause to be prepared a comprehensive plan or parts thereof, for the development of Commerce or parts thereof, which shall be subject to the approval of the Commerce City Council in accordance with the Georgia Planning Act of 1989.

(c) Review and recommend for adoption by the Commerce City Council zoning ordinances, regulations for the subdivision of land, and any other land use regulations appropriate to manage development in the city.

(d) To administer zoning and other land use regulations in whatever role is delegated to it by the Commerce City Council or as provided in this UDC. The Planning Commission shall have authority and responsibility to review applications for zoning map amendments or applications for conditional use approval and other related applications and provide a recommendation to the Commerce City Council.

(e) To exercise, in general, such other powers as may be necessary to enable it to perform its functions and promote the planning of its jurisdiction.

Sec. 19-103. Continuance.

The Commerce Planning Commission, as it existed on the effective date of this UDC adoption, shall continue in its present form and function. Thereafter, changes to the composition of the Planning Commission shall be governed by this division.

Sec. 19-04. Membership, appointment, and composition.

The Planning Commission shall consist of five members, all of whom shall be residents of Commerce. Each member shall be appointed by the City Council. The terms of the members shall be for four years. Each appointee is subject to approval by, and may be removed for cause, by a majority vote of the Commerce City Council, in a public meeting. Any vacancy in membership shall be filled for the remainder of the term in the same manner as the original appointment.

Sec. 19-105. Quorum.

A quorum shall be required to be present for the Planning Commission to function and decide matters that comes before it. All meetings of the Planning Commission shall require a quorum of not less than three voting members. Each motion must receive an affirmative vote from no less than 3 members to pass the Planning Commission.

Sec. 19-106. Chairperson.

The members of the Planning Commission shall elect a Chairperson of the Planning Commission. The term of office for the Chairperson is one year. An officer that has served a full one year term may succeed himself/herself. The Chairperson shall preside at meetings of the Planning Commission, decide all points of order and procedure, represent the Planning Commission at official functions, appoint committees to investigate and report on matters which may come before the Commission, and be responsible for carrying out policy decisions. In the event of the resignation or removal of the Chairperson, the members shall elect an individual from the Commission to fill the remainder of the unexpired term.

Sec. 19-107. Removal.

The City Council of Commerce shall have the authority to remove any appointed member(s) for cause at any time upon giving such member(s) ten days written notice. No member of the Planning Commission shall hold elected public office in the city or county. Grounds for removal for cause shall include, but not be limited to, missing three or more meetings in a calendar year.

Sec. 19-108. Conflicts of interest.

(a) **Disclosure.** Any member of the Planning Commission who has a property interest in any real property affected by a rezoning action to be considered by the City Council, or has a financial interest in any business entity which has a property interest in any real property affected by a rezoning action to be considered by the City Council, or who has a family member with such a real property interest or financial interest in a business entity, pursuant to O.C.G.A. 36-67A-2, shall immediately disclose the nature and extent of such interest, in writing, to the City Council.

(b) **Disqualification.** The planning commissioner who has an interest as defined in this section shall disqualify him/herself from voting on the rezoning action. The disqualified planning commissioner shall not take any other action on behalf of him/herself or any other person to influence action on the application. The disclosures required by this section shall be a public record and available for public inspection at any time during normal working hours. A member of the Planning Commission may raise the question of conflict of interest of another member regarding a specific issue that is before the Planning Commission. A majority vote of those Planning Commissioners without such conflict shall determine if such conflict does exist.

Sec. 19-109. Meetings and records.

(a) All meetings of the Planning Commission shall be open to the public and all records of the Planning Commission shall be public record.

(b) The Planning Commission may adopt bylaws which establish regular meeting dates, procedures for calling special meetings, and other matters relating to meeting procedures which shall not be inconsistent with this division or public hearing procedures established in Article 13 of this UDC.

(c) The Planning Commission shall hold regular meetings unless it is notified by the Zoning Administrator that there is no business to conduct, in which case the Chairperson may cancel the regular meeting.

(d) No meeting shall be held unless 48 hours notice thereof has been provided to each member.

(e) If special meetings are called by the Chairperson, the purposes(s) of the special meeting shall be stated and no other business may be conducted at such special meeting.

Sec. 19-110. Training.

(a) The Commerce City Council finds that it is in the best interests of their citizens to strongly encourage newly appointed members of the Planning Commission during the course of their term of appointment to attend one or more courses of training and

education on matters pertaining to the operations, activities, duties, and subject matters of Planning Commissions.

(b) It shall be the responsibility of the Zoning Administrator to periodically notify members of the Planning Commission of appropriate education and training opportunities encouraged in this Section.

ARTICLE 20

ADMINISTRATION, INTERPRETATION, AND ENFORCEMENT

DIVISION I ADMINISTRATION

Sec. 20-101. Responsible administrator.
Sec. 20-102. Responsibilities of the administrator.
Sec. 20-103. Delegation.

DIVISION II INTERPRETATION

Sec. 20-201. Use of figures and examples for illustration.
Sec. 20-202. Use of words or phrases.
Sec. 20-303. Relationship to other regulations.
Sec. 20-204. Appeal of interpretation.

DIVISION III ENFORCEMENT

Sec. 20-301. Definitions.
Sec. 20-302. Enforcement generally.
Sec. 20-303. Authority to enter property and inspect.
Sec. 20-304. Notice of violation.
Sec. 20-305. Stop work order.
Sec. 20-306. Cease and desist order.
Sec. 20-307. Violations.
Sec. 20-308. Service of citation.
Sec. 20-309. Referral of violation to city attorney.
Sec. 20-310. Violation a misdemeanor.
Sec. 20-311. Failure to obtain a development permit for land-disturbing activity.
Sec. 20-312. Civil monetary penalties.
Sec. 20-313. Additional remedies.

DIVISION I

ADMINISTRATION

Sec. 20-101. Responsible administrator.
Sec. 20-102. Responsibilities of the administrator.
Sec. 20-103. Delegation.

Sec. 20-101. Responsible administrator.

The Zoning Administrator is responsible for the supervision and execution of all administrative functions of this UDC, unless otherwise specified. This UDC shall be administered, interpreted, and enforced by the Zoning Administrator, who shall have all the duties and authority with respect to this UDC as provided in the various articles and sections of this UDC, and those necessarily implied by said provisions.

Sec. 20-102. Responsibilities of the administrator.

Functions and duties of the Zoning Administrator include but are not limited to the following:

(a) **Forms, procedures, and guidelines.** Promulgate administrative procedures, guidelines, application forms, and schedules with deadlines and meeting dates for various applications required by this UDC; and

(b) **Fee schedule initiation.** Periodically propose and update fee schedules for various applications and permits required by this UDC. Said fee schedule proposed by the Zoning Administrator shall not become binding until adopted by the Commerce City Council by resolution; and

(c) **Discretionary application processing.** Receive, review and process with or without recommendation all applications filed with the city that require approval of the Commerce City Council, Commerce Planning Commission, and Commerce Board of Zoning Appeals, including text amendments, applications to amend the official zoning map (rezoning), overlay district boundary amendment, conditional use approval, variance, and appeal of an administrative decision; and

(d) **Administrative application processing.** Receive, review, and approve, conditionally approve or deny applications for minor subdivisions, boundary line adjustments, lot combinations, land-disturbance permits, development permits, site plans or project approvals, building permits, and any other procedure of this UDC that requires an application be filed with the Zoning Administrator and administratively decided by the zoning administrator; and

(e) **Zoning verification.** Issue, upon application and for a fee as may be determined by resolution of the City Council, official letters of zoning confirmation and/or certification of zoning compliance; and

(f) **Inspections program.** Execute a program of inspections of land development, as required to implement this UDC. The Zoning Administrator or designee will periodically inspect the sites of land-disturbing activities for which development permits have been issued to determine if the activities are being conducted in accordance with the approved erosion and sediment control plan and if the measures required in the plan are effective in controlling erosion and sedimentation; and

(g) **Enforcement program.** Execute a program of enforcement of this UDC; and other codes assigned to the Zoning Administrator with the assistance of Code Enforcement or designee for enforcement; and

(h) **Interpretation.** Interpret the provisions of this UDC, where uncertainty exists; and

(i) **Administrative relief.** It is the intent of this UDC that the Zoning Administrator shall have authority necessary to provide minor relief from the provisions of this UDC, and to that end the Zoning Administrator is authorized and expected to find solutions within the spirit of this UDC to exercise administrative variance authority specifically granted in Article 14 of this UDC, where warranted; and

(j) **Other.** Tend to other administrative details not inconsistent with the provisions of this UDC, to develop an agenda for each Planning Commission meeting, and to implement the provisions of this UDC.

Sec. 20-103. Delegation.

The Zoning Administrator may delegate administrative functions, powers, and duties assigned by this UDC to other staff as may be appropriate, with approval from the City Manager or designee, without the need to separately authorize such delegation by formal action.

DIVISION II

INTERPRETATION

Sec. 20-201. Use of figures and examples for illustration.
Sec. 20-202. Use of words or phrases.
Sec. 20-303. Relationship to other regulations.
Sec. 20-204. Appeal of interpretation.

Sec. 20-201. Use of figures and examples for illustration.

Figures, examples, or explanatory text associated with defined terms or regulatory paragraphs in this UDC are provided for illustration only and do not limit or change the meaning of the term as defined or the requirements of the regulation as written.

Sec. 20-202. Use of words or phrases.

For the purpose of this UDC, the following shall apply to the use of words and phrases:

(a) Words used in the present tense include the future tense. Words used in the singular tense include the plural tense, and words used in the plural tense include the singular tense.

(b) References to the "City" and to the Commerce City Council and any public officials or appointed bodies of the city not otherwise named by political jurisdiction or defined in this UDC shall always mean the City of Commerce, Georgia, and its governing body, appointed or employed officials, and appointed bodies.

(c) The word "person" is intended to include 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 this State, any interstate body or any other legal entity.

(d) The words "shall," "will," "is to" and "must" are always mandatory and not discretionary, while the word "may" is permissive.

(e) The word "and" indicates that all of the conditions, requirements or factors so connected must be met or fulfilled, while the word "or" indicates that at least one condition, requirement or factor so connected must be met.

(f) The term "such as" is intended to introduce one or more examples in illustration of a requirement or point and is intended to mean "including but not limited to the following."

(g) The verbs "zone" and "rezone" have the same meaning and refer to the act of amending the official zoning map or overlay district map through the process established by this UDC.

(h) The nouns “zone,” “zoning district” and “district” have the same meaning and refer to the zoning districts and/or overlay districts established by this UDC.

(i) The word “day” means a calendar day unless otherwise specified as a work day, excluding official city holidays.

(j) The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended,” “arranged,” or “designed to be used or occupied.”

(k) The term “zoning map” means the official zoning map of the City of Commerce, Georgia, and may include a single map or a series of maps in sections.

(l) All words and phrases are to be interpreted within the context of the sentence, paragraph, subsection, section and article in which they occur.

(m) Words and phrases not defined in this UDC shall be construed to have the meaning given by common and ordinary use, the meaning of which may be further clarified by definition of the word or phrase in a dictionary of the English language in current circulation.

(n) Definitions are clearly identified as such and are located throughout this UDC in the articles or sections to which they most readily refer. All definitions, regardless of location within an article of this UDC, apply equally to the use of such terms throughout the UDC. In the case where two definitions conflict, the Zoning Administrator shall determine which definition applies, depending on the specific context.

Sec. 20-203. Relationship to other regulations.

The requirements of this UDC are in addition to the requirements of other ordinances, rules, regulations and other provisions of law, and where any provision of this UDC imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

Sec. 20-204. Appeal of interpretation.

Interpretations of the Zoning Administrator may be appealed under the provisions of Article 14 of this UDC.

DIVISION III

ENFORCEMENT

Sec. 20-301. Definitions.
Sec. 20-302. Enforcement generally.
Sec. 20-303. Authority to enter property and inspect.
Sec. 20-304. Notice of violation.
Sec. 20-305. Stop work order.
Sec. 20-306. Cease and desist order.
Sec. 20-307. Violations.
Sec. 20-308. Service of citation.
Sec. 20-309. Referral of violation to city attorney.
Sec. 20-310. Violation a misdemeanor.
Sec. 20-311. Failure to obtain a development permit for land-disturbing activity.
Sec. 20-312. Civil monetary penalties.
Sec. 20-313. Additional remedies.

Sec. 20-301. Definitions.

Occupancy: The purpose for which a building or portion thereof is utilized or occupied.

Occupant: Any individual living or sleeping in a building or having possession of a space within a building.

Operator: Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner: Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Person: An individual, corporation, partnership or any other group acting as a unit.

Sec. 20-302. Enforcement generally.

(a) Any action or inaction that violates the provisions of this UDC or the requirements of an approved plan or permit may be subject to the enforcement actions outlined in this division.

(b) Any action or inaction that violates the provisions of this UDC or the requirements of an approved plan or permit and that is continuous with respect to time is deemed a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described in this division shall not prevent such equitable relief.

Sec. 20-303. Authority to enter property and inspect.

(a) A representative or agent of the City authorized by the City Manager shall have the power to conduct such investigations as may reasonably be deemed necessary to assure or compel compliance with the requirements and provisions of this UDC, and for that purpose is authorized to enter at reasonable times upon any property for the purpose of investigation and inspection.

(b) No person shall refuse entry or access to any authorized representative or agent of the city 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. 20-304. Notice of violation.

(a) If, through inspection, it is deemed that a person engaged in land-disturbing activities or engaged in a land use has failed to comply with this UDC generally, or has failed to comply with an approved plan or permit, or with conditions of rezoning approval or development permit conditions, or with any other provisions of this UDC, a written notice to comply shall be served upon that person responsible for the violation, and the property owner, if different, and the occupant of the property if different.

(b) The notice shall set forth the section or sections of this UDC which have been violated and the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person responsible fails to comply within the time specified, he shall be deemed in violation of this UDC.

(c) Any person found to be in violation of this UDC shall be deemed to have forfeited any required performance bond if required to post one under the provisions of this UDC.

Sec. 20-305. Stop work order.

(a) Whenever a representative or agent of the City authorized by the City Manager finds any work regulated by this UDC being performed in a manner contrary to the provisions of this UDC the representative or agent is authorized to issue a stop work order.

(b) A stop work order shall be issued in writing and shall be given to the owner of the property, to the owner’s agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

(c) 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) Where an emergency exists, the Zoning Administrator or Code Enforcement Officer shall not be required to give written notice prior to stopping the work.

(e) Any person who shall continue to work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine or penalties as prescribed in this division and as otherwise provided or prescribed by law.

Sec. 20-306. Cease and desist order.

The representative or agent of the City, as authorized by the City Manager, shall order discontinuance of illegal use of land, buildings or structures; removal or relocation of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of illegal work being done; or shall take any other appropriate or necessary action to ensure compliance with or to prevent violation of the provisions of this UDC.

Sec. 20-307. Violations.

(a) Upon continuing noncompliance, or initially in the case of an immediate threat to the public health or safety, the zoning administrator, code enforcement officer, city attorney, and any appointed city solicitor shall all have authority to prosecute violations in court.

(b) Prosecutions for violations of any provision of this UDC shall be upon accusation by the city attorney or such other attorney as the Commerce City Council may designate.

Sec. 20-308. Service of citation.

(a) A citation for or accusation of a violation of this UDC shall be served by at least one of the following:

1. Posting a copy of it on the door of the premises where the alleged violation occurred; and

2. Mailing a copy of it by registered or certified mail or statutory overnight delivery to the owner of such premises at the address of record maintained by the applicable tax commissioner. The certificate of mailing to the accused shall constitute prima-facie evidence of compliance with this requirement; and

(b) Service of a citation shall not be authorized under subsection (a) until there has been at least one attempt at personal service on the accused at the address of record of the accused as maintained by the applicable tax commissioner or of the accused's registered agent as maintained by the Secretary of State, provided that such attempt at personal service shall only be required if the accused resides or has a registered agent in this state.

(c) Prosecutions for violations of this UDC upon citations shall be commenced by the completion, signing, and service of a citation by any agent of the city who is authorized by the Commerce City Council to issue citations.

Sec. 20-309. Referral of violation to city attorney.

Any violation alleged under this UDC may be referred by a representative or agent of the City, as authorized by the City Manager, to the city attorney for investigation, citation, and enforcement.

Sec. 20-310. Violation a misdemeanor.

Violation of any provision of this UDC, including violation of conditions of approval established in connection with grants of variance or zoning changes, shall constitute a misdemeanor.

Sec. 20-311. Failure to obtain a development permit for land-disturbing activity.

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

Sec. 20-312. Civil monetary penalties.

(a) Any person violating any provision of this UDC, permitting or plan conditions, or stop work order shall be liable for a civil penalty or fine not to exceed $1,000.00 per day, Each day the violation continues shall constitute a separate offense.

(b) Any civil penalties imposed pursuant to this UDC shall be payable to the city, shall commence on the date of issuance of any stop work order, cease and desist order or other notice of noncompliance and shall not be affected by the filing of any appeal.

(c) Any civil penalty imposed pursuant to this article may, at the discretion of the city, be waived or reduced if, in the discretion of the city, the violator has taken sufficient and timely curative and corrective action.

(d) No land-disturbance or development permits, inspections, building permits or certificate of occupancies will be granted to any person who has an outstanding fine for violating this UDC.

(e) Any person who violates any provisions of this UDC, the rules and regulations adopted pursuant hereto, or any permit condition or limitation established pursuant to this UDC or who negligently or intentionally fails or refuses to comply with any final or emergency

order of the Zoning Administrator or Code Enforcement Officer issued as provided in this UDC shall be liable for a civil penalty not to exceed $1,000.00 per day.

Sec. 20-313. Additional remedies.

Nothing contained in this division shall prevent the city from taking such other lawful actions as are necessary to prevent or remedy any violation, such as injunction, mandamus or other appropriate action.

ARTICLE 21

BUILDING REGULATIONS

DIVISION I THIRD-PARTY INSPECTIONS AND PLAN REVIEW

Sec. 21-101. Definitions.
Sec. 21-102. Third-party inspection and plans review program.
Sec. 21-103. Inspection types.
Sec. 21-104. Approved third-party inspector qualifications.
Sec. 21-105. Procedures for conducting third-party inspections.
Sec. 21-106. Approved third-party plans reviewer qualifications.
Sec. 21-107. Procedures for conducting third-party plan reviews.

DIVISION I

THIRD-PARTY INSPECTIONS AND PLAN REVIEW

Sec. 21-101. Definitions.
Sec. 21-102. Third-party inspection and plans review program.
Sec. 21-103. Inspection types.
Sec. 21-104. Approved third-party inspector qualifications.
Sec. 21-105. Procedures for conducting third-party inspections.
Sec. 21-106. Approved third-party plans reviewer qualifications.
Sec. 21-107. Procedures for conducting third-party plan reviews.

Sec. 21-101. Definitions.

For purposes of and in regard to third-party inspections, the following definitions shall apply unless the context clearly indicates otherwise:

Approved third-party inspectors and plans reviewer list: A list maintained by the department comprised of the names of approved third-party inspectors and plans reviewers that have complied with the application and renewal requirements of the City of Commerce third-party inspection and plans review program and have been approved to perform third-party inspections and plans review pursuant to this Article.

Approved third-party inspector: a registered professional engineer or registered professional architect that has complied with the application and renewal requirements of the City of Commerce third-party inspection and plans review program and has been approved to perform Third-Party Inspections pursuant to this Article. An approved third-party inspector is intended to constitute a "private professional provider" for the purposes of performing inspections as described in the State Act.

Approved third-party plans reviewer: A registered professional engineer or registered professional architect that has complied with the application and renewal requirements of the City of Commerce third-party inspection and plans review program and has been approved to perform third-party plans review pursuant to this Article. An approved third-party plans reviewer is intended to constitute a "private professional provider" for the review of building construction plans as described in the State Act.

City: The incorporated areas of the City of Commerce, a municipal corporation of the State of Georgia.

Convenience fees: Fees established by the department to be paid to the City upon the election by an applicant to use a third-party inspector or third-party plans reviewer despite the department

otherwise being able to provide inspection and plan review services within the time frames required by the State Act. Such fees shall be the same as any regulatory fees assessed by the department for inspections and plan review services performed by the department.

Department: The City of Commerce planning and development department, or such other department as may be assigned by the Commerce City Council the responsibility of performing inspections and overseeing the third-party inspection and plans review system described herein.

Inspection: The observance of work and the performance of test for certain components and elements to establish conformance with City of Commerce approved construction documents, building codes and ordinances adopted by the City of Commerce, and the requirements of the state minimum standards as adopted and amended by the Georgia Department of Community Affairs.

Inspection certification: A written statement signed by an approved third-party inspector or his/her approved technician, which shall indicate that the item(s) being inspected, in the approved third-party inspector's professional opinion and to the best of their knowledge, complies with the City of Commerce approved construction documents, building codes and ordinances adopted by the City of Commerce, the requirements of the state minimum standards as adopted and amended by the Georgia Department of Community Affairs, and any other applicable inspections that are typically performed by Inspectors employed by the City of Commerce.

Inspection field report: A written report prepared by an approved third-party inspector or a technician working under the direct supervision of an approved third-party inspector describing the work conducted and findings of an inspection.

Plans review affidavit: A written affidavit on a form adopted by the department that is completed and signed under oath by an approved third-party plans reviewer, which shall indicate that the plans which have been reviewed for the purpose of a building permit for the application in question, in the approved third-party plans reviewer's professional opinion and to the best of their knowledge, complies with the regulatory requirements as designated by the City of Commerce, including the Georgia State Minimum Standard Codes most recently adopted by the Department of Community Affairs and any locally adopted ordinances and amendments to such codes, applicable zoning ordinances and conditions, design standards, and any other applicable laws and regulations that would otherwise be required of staff employed by the department.

Registered professional architect: An individual that holds a certificate of registration issued under O.C.G.A. Title 43, Ch. 4.

Registered professional engineer: An individual that holds a certificate of registration issued under O.C.G.A. Title 43, Ch. 15.

Regulatory fees: All fees established by the department to be paid to the department for any regulatory action, inspection services, or plan review services as provided by the state act and this Article.

State Act: O.C.G.A. § 8-2-26.

Technician: An individual that performs inspections under the direct supervision of an approved third-party inspector.

Third-Party plans review: Building construction plans review performed in conformance with this program by approved third-party plans reviewers.

Third-Party inspection: Inspection performed in conformance with this program by approved third-party inspectors.

Third-Party inspection and plans review program: The rules and procedures described in this Article.

Sec. 21-102. Third-party inspection and plans review program.

(a) The department will establish and maintain an approved third-party inspectors and plans reviewers list from whom the department will accept third-party inspections and third-party plans reviews in accordance with this Article.

(b) In full compliance with the requirements of the State Act, the City of Commerce shall allow owners, developers, and contractors to submit inspection certifications by approved third-party inspectors and plans review affidavits by approved third-party plans reviewers in order to satisfy certain inspection and plans review requirements.

(c) The department will only consider inspection certifications and plans review affidavits from individuals listed on the approved third-party inspector and plans reviewer list. The City of Commerce makes no representation concerning the approved third-party

inspectors and approved third-party plans reviewers other than that they have submitted evidence showing that they have met the minimum criteria necessary to qualify for the third-party inspection and plans review program described herein.

(d) In order for an inspection certification or plans review affidavit to be accepted by the department for a particular project, an approved third-party inspector or approved third-party plans reviewer must be independent of, and must not be an employee of or otherwise affiliated with or financially interested in the person, firm or corporation engaged in the construction project to be inspected or reviewed.

(e) The person, firm or corporation retaining an approved third-party inspector or approved third-party plans reviewer to conduct an inspection or plans review shall be required to pay to the city the same regulatory fees and charges which would have been required had the inspection or plans review been conducted by a city inspector or city plan reviewer. Should the department determine that it cannot conduct a particular inspection or plans review in a time as determined by the State Act, the applicable regulatory fees shall be reduced by fifty percent (50%). Should the department determine that it can conduct a particular inspection or plans review in a time as determined by the State Act, a convenience fee shall be paid to the city. Upon paying in full of the convenience fees associated with the complete application, the applicant may nevertheless choose to retain, at its own expense, an approved third-party inspector or approved third-party plans reviewer to provide the required inspection or plan review, subject to the requirements set forth in this Article. Any regulatory fees or convenience fees paid to the city are nonrefundable.

(f) All other fees and costs related to the performance of the third-party inspections or third-party plans review are matters solely between the approved third-party inspector or approved third-party plans reviewer and the person, firm, or corporation engaging the approved third-party inspector or approved third-party plans reviewer.

(g) Notwithstanding the submission of an inspection certification or plans review affidavit, the department retains the authority to make all code interpretations and to monitor the quality of all third-party inspections and third-party plans reviews and nothing in this Article shall be construed as authorizing any approved third-party inspector or approved third-party plans reviewer to issue a building permit or a certificate of occupancy.

(h) The department will continue to provide full support to customers that choose not to utilize the services of approved third-party inspectors or approved third-party plans reviewers.

(i) The department will follow all applicable procedures set forth in the State Act for all inspections and plans reviews. for purposes of processing applications in compliance with the State Act, an application submitted to the department shall not be considered complete until all applicable fees have been paid, and all applicable city departments have previously received the application and provided any required approvals.

Sec. 21-103. Inspection types.

(a) The department will, at a minimum, accept third-party inspections in compliance with the state act for any construction inspections required by the city code. A comprehensive list of the various inspection types, their allowed timing and other related details are established by department policy. this document is available from the department and is published on the department's website.

(b) Approved third-party inspectors shall be authorized to conduct any inspection required by the city necessary or required to determine compliance with all regulatory requirements and for the issuance of a building permit or certificate of occupancy, provided that the inspection being performed is within the scope of the approved third-party inspector's area of competency. However, nothing in this Article shall be construed as authorizing third-party inspections for compliance with state or local fire safety standards or erosion control standards.

Sec. 21-104. Approved third-party inspector qualifications.

(a) Individuals wishing to be placed on the approved third-party inspectors and plans reviewer list as an approved third-party inspector must submit an initial application along with an application fee as established by the Commerce City Council to the planning and development department.

(b) In order to qualify as an approved third-party inspector, an individual must:

1. Be, or be a partner in or employed by, an engineering or architect firm, in full compliance with Chapter 14 of the Commerce City Code, including timely payment of the occupational tax and registration required thereunder.

2. Be a registered professional engineer or a registered professional architect as defined in this Article.

3. Otherwise be in good standing with all pertinent certification and professional accreditation boards.

4. Possess and maintain minimum insurance as described herein.

5. Demonstrate relevant experience of at least one (1) year.

6. Possess ICC certifications relevant to the types of inspections performed.

(c) An individual shall not be qualified to be placed on the approved third-party inspectors and plans reviewer list if he/she has had his/her authority to issue third-party inspection certifications in any other jurisdictions revoked. If an individual previously qualified to be on the approved third-party inspectors and plans reviewer list and subsequently has his/her authority to issue third-party inspection certifications revoked, the individual shall be removed from the approved third-party inspectors and plans reviewer list.

(d) An approved third-party inspector may not submit an inspection certification if the approved third-party inspector is an officer or employee of the owner, developer, contractor, or other party or if the approved third-party inspector is employed by or a partner in a firm that is affiliated with or financially interested in the owner, developer, contractor or other party on whose behalf the inspection certification is submitted.

(e) Technicians may perform inspections under the supervision of an approved third-party inspector provided that the technician has satisfied any specific requirements as may be designated by the city building inspector.

(f) Technicians performing inspections under the supervision of an approved third-party inspector shall possess ICC certifications relevant to the types of inspections performed.

(g) Approved third-party inspectors shall obtain and maintain the following minimum insurance coverages and provisions, evidence of which shall be submitted to the Department with the initial application:

1. Comprehensive general liability insurance for liability and property damage in an amount of not less than $2,000,000.00 per occurrence.

2. Professional liability insurance for errors and omissions in an amount of not less than $2,000,000.00 per occurrence and $2,000,000.00 in aggregate coverage for any project with a construction cost of $5,000,000.00 or less. For any project with a construction cost of more than $5,000,000.00, the amount of professional liability insurance for errors and omissions shall not be less than $3,000,000.00 per claim and $3,000,000.00 in aggregate coverage.

3. Such insurance may be a practice policy or may be project-specific coverage. If the insurance is a practice policy, it shall contain prior acts coverage for the private professional provider. If the insurance is project-specific, it shall continue in effect for two years following the issuance of the final certificate of occupancy or certification of completion for the project.

4. The cancellation provision shall provide for 30 days' notice of cancellation to the City.

5. The City of Commerce, its officers, officials, employees, and representatives shall be named as additional insureds on the required insurance policies.

6. The required insurance coverages shall be provided by an insurance company licensed to do business by and in good standing with the Georgia Department of Insurance at all times.

7. Approved third-party inspectors shall maintain the minimum insurance coverage as required above at all times during which they are listed as approved third-party inspectors. Approved third-party inspectors shall provide the department with

evidence of minimum insurance coverages and provisions on an annual basis prior to the expiration of any policy or coverage and upon request by the department. Should any insurance coverage or information change, the approved third-party inspector shall provide written notice of any such change to the city within ten (10) business days. If at any time an approved third-party inspector fails to maintain the required insurance coverage, the department may remove them from the approved third-party inspectors and plans reviewer list.

(h) Suspension of Technicians and Approved Third-Party Inspectors.

1. An individual who performs inspections under this Article, whether a technician or an individual approved third-party inspector, shall be subject to suspension from the approved third-party inspector and plans reviewer list, and from submitting inspection field reports and inspection certifications for the following infractions:

    a. Providing inspections without appropriate license or certification.

    b. Providing inspection services prior to issuance of a valid building permit.

    c. Failing to identify any noncompliance with any applicable code, as amended, governing individual and public safety and welfare (including, but not limited to, Sections 308, 310-312, 314, and 315 of the 2018 edition of the International Residential Code, Section 607 of the 2018 edition of the International Plumbing Code, Sections 406, 502, and 503 of the 2018 edition of the International Fuel Gas Code, and Sections 210, 240, and 250 of the 2017 National Electric Code, etc.) as determined in the sole good faith discretion of the chief building official of the City. However, it is the express intent of the City not to impose sanctions on an individual under this Article for failing to identify multiple instances of noncompliance in one inspection such as that each such failure constitutes an individual and separate infraction. Rather, multiple failures contained in a single inspection under this paragraph shall be treated as a single infraction.

    d. Authorizing any deviation from the approved permit.

    e. Falsifying reports.

    f. Unauthorized employee performing inspections.

    g. Performing unauthorized types of inspections.

    h. Inspections passed with hold on project or under stop work.

    i. Failure to identify noncompliance with any applicable code not captured in subsection (iii) above, upon identification of such failure by the City

on multiple occasions, as determined in the sole good faith discretion of the chief building official of the city.

2. Suspension for submitting inspection field reports and inspection certifications for infractions by a technician or individual Approved Third-Party Inspector shall be progressive based on the number of infractions in the previous 12-month period. For any combination of infractions within a 12-month period, the following actions, and suspensions against a technician or individual approved third- party inspector shall be assessed:

First Infraction:	Warning letter
Second Infraction:	7-Day suspension from eligibility to perform inspections and submit inspection field reports and inspection certifications
Third Infraction:	30-day suspension from eligibility to perform inspections and submit inspection field reports and inspection certifications
Fourth Infraction:	90-day suspension from eligibility to perform inspections and submit inspection field reports and inspection certifications
Fifth Infraction:	1-year suspension from eligibility to perform inspections and submit inspection field reports and inspection certifications

3. An approved third-party inspector shall be subject to progressive action based on the number of infractions in the previous 24-month period by individuals performing inspections, including the individual approved third-party inspector or any one or more technicians acting under the supervision of the approved third-party inspector (which shall include technicians serving as employees, independent contractors, agents, etc.). Violations under this paragraph shall accrue upon every third infraction by an individual contemplated in paragraph (2) above, and shall subject approved third-party inspectors to the following actions and suspensions for any combination of infractions within a 24-month period:

First violation (upon third individual infraction):	Written letter of reprimand from the planning and development director
Second violation (upon sixth individual infraction):	7-day suspension from approved third-party inspector and plans reviewer list

Third violation (upon ninth individual infraction):	30-day suspension from approved third-party inspector and plans reviewer list
Fourth violation (upon twelfth individual infraction):	90-day suspension from approved third-party inspector and plans reviewer list
Fifth violation (upon fifteenth individual infraction):	2-year suspension from approved third-party inspector and plans reviewer list

4. The City shall send written notice to the approved third-party inspector for each infraction as contemplated in paragraph (2) above, the purpose of which shall be to inform the approved third-party inspector of the number of infractions accruing under paragraph (2), to put the approved third-party inspector on notice of possible violations under this paragraph (3), and so the Approved Third-Party Inspector has the opportunity to take any remedial action necessary to prevent future infractions and/or violations.

5. Notwithstanding any other provision of this Article, in the event a technician or individual approved third-party inspector is found to have violated (h)(1)(e) - falsifying reports, the progressive actions and suspensions of this Article may, in the discretion of the city, be bypassed with an immediate suspension and/or disqualification imposed.

6. Appeal of suspensions and/or disqualifications shall be processed through the City Council at its next scheduled meeting as appeals of administrative decisions.

Sec. 21-105. Procedures for conducting third-party inspections.

(a) An approved third-party inspector shall not suggest, direct, or authorize any deviation from approved construction documents without first obtaining approval from the department.

(b) The following procedures shall apply to all third-party inspections:

1. To ensure quality control of the third-party inspection and plans review program, a copy of all inspection field reports shall be provided to the department within one (1) business day from the date the inspection is performed.

2. All inspection field reports shall note the type of inspection and any deficiencies observed.

3. Inspection certifications shall be submitted one business day from the date the inspection is performed. Once the inspection certification is received, the department will either accept or deny the inspection certification within two

business day following the day of submittal and the inspection status will be updated by the department in the normal course of business.

4. Final inspections will not be scheduled until all outstanding reinspection fees have been paid.

5. When performing re-inspections for violations initially noted by department staff, each corrected item shall be addressed individually.

(c) The department shall have a right of entry to any premises inspected by an approved third- party inspector or technician to ensure compliance with this Article and the state act.

Sec. 21-106. Approved third-party plans reviewer qualifications.

(a) Individuals wishing to be placed on the approved third-party inspectors and plans reviewer list as an approved plans reviewer must submit an initial application along with an application fee as established by the Commerce City Council.

(b) In order to qualify as an approved third-party plans reviewer, an individual must:

1. Be, or be a partner in or employed by, an engineering or architect firm, in full compliance with the City of Commerce codes, including timely payment of the occupational tax and registration required thereunder.

2. Be a registered professional engineer or registered professional architect as defined in this Article.

3. Otherwise be in good standing with all pertinent certification and professional accreditation boards.

4. Possess and maintain minimum insurance as described herein.

5. Demonstrate relevant experience of at least one (1) year.

(c) An individual shall not be qualified to be placed on the approved third-party inspectors and plans reviewer list if he/she has had his/her authority to issue third party plans review affidavits in any other jurisdictions revoked. If an individual previously qualified to be on the approved third-party inspectors and plans reviewer list and subsequently has his/her authority to issue third party plans review affidavits revoked, the individual shall be removed from the approved third-party inspectors and plans reviewer list.

(d) An approved third-party plans reviewer may not submit a plan review affidavit if the approved third-party plans reviewer is an officer or employee of the owner, developer, contractor or other party or if the approved third-party plans reviewer is employed by or a

partner in a firm that is affiliated with or financially interested in the owner, developer, contractor or other party on whose behalf the plans review affidavit is submitted.

(e) Approved third-party plans reviewers shall obtain and maintain the following minimum insurance coverages and provisions, evidence of which shall be submitted to the department with the initial application:

1. Comprehensive general liability insurance for liability and property damage in an amount of not less than $2,000,000.00 per occurrence.

2. Professional liability insurance for errors and omissions in an amount of not less than $2,000,000.00 per occurrence and $2,000,000.00 in aggregate coverage for any project with a construction cost of $5,000,000.00 or less. For any project with a construction cost of more than $5,000,000.00, the amount of professional liability insurance for errors and omissions shall not be less than $3,000,000.00 per claim and $3,000,000.00 in aggregate coverage.

3. Such insurance may be a practice policy or may be project-specific coverage. If the insurance is a practice policy, it shall contain prior acts coverage for the private professional provider. If the insurance is project-specific, it shall continue in effect for two years following the issuance of the final certificate of occupancy or certification of completion for the project.
4. The cancellation provision shall provide for 30 days' notice of cancellation.

5. City of Commerce, Georgia, its officers, officials, employees and representatives shall be named as additional insureds on the required insurance policies.

6. The required insurance coverages shall be provided by an insurance company licensed to do business by and in good standing with the Georgia Department of Insurance at all times.

7. Approved third-party plans reviewers shall maintain the minimum insurance coverage as required above at all times during which they are listed as approved third-party plans reviewers. Approved third-party plans reviewers shall provide the Department with evidence of minimum insurance coverages and provisions on an annual basis prior to the expiration of any policy or coverage and upon request by the department. Should any insurance coverage or information change, the approved third-party plans reviewer shall provide written notice of any such change to the city within ten (10) business days. If at any time an approved third-party plans reviewer fails to maintain the required insurance coverage, the department may remove them from the approved third-party inspectors and plans reviewer list.

(f) Suspension of Approved Third-Party Plans Reviewers:

1. An individual who performs plans reviews under this Article shall be subject to suspension from the approved third-party inspector and plans reviewer list, and from submitting plans review affidavits for the following infractions:

    a. Providing plans reviews without appropriate license or certification.

    b. Failing to identify any noncompliance with any applicable code, as amended, governing individual and public safety and welfare (including, but not limited to, Sections 308, 310-312, 314, and 315 of the 2018 edition of the International Residential Code, Section 607 of the 2018 edition of the International Plumbing Code, Sections 406, 502, and 503 of the 2018 edition of the International Fuel Gas Code, and Sections 210, 240, and 250 of the 2017 National Electric Code, etc.) as determined in the sole good faith discretion of the Chief Building Official of the city. However, it is the express intent of the city not to impose sanctions on an individual under this Article for failing to identify multiple instances of noncompliance in one inspection such as that each such failure constitutes an individual and separate infraction. Rather, multiple failures contained in a single inspection under this paragraph shall be treated as a single infraction.

    c. Falsifying plans review affidavits.

    d. Performing unauthorized types of plan reviews.

2. Suspension for submitting plans review affidavits for infractions by an approved third-party plans reviewer shall be progressive based on the number of infractions in the previous 12-month period. For any combination of infractions within a 12-month period, the following actions and suspensions against an approved third-party plans reviewer shall be assessed:

First infraction:	Written letter of reprimand from the Planning and Development Director
Second infraction:	7-Day suspension from Approved Third-Party Inspector and Plans Reviewer List
Third infraction:	30-day suspension from Approved Third-Party Inspector and Plans Reviewer List
Fourth infraction:	90-day suspension from Approved Third-Party Inspector and Plans Reviewer List
Fifth infraction:	1-year suspension from Approved Third-Party Inspector and Plans Reviewer List

3. The city shall send written notice to the approved third-party plans reviewer for each infraction as contemplated in paragraph (2) above, the purpose of which shall be to inform the approved third-party plans reviewer of the number of infractions accruing under paragraph (2) and so the approved third-party plans reviewer has the opportunity to take any corrective action necessary to prevent future infractions.

4. Notwithstanding any other provision of this Article, in the event an approved third-party plans reviewer is found to have violated (f)(1)(iii) - falsifying plans review affidavits, the progressive actions and suspensions of this Article may, in the discretion of the city, be bypassed with an immediate suspension and/or disqualification imposed.

5. Appeal of suspensions and/or disqualifications shall be processed through the City Council at its next scheduled meeting as appeals of administrative decisions.

Sec. 21-107. Procedures for conducting third-party plan reviews.

(a) Any plan review conducted by an approved third-party plans reviewer shall be no less extensive than plan reviews conducted by city personnel.

(b) The following procedures shall apply to all third-party plans review:
   1. To ensure quality control of the third-party inspection program, a copy of all plans review affidavits shall be provided to the department within five business days of its completion.

   2. All plans review affidavits shall certify that:

      a. the plans were reviewed by the affiant who is duly authorized to perform plan review pursuant to the third-party inspection and plans review program; and
      b. The plans comply with all applicable regulatory requirements; and

      c. The plans submitted for plan review are in conformity with plans previously submitted to obtain governmental approvals required in the plan submittal process and do not make a change to the project reviewed for such approvals.