APPENDIX A - UNIFIED DEVELOPMENT ORDINANCE

Footnotes:
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***Editor's note—** Printed herein is the City of Snellville's Unified Development Ordinance, as adopted by the governing authority, as amended through October 26, 2020. Subsequent amendments to the UDO are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance as amended through October 26, 2020. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, only citation to state statutes have been made uniform. The system of capitalization, and expression of numbers in text remain as adopted. Additions made for clarity are indicated by brackets.*
***Cross reference—** Adult entertainment establishments, § 10-31 et seq.; erotic dance establishments, § 10-126 et seq.; environment, ch. 26; parks and recreation, ch. 42; protection of vegetation in parks, § 42-11; streets, sidewalks and public places, ch. 50.*
***State Law reference—** The Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.; authority to adopt plans and exercise the power of zoning, Ga. Const. art. IX, § II, ¶ IV.*

CHAPTER 100. - GENERAL PROVISIONS

ARTICLE 1. - INTRODUCTORY PROVISIONS

Sec. 101-1. - Legal Requirements

101-1.1. - Title

This document is "The Unified Development Ordinance for the City of Snellville, Georgia," and is referred to or cited throughout the document as "this UDO."

101-1.2. - Purpose

This UDO is intended to serve the following purposes:

A. To promote the health, safety, morals, convenience, order, prosperity, aesthetics, and the general welfare of the present and future inhabitants of the City of Snellville;
B. To ensure that the vision set forth in the Comprehensive Plan is implemented by the City's development regulations;
C. To improve the city's appearance;
D. To further safety for all transportation users;
E. To secure safety from fire, panic, and other dangers;
F. To provide adequate light and air;
G. To facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
H. To protect property against blight and depreciation;
I. To encourage the most appropriate use of land, buildings, and other structures throughout the City; and
J. To secure economy in government expenditures.

101-1.3. - Application

A. **Territorial Application**

This UDO applies to all land, uses, buildings, and structures in the corporate boundaries of the City of Snellville.

B. **General Application**

In their interpretation and application, the provisions of this UDO are the minimum requirements for the promotion and protection of the public health, safety, and welfare.

C. **Required Conformance**

1. All buildings, structures, land, or open space, in whole or in part, must be used or occupied in conformance with this UDO;
2. No building or structure, in whole or in part, may be erected, constructed, reconstructed, moved, or structurally altered unless in conformance with this UDO;
3. The minimum, yards, parking spaces, landscape strips, buffers, and open spaces required by this UDO for each building existing before the effective date of this UDO, or for any building erected or structurally altered after the effective date, may not be encroached upon or considered as part of the yard, parking space, landscape strips, buffers, or open space required for any other structure; and
4. It is unlawful to be in conflict with, or in violation of, any other requirements of this UDO.

D. **Control Over Less Restrictive Private Agreements**

This UDO does not nullify any private agreement or covenant. However, when this UDO is more restrictive than a private agreement or covenant, this UDO controls. The City will not enforce any private agreement or covenant.

E. **Control Over Less Restrictive Laws and Regulations**

If any requirement imposed by this UDO is more restrictive than a requirement imposed by any other law, rule, or regulation, the more restrictive condition or requirement governs, except as described in paragraph G below.

F. **Conflict**

If any requirement imposed by this UDO contains an actual, implied or apparent conflict, the more restrictive condition or requirement controls, except as described in paragraph G below.

G. **Control Over Less Restrictive Conditions**

If any requirement imposed by this UDO is more restrictive than a condition of approval for a rezoning, variance, special use permit, or other formal action by the City Council, the requirement of the condition governs.

H. **References to Other Laws**

Whenever a provision of this UDO refers to any other part of the Snellville City Code or to any other law, the reference applies to any subsequent amendment of that law.

I. **Text and Graphics**

Illustrations, photographs, and graphics are included in this UDO to illustrate the intent and requirement of the text. In the case of a conflict between the text of this UDO and any Illustrations, photographs, and graphics, the text governs.

101-1.4. - Transitional Provisions

A. **General**

This subsection contains the transition to this UDO from the zoning ordinance, development ordinance, and other regulations in effect immediately before the effective date of this UDO.

B. **Approved Clearing, Clearing and Grubbing, or Grading Permit**

Any subdivision or other activity for which only a clearing, clearing and grubbing, or grading permit was issued before the adoption of this UDO must be brought into conformance with this UDO. Subsequently, the development permit must conform to this UDO.

C. **Pending Development Permit**

Any subdivision or other activity for which a valid and complete application for a development permit was received before the adoption of this UDO may, at the developer's option, proceed to completion and building permits may be issued as though this UDO had not been adopted, provided that the development permit is or may be issued within 90 days of the date of adoption and all time frames associated with said permit are observed.

D. **Approved Development Permit**

Any subdivision or other activity for which a development permit has been issued before the adoption of this UDO may, at the developer's option, proceed to completion and building permits may be issued as though this UDO had not been adopted, provided all time frames associated with said permit are observed.

E. **Approved Building Permit**

The adoption of this UDO does not affect the validity of any building permits lawfully issued before the adoption of this UDO.

F. **Pending Building Permit**

Nothing in this UDO requires a change in the plans, construction, or designated use of any building or structure for which building permits were lawfully applied for or approved, before the effective date of this UDO or amendment thereto, provided:

1. Such permit has not, by its own terms, expired before the effective date of this UDO.
2. Actual building construction is commenced before the expiration of such permit.
3. Actual building construction is carried on pursuant to said permit and limited to and in strict accordance with said permit.
4. No renewals or extensions of said permit is authorized beyond 90 days following the effective date of this UDO.

101-1.5. - Amendments

A. This UDO may be amended from time-to-time by the City Council in accordance with Sec. 101-1.6. Such amendments will be effective on their date of adoption unless otherwise stated in the adopting resolution.

B. No amendment will affect the validity of any permit lawfully issued before the amendment's ordinance.

101-1.6. - Zoning Compliance Law

A. This UDO is crafted as a series of chapters and articles.

B. Articles 1 and 3 of Chapter 100, all articles of Chapter 200, Article 1 of Chapter 300, as well as those definitions set forth in Article 2 of Chapter 100 that constitute, by reference, text of these articles, are all intended to constitute a zoning ordinance within the meaning of O.C.G.A. § 36-66-1 et seq. Changes to the text of these articles, as well as Official Zoning Map amendments and other zoning actions addressed in those articles, must comply with the public notice and hearing procedures provided in Sec. 103-9 (Amendments) and in said State statute.

C. The remaining chapters and articles are not intended to constitute a zoning ordinance and may be amended using the City's general procedures for ordinance amendments.

101-1.7. - Severability

If any article, section, subsection, paragraph, clause, sentence, or provision of this UDO is adjudged by any court of competent jurisdiction to be invalid or unconstitutional, that judgment does not affect, impair, invalidate or nullify the remainder of this UDO. The effect of the judgment is confined to the section, subsection, paragraph, clause, sentence, or provision immediately involved in the controversy in which judgment or decree was rendered.

101-1.8. - Effective Date

This UDO takes effect and is in force upon its adoption by the City Council.

Sec. 101-2. - Zoning Districts Established

101-2.1. - UDO Zoning Districts

In order to carry out the purposes of this UDO, the City is divided into the following zoning districts as established on the Official Zoning Map in Sec. 101-3.

Residential Districts		Formerly
RS-30	Single-Family Residential	RS-180
RS-15	Single-Family Residential	RS-150
RS-5	Single-Family Residential	*New*
R-DU	Duplex Residential	RG-75
R-TH	Townhouse Residential	R-TH
RM	Multifamily Residential	RM
RX	Mixed Residential	*New*
RO	Residential for Older Persons	R-HOP 55, R-HOP 62
PRC	Planned Residential Conservation [1]	PRC
Mixed-Use and Business Districts		
OP	Office Professional	OP
BG	Business General	BN, BG
HSB	Highway Service Business	HSB
MU	Mixed-Use	*New*
NR	North Road	*New*
LM	Light Manufacturing:	LM
Towne Center Districts (TC-Districts)		

TC-MU	Towne Center Mixed-Use	TC-MU
TC-R	Towne Center Residential	TC-R
Special and Overlay Districts		
TCO	Towne Center Overlay	TC
CI	Civic-Institutional District	CI
FH	Flood Hazard	FH

Table Note:

[1] No additional land may be zoned to the PRC district.

101-2.2. - Transition from Former Districts

Upon adoption of this UDO, land which is presently zoned within an existing zoning classification which has changed names as set forth above will be reclassified to the applicable new zoning classifications. The boundaries for renamed zoning districts and the conditions of each zoning district will remain the same unless amended in the future in accordance Sec. 103-9 (Amendments).

Sec. 101-3. - Official Zoning Map

101-3.1. - Official Zoning Map

A. The Official Zoning Map for the City of Snellville is incorporated and made part of this UDO.
B. The original Official Zoning Map must be kept on file with the City clerk. The map must indicate the date of the adoption, be signed by the Mayor, attested by the City clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in the City of Snellville Unified Development Ordinance," together with the map's date of adoption and notation of any map amendments.
C. The City Council may, from time to time, readopt the Official Zoning Map.
D. The Official Zoning Map may be kept electronically in a Geographic Information System (GIS). Any copy of the Official Zoning Map published on the web or otherwise portrayed electronically does not constitute the original Official Zoning Map.
E. The Director may make paper copies of the Official Zoning Map available to the public for a fee.

101-3.2. - Interpretation of Map Boundaries

Where uncertainty exists with respect to the location of the boundaries of any zoning district, the following rules apply:

A. Where a zoning district boundary line is shown as approximately following a corporate limits line, a militia district line, a land lot line, a lot line or the centerline of a street, a County road, a State route, or such lines extended, then such lines will be construed to be the zoning district boundary lines.
B. Where a zoning district boundary line is shown as being set back from a street, a County road, or a State route, and approximately parallel thereto, then such zoning district boundary line will be construed as being at the scaled distance from

the centerline of the street, County road, or State route and as being parallel thereto.

C. Where a zoning district boundary line divides a lot, the location of the line will be the scaled distance from the lot lines. In this situation, the requirements of the zoning district in which the greater portion of the lot lies will apply to the balance of the lot except that such extension will not include any part of a lot that lies more than 50 feet beyond the zoning district boundary line.

D. In the case of a through lot fronting on two approximately parallel streets that is divided by a zoning district boundary line paralleling the streets, the restrictions of the zoning district in which each frontage of the through lot lies will apply to that portion of the through lot.

E. Where zoning district boundaries are in doubt, the Planning Commission will make such interpretation using the appropriate scale from the Official Zoning Map.

101-3.3. - Relationship to the Comprehensive Plan

A. **Role of the Comprehensive Plan.**

The Snellville Comprehensive Plan, consisting of its Future Development Map, Future Land Use Map, and related policies, as may be amended from time to time, is established as the official policy of the City concerning designated future land uses, and as a guide to decisions regarding the appropriate manner in which property may be zoned. A copy of the Comprehensive Plan, as may be amended from time to time, must be maintained at the Department and be available for inspection by the public.

B. **Relationship between the Comprehensive Plan and Zoning.**

The Comprehensive Plan does not change a property's zoning and does not itself permit or prohibit any existing or future land uses. Instead, the Comprehensive Plan establishes broad planning policies for current and future land uses and will be consulted as a guideline for making decisions about applications to amend the Official Zoning Map and text of this UDO.

C. **Consistency with Comprehensive Plan Character Areas.**

Any applicant seeking to rezone property to a classification that is inconsistent with the adopted Comprehensive Plan must first obtain approval of an amendment to the Comprehensive Plan from the City Council, following the procedures in this UDO.

D. **Amendments to the Comprehensive Plan.**

The Comprehensive Plan must be reviewed and updated or amended (as appropriate) according to a schedule approved by the City Council, and as required by the DCA in compliance with the Rules of DCA, Chapter 110-12-1, Minimum Standards and Procedures for Local Comprehensive Planning. However, exceptions may be granted by the City Council in between the regular review and update cycle in cases of demonstrated hardship, or in cases of large-scale developments that may provide special economic benefits to the community. Requests for exceptions are subject to approval by City Council. Future Land Use Map amendments are subject to the applicable provisions of Sec. 103-9 (Amendments).

101-3.4. - Annexation

A. Any land subsequently annexed into the City must be assigned a Comprehensive Plan Future Land Use Map land use category and classified as one or more zoning districts at the time of annexation.

B. Before the zoning decision and annexation are approved, public notice of such action must be provided and public hearings are held thereon as provided in O.C.G.A. §§ 36-66-4 and 36-36-36 and subsequent amendments thereto.

C. The City Council, in determining the zoning classification, may take into account the use restrictions on the land before annexation and must take into account other policies of the Comprehensive Plan.

101-3.5. - De-Annexation

Undeveloped property which has been de-annexed from the City will be subject to the same zoning district, including any conditions established before annexation and will be subject to the regulations for de-annexed property by the Gwinnett County UDO.

101-3.6. - Zoning Verification Letter

A. A Zoning Verification Letter can be issued by the Director upon written request for a fee.
B. The person requesting the letter must submit the request in writing, with the subject property being identified by tax parcel number and, if known, by street address, along with a recent boundary survey of the subject property.
C. The Zoning Verification Letter will convey the current zoning of the subject property, and associated conditions of zoning and approved variances, if known.
D. The Zoning Verification Letter is only valid for 30 days from the date of the letter.

101-3.7. - Prior Approvals

A. The adoption of this UDO and its Official Zoning Map will not repeal the conditions of use, operation, or site development accompanying zoning approval(s) or special use(s), variances, or permits issued under previous ordinances or resolutions. All such prior conditions will continue to apply, except as provided in paragraph B below.
B. The adoption of this UDO and its Official Zoning Map will not repeal any special use permits, conditional use permits, variances, exceptions, modifications, or waivers previously granted by the Director, Board of Appeals, Planning Commission, or City Council. All such prior approvals will continue to apply, except as provided in paragraph C below.
C. Modification or the repeal of prior conditions identified in paragraph A above or approvals identified in Paragraph B above may only be accomplished in accordance with Sec. 103-9 (Amendments).

ARTICLE 2. - DEFINITIONS

Sec. 102-1. - General

102-1.1. - Rules of Interpretation

A. Words used in this UDO are defined by their dictionary meaning unless defined in this article, or this UDO, or any other ordinance of the City.
B. The dictionary meaning is the meaning given by common and ordinary use as defined by the latest edition of Webster's Third New International Dictionary.
C. When definitions are provided in an individual article or section of this UDO, those definitions only apply in that article or section. If the same term or phrase is also defined in this section, the definition in this section does not apply in that instance.
D. The words "must," "will," and "shall" are mandatory and not discretionary.
E. The word "may" is permissive.
F. The phrases "must not," "may not," and "shall not" are mandatory prohibitions.
G. When appropriate to the context, words used in the singular include the plural, and the plural the singular; words used in the present tense include the future tense, and vice versa.
H. Words in the masculine gender include the feminine.
I. Words have the same meaning when capitalized or uncapitalized.

J. The word "person" includes the words "individuals," "firms," "partnerships," "corporations," "associations," "governmental bodies" a other legal entities.

K. The word "erected" includes the words "constructed," "moved," "located," or "relocated."

L. The word "zoning map" means the Official Zoning Map of Snellville County, Georgia.

M. The words "used" or "occupied" include the words "intended, arranged or designed to be used or occupied."

N. Use of the word "and" is inclusive and requires that all of the component phrases so connected must be present or fulfilled for sufficiency.

O. Use of the word "or" is not exclusive (as in "either ... or"), and requires that at least one of the component phrases so connected must be present or fulfilled for sufficiency. The word "or" may allow more than one component phrase to be present or fulfilled, as is implied by the common term "and/or."

102-1.2. - Abbreviations

The following abbreviations appear in this UDO:

Abbreviation	**Full Term**
AASHTO	American Association of State Highway Transportation Officials
ADA	Americans with Disabilities Act
avg.	Average
CPESC	Certified Professional in Erosion and Sediment Control
CRZ	Critical root zone
DBH	Diameter at Breast Height
DRI	Development of Regional Impact
EIFS	Exterior Insulation Finishing Systems
EPD	Georgia Environmental Protection Division
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
ft.	Feet/foot
GDOT	The Georgia Department of Transportation

GILA	Georgia Industrial Loan Act
GRTA	Georgia Regional Transportation Authority
HLP	House location plan
HSG	Hydrologic soils group
LED	Light-emitting diode
LIA	Local issuing authority
max.	Maximum
min.	Minimum
NPDES	National Pollutant Discharge Elimination System
O.C.G.A.	Official Code of Georgia Annotated
sf.	Square feet
ROW	Right-of-way

Sec. 102-2. - Defined Terms

A

Abutting. Touching at one point or along a common side, boundary, or lot line. Two pieces of property that are separated by a street or right-of-way are not abutting.

Accent, architectural. A structural or decorative element applied to the exterior wall of a building to accentuate rooflines, doors, windows, corners, stories, and similar features. Architectural accents include, but are not limited to, cornices, quoins, balusters, pilasters, trim, railings, belt courses, and similar features. Windows and doors (including all preassembled components), foundations, chimneys, awnings, and canopies are not considered architectural accents.

Accessory Building. A building detached from a principal building on the same lot and customarily incidental to the principal building or use including but not limited to detached garages serving one dwelling unit, utility buildings, sheds, gazebos, and barns. Detached garages and parking decks serving more than one dwelling unit are considered principal buildings.

Accessory Structure. A structure which is on the same lot as the principal structure and the use of which is incidental to the use of the primary structure. (syn. Accessory facility).

Accessory use. A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

Accidental discharge. A discharge prohibited by this section that occurs by chance and without planning or thought before occurrence.

Active recreation area. This category of common area includes, but is not limited to, bikeways, paths, tennis courts, ballfields, playfields, courts, swimming pools, clubhouses, toilets, dressing rooms, lockers, equestrian facilities, beaches, docks; amphitheaters, stages, bandshells, community buildings, fountains, plazas, patios, decks, lawns, picnic shelters or picnic areas, and similar facilities and the related storage, landscaping, lighting, sidewalks, outdoor furnishings, play structures, and utilities related to active recreation areas.

Addition (to an existing structure). 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 4-hour firewall. Any walled and roofed addition which is connected by a 4-hour firewall or is separated by independent perimeter load-bearing walls is new construction.

Adjacent. Property that is abutting or on the opposite side of an easement that separates it from the subject property. Properties separated by a railroad track, a major thoroughfare, or a designated and numbered U.S. or State routes are not abutting or adjacent.

Adjoining. To share a common border with.

Adult entertainment establishment. "Adult Entertainment Establishment" will have the same meaning as set forth in Chapter 10, Article II of the City of Snellville Code of Ordinances.

Alley. A public or private service-way which is used primarily as a secondary means of vehicular and service access to the back or side of abutting properties.

Alternative tower structure. Manmade trees, clock towers, bell steeples, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of telecommunication antennas or towers.

Antenna. An exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

Appeal. A request for a review of the Department's interpretation or decision of a provision of this UDO.

Applicant. A person, either the owner or the bona fide representative of the owner of land or structures governed by these regulations, who seeks authority to use, develop, construct upon or otherwise enjoy the use of property through any of the procedures established under these regulations.

Area of Future-conditions Flood Hazard. The land area that would be inundated by the 1% annual chance flood based on future-conditions hydrology (100-year future-conditions flood).

Area of shallow flooding. A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with a 1% or greater chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard. The land area subject to a 1% or greater chance of flooding in any given year. This includes all floodplain and flood-prone areas at or below the base food elevation designated as Zones A, A1-30, A-99, AE, AO, AH, and AR on a community's Flood Insurance Rate Map (FIRM).

Arterial. A principal arterial, major arterial, or minor arterial street as classified on the Gwinnett County Long Range Road Classification map.

As-built survey. A survey or other drawing based on a field survey specifying the locations, dimensions, elevations, capacities, and operational capabilities of buildings, roads, drainage structures, other and facilities as they have been constructed.

Assisted living facility. See "Community living arrangement," "Family personal care home," or "Personal care home" in Chapter 200 Article 6.

Attached, or **attached to.** The relationship between two or more buildings or structures, or between a structure and the ground. In order for two or more buildings to be attached, they must be permanently connected along a common wall. A structure and building are attached when one relies on the other for structural support. A building or structure is attached to the ground when the ground provides the principal structural support and the structure or building is permanently affixed to the ground such that it is not movable or subject to tipping or falling due to design loads.

Attic. The unfinished space between the ceiling joists of the top story and the roof rafters.

Authorized Registered Professional.

A. A landscape architect who possesses a current certificate of registration issued by the State of Georgia in accordance with Georgia Law; or

B. A land surveyor who possesses a current certificate of registration issued by the State of Georgia in accordance with Georgia Law; or

C. A professional engineer who possesses a current certificate of registration issued by the State of Georgia in accordance with Georgia Law;

An authorized registered professional must know and understand the limits of their professional expertise, certification, license or registration and may not perform work which is outside of the scope of said professional expertise, certification, license or registration. An authorized registered professional must be liable for complying with all State laws and rules and licensing board requirements that apply to their particular profession, including ethical standards, and must be liable for failure to meet the applicable standards of professional care. All documents and drawings submitted to the City by an authorized registered professional must bear that person's certification, license, registration or seal, as appropriate. The certification, license, registration or seal of an authorized registered professional on documents and drawings submitted to the City of Snellville must certify that the documents and drawings comply with all applicable City of Snellville ordinances, rules, and regulations and must certify that the documents and drawings are based on personal knowledge of the conditions depicted thereon and that the accuracy and completeness of the documents and drawings have been verified by field inspection of the facilities depicted therein.

Awning. A roof-like structure with a rigid frame that cantilevers from the elevation of a building designed to provide continuous overhead weather protection.

B

Base flood. The flood with a 1% chance of being equaled or exceeded in any given year; i.e., the "100-year flood."

Base flood elevation. The highest water surface elevation anticipated at any given point during the base flood.

Basement. That portion of a building with its floor subgrade (below ground level) along all or a majority of its perimeter length, and includes the term "cellar."

Bedroom. A separate room planned or intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom.

Best Management Practices. A collection of structural measures and vegetative practices that, when properly designed, installed and maintained, will provide effective erosion and sedimentation control. The term "properly designed" means designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in Georgia Law.

Big Haynes Creek Watershed Protection Area. That area of land lying within the drainage basin or watershed of Big Haynes Creek as shown on the official set of maps of the protection area maintained by the Department.

Block. A piece of land entirely surrounded by public or private streets, other than alleys.

Board of Appeals. The City of Snellville Board of Appeals as set forth in this UDO.

Bonus room. An occupied and finished room in a dwelling that is located over a semi-enclosed space such as over a carport, garage, or porch, which is connected to the remainder of the dwelling and does not have a separate outside entry.

Boundary tree. A tree on an adjacent property whose critical root zone area intrudes across the property line of the site under consideration.

Buffer. Land area used to visibly separate property of one use from another through screening and distance; to shield or block noise, light, glare, or visual or other conditions; to minimize physical passage to non-similar areas; or to reduce air pollution, dust, dirt, and litter.

A. **Natural, undisturbed buffer.** Land area in which there is no disturbance and no grading allowed, except for approved perpendicular access and utility crossing.
B. **Enhanced buffer.** Land area in which there is no disturbance with the exception for disturbance related to additional required plantings, specific to the zoning case and for approved perpendicular access and utility crossings.
C. **Landscape buffer.** Land area in which grading is allowed and revegetation to a buffer standard is required specific to zoning case. Replanted per the approved landscape plan.
D. **Construction buffer.** Land area in which there is no disturbance until a certificate of occupancy has been issued on the building lot at which time the construction buffer is removed.
E. **Stream 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. The definition of stream buffer is governed by Georgia law, (O.C.G.A. § 12-17-3(2)).

Buffer and landscape plan. A plan that identifies areas of tree preservation and methods of tree protection within the protected zone, undisturbed, or other buffer areas, as well as all areas of replanting. Within replanting areas, the common and botanical names of the proposed species, the number of plants of each species, the size of all plants, the proposed location of all plants, and any unique features of the plants must be indicated.

Buildable area. The portion of a lot which is not located within any minimum required yard, landscape area, or buffer, i.e., that portion of a lot wherein a building may be located.

Buildable lot of record. A lot or parcel of land which existed as a single parcel of ownership, recorded as such in its entirety and present boundaries with the clerk to superior court before April 19, 1999, or which is shown in its entirety and present boundaries on a final plat or exemption plat duly approved under these or any previously applicable regulations providing for the subdivision of land in the City of Snellville and recorded with the Clerk to Superior Court of Gwinnett County.

Building. Any structure attached to the ground with a roof supported by columns or walls which is designed for the shelter, housing, or enclosure of any persons, animals, process, or property of any kind.

Building inspector. The Planning and Development Director of the City of Snellville or their designee.

Building line. A line across a lot parallel to a street right-of-way or other property line formed by the building facade. All building lines must be at least as restrictive as the corresponding minimum yard required in this UDO.

Building permit. Authorization by the City of Snellville to construct, enlarge, repair, move, demolish, or change the occupancy of a building or structure, to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, fuel gas piping, mechanical, or plumbing system.

C

Caliper. An American Association of Nurseryman standard for trunk measurement of nursery stock. Caliper is the diameter (in inches) of new tree trunk. For non-fruit trees, the caliper of the trunk shall be taken 6 inches above the ground for up to and including 4-inch caliper size, and 12 inches above the ground for larger sizes.

Canopy. A roof-like cover with rigid frame and column supports, that projects from the wall of a building over a door, entrance, or window; or a freestanding or projecting cover above and outdoor service area, such as a gasoline service station. A marquee is not a canopy.

Canopy tree. A tree that, under normal forest conditions, will compose the top layer or canopy of vegetation and generally will reach a mature height of greater than 40 feet.

Cellar. See "basement."

Certificate of development conformance. Final approval issued by the Department for completion of land development activities for a subdivision or project for which a development permit was issued.

Certificate of occupancy. Final approval by the City of Snellville for the use or occupancy of a structure for which a building permit was issued.

Certified arborist. An individual who has been certified as an arborist by the International Society of Arboriculture and maintains said certification in good standing.

Certified personnel. For the purposes of Sec. 402.2 (Soil Erosion and Sedimentation Control), a person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

Channel. A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

City. The City of Snellville and its departments, employees, and agents with duties and responsibilities for administering and enforcing this UDO.

City Arborist. The Director or a certified arborist as assigned by the Director and charged with the duties of City Arborist.

City Council. The Mayor and City Council of the City of Snellville, Georgia.

Clean Water Act. The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Clearing. The removal of trees or other vegetation, but not including grubbing activities.

Clearing (major). Clearing (minor) activities plus the cutting and removal of all trees regardless of diameter, but not including the removal of the stumps and root systems of the trees larger than 3 inches in diameter (DBH). The surface of a cleared site may be disturbed by the tracks or tires of the equipment used but may not be intentionally altered from its natural contour. Minor earthmoving to construct stream crossings is permitted.

Clearing (major) permit. An official authorization issued by the department of planning and development permitting clearing (major) activities (only) of a site.

Clearing (minor). The removal of underbrush, shrubs and other low growing vegetation and trees up to 3 inches in diameter (DBH), including the removal of the stumps and root systems. The surface of a cleared site may be disturbed by the tracks or tires of the equipment used but may not be intentionally altered from its natural contour. Minor earthmoving to construct stream crossings is permitted.

Clearing (minor) permit. An official authorization issued by the department of planning and development permitting clearing (minor) activities (only) of a site.

Clearing and grubbing. Clearing (major) activities plus grubbing activities.

Clearing and grubbing permit. An official authorization issued by the department of planning and development permitting clearing and grubbing (only) activities of a site.

Code enforcement officer. The Planning and Development Director of the City of Snellville or their designee.

Collocate.

A. For the purposes of regulating small cell facilities, "collocate" means to mount, modify, or replace a small wireless facility on or adjacent to a pole, decorative pole, or support structure.

B. For the purposes of regulating telecommunications antennas and towers, "collocate" means to place two or more service provider antennas upon a single tower or alternative tower structure.

Collocation. See "collocate."

Color, fluorescent. A hue with a high light reflectivity because it reflects absorbed ultraviolet energy as visible light, including, but not limited to, a hue equivalent to one that is advertised as "fluorescent," "neon," or "day glow" by any major paint manufacturer.

Color, primary. A hue that is visually indistinguishable (by average human eyes) to the blue, red, or yellow paint colors that cannot be created by combining any other paint colors.

Columbarium. A structure with niches for the respectful storage of funeral urns.

Commercial vehicle. Any motor vehicle licensed by the State as a commercial vehicle.

Common area. Natural or improved land that is owned in fee simple by a public entity or property owner association and provides continuous public access. See also the related terms "primary conservation area," "secondary conservation area," "active recreation area," and "public space."

Community living arrangement. Any State-licensed residence, whether operated for profit or not, that undertakes, through its ownership or management, to provide or arrange for the provision of daily personal services, supports, care or treatment exclusively for two or more adults who are not related to the owner or administrator by blood or marriage and whose residential services are financially supported, in whole or in part, by funds designated through the Georgia Department of Human Resources, Division of Mental Health, Developmental Disabilities, and Addictive Diseases. Personal services mean the provision of services, on a daily basis, that include, but are not limited to, individual assistance with or supervision of medications, ambulation and transfer, and essential activities of daily living such as eating, bathing, grooming, dressing and toileting. Supports, care, or treatment means specific services that are provided to the resident of the community living arrangement, coordinated by the administrator as necessary, or reasonably requested by the resident and that include, but are not limited to, mental health services, habilitation, rehabilitation, social services, medical, dental, and other health care services, education, financial management, legal services, vocational services, transportation, recreational and leisure activities, and other services required to meet a resident's needs.

Comprehensive Plan. The City of Snellville Comprehensive Plan, a plan summarizing and illustrating the adopted goals and objectives of the City Council regarding the future location and character of anticipated land uses, transportation, and other public facilities in the city. The term includes component or functional plans for the City, including but not limited to, a plan for land use (i.e., Future Land Use Map) or a plan for transportation facilities.

Concept plan. A drawing which shows the overall concept (i.e., a concept plan) of a proposed development, and which may include lots and streets in a subdivision or the general location of buildings and improvements for a multifamily or non-residential project, and which may be drawn to approximate dimensions in a freehand style.

Condominium. A form of property combining individual unit ownership with shared use or ownership of common property or facilities. A condominium is a legal form of ownership of real estate and not a specific building type or style.

Condominium. A multifamily dwelling or single-family attached dwelling in which each dwelling is owned and financed by the occupant, but in which halls, entrance ways, and underlying lands are owned jointly.

Connectivity. The degree to which streets, sidewalks, trails, and bike paths form a continuous and interconnected system that allows full mobility and convenient access between all origins and destinations as they may be distributed throughout a developed area.

Conservation easement. An agreement between a landowner and the City or other government agency or land trust that permanently protects open space or greenspace on the owner's land by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership.

Construction activity. For the purposes of Sec. 403-3 (Illicit Discharge and Illegal Connection), "construction activity" means activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES General Construction Permits. These include construction projects resulting in a land disturbance. Such activities include but are not limited to clearing and grubbing, grading, excavating, stockpiling, and demolition.

Construction/demolition waste. For the definition, refer to the Georgia Department of Natural Resources, Environmental Protection Division Rules and Regulations, Solid Waste Management.

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 Standards 87-1, and additionally shall mean Roman candles.

Consumer fireworks retail sales stand. The meaning provided for by NFPA 1124, as a temporary or permanent building or structure that has a floor area not greater than 800 square feet, other than tents, canopies, or membrane structures, that is used primarily for the retail display and sale of consumer fireworks.

Contamination. An impairment of the quality of the water, which creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, bacteria, chemicals, industrial fluids, waste, etc.

Conveyance. An aboveground or underground natural or manmade stormwater infrastructure 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 stormwater facilities, highways, County streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, stormwater infrastructure channels, reservoirs, rights-of-way, storm drains, culverts, street gutters, oil/water separators, modular pavements, and other similar stormwater infrastructure.

Council. See "City Council."

County. Gwinnett County and such of its departments, employees, and agents as may have duties and responsibilities for administering and enforcing activities and implementation of the specific provisions of this UDO.

County standards. The County ordinances, standard drawings, Gwinnett County Stormwater Systems and Facilities Installation Standards and Specifications, Gwinnett County Department of Water Resources Water Main Design and Construction Standards for Private Development Projects, Gwinnett County Department of Water Resources Sanitary Sewer Standards for Developers, Traffic Calming Design Guide, and any other standards, specifications, and regulations that govern development permitting, and all procedures, rules, and policies pertaining thereto as these may be updated or amended from time to time.

Critical root zone (CRZ). A circular region measured outward from a tree trunk representing the essential area of roots that must be maintained or protected for the tree's survival. The CRZ is a radius of 1 foot for each 1 inch of diameter at breast height (DBH) of the tree. Adjustments to the root save area may be made by the Director if justified by specific documented site conditions.

Crown reduction pruning. Method of pruning to reduce the height or spread of a tree by performing appropriate pruning cuts.

Cul-de-sac. A street with one end open to traffic and being permanently terminated within the development by a vehicular turnaround. For the purpose of designation, a cul-de-sac street shall be interpreted to begin at the intersection of two or more streets nearest to the vehicular turnaround.

Culvert. Structures designed to convey water from one side of a public right-of-way to the other.

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 excavated surface. Also known as "excavation."

D

Day. A calendar day unless otherwise indicated. When a time period is measured in days, it means a consecutive number of days.

Deck. An unenclosed, exterior floor without a permanent roof supported on at least two opposing sides by an adjacent structure, and/or posts, piers or other independent supports.

Density. The number of families, individuals, dwelling units or floor area per unit of land.

Department. The City of Snellville Department of Planning and Development.

Department of water resources. The Gwinnett County Department of Water Resources.

Design professional. An authorized, registered professional, forester, geologist, architect, CPESC, or certified personnel.

Destroy. Any intentional or negligent act or lack of protection that is more likely than not to cause a tree to die within a period of 5 years, as determined by the Director. Such acts include, but are not limited to: performing grade changes (including lowering or filling the grade) that affect more than 25% of the root save area; trenching of roots; cutting, girdling or inflicting other severe mechanical injury to the trunk, roots or other vital sections of the tree; removing more than 25% of the live crown of the tree; inflicting damage upon the root system of a tree by the application of toxic substances, including solvents, oils, gasoline and diesel fuel; causing damage by the operation of heavy machinery; causing damage by the storage of materials; and/or deliberately or negligently burning or setting fire to a tree. In addition, topping, tipping, or any similar improper or excessive pruning practices will automatically be deemed as destruction of a tree.

Detached. Being separated from a principle structure by at least 3 feet.

Detention. The temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.

Detention facility. A detention basin or structure designed for the detention of stormwater runoff and gradual release of stored water at controlled rates.

Developed land. All lots not deemed as undeveloped land, as defined herein.

Developer. A person who undertakes land development activities.

Development.

A. For the general purposes of this UDO, "development" means any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, clearing, grubbing, grading, paving, any other installation of impervious cover, excavation, or drilling operations or storage of equipment or materials.
B. For the purposes of Articles 2, 3, and 4 of Chapter 400, "development" means any action in preparation for construction activities which results in the alteration of either land or vegetation. This definition does not apply to individual single-family detached dwelling construction within a subdivision recorded before August 22, 1983, or to alterations, modifications or additions to single-family detached dwelling except for, in either case, individual single-family detached dwellings or individual single-family detached dwelling lots where site plans for each single-family detached dwelling lot are required by special

designation on the recorded plat or when such lots are located in the intermediate floodplain. For the purpose of these articles, only the alterations of the drainage system will be deemed to be development on individual single-family detached dwelling lots.

Development permit. An official authorization issued by the Department permitting clearing, grubbing, grading or construction of storm drainage facilities, access drive streets, parking, or other improvements exclusive of buildings.

Development plans. The detailed and professional plans showing the layout and design, site work and construction activities proposed for a project (other than architectural building plans) and including the preliminary plat or site plan (as applicable), grading plan, tree preservation/replacement plan, erosion and sediment control plan, buffer and landscape plan, and construction drawings for streets, stormwater drainage facilities, sanitary sewers, water supply facilities, and other site improvements.

Development regulations. The portion of this UDO that is not considered a zoning ordinance under Sec. 101-1.6 (Zoning Compliance Law).

Developments of Regional Impact. Large-scale developments that are likely to have regional effects beyond the local government jurisdiction in which they are located as defined and regulated by the Georgia Department of Community Affairs per the Georgia Planning Act of 1989, as may be amended.

Diameter at breast height. A standard measure of tree size. The tree trunk diameter is measured in inches at a height of 4½ feet above the ground. If a tree splits into multiple trunks below 4½ feet, then the trunk is measured at its most narrow point beneath the split.

Director. The Planning and Development Director or their designee, except as otherwise stated.

Discharge. The direct or indirect release of water, fluid, materials or other matter to a conveyance or surface that drains to a conveyance.

Disease. Any fungal, bacterial, or viral infection that will result in the death of the tree, as determined by the Director. Disease also means any fungal, bacterial or viral infection that has progressed to the point where treatment will not prevent the death of the tree, as determined by the Director. In order for the Director to deem that a tree has a disease, the person requesting such determination must present a report from a certified arborist, a Georgia registered forester, or lab identifying and presenting the etiology (the cause and origin) of the fungal, bacterial or viral infection.

Distributor (fireworks). Any person, firm, corporation, association, or partnership that sells fireworks.

District. A zoning district unless otherwise indicated.

Drainage. A general term applied to the removal of surface or subsurface water from a given area either by gravity or by pumping, 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 drainage easement.

Drainage improvements. Those facilities and structures intended to control and direct the passage of stormwater and other surface water flows from and across a property; including, but not limited to, swales and ditches, cross drains and other piping systems, catch basins, detention ponds, and velocity dissipation devices.

Drainage plan. A plan prepared using appropriate and commonly accepted engineering standards that specifies the means for alternation or development of a drainage system.

Drainage structure. A device composed of a virtually nonerodable 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 manmade element that includes culverts, ditches, channels, retention facilities, and the storm sewer system.

Dripline. A line on the ground established by a vertical plane extending from a tree's outermost branch tips down to the ground; i.e., the line enclosing the area directly beneath the tree's crown from which rainfall would drip.

Driveway. A vehicular access way in private ownership, other than a private street, which provides access primarily to only one property, or to no more than two single-family detached residences.

Dwelling, attached. A single-family attached dwelling, multiple-family dwelling, Towne Center loft, or Towne Center flat.

Dwelling unit. A single unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

E

Easement. Recorded authorization for a specified purpose by a property owner for the use of any designated part of the real property by other entity.

Elevated building. A non-basement building that has its lowest elevated floor raised above the ground level by foundation walls, pilings, columns, posts, piers, or shear walls.

Emergency. Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage, demanding immediate attention.

Emergency vehicle. A motor vehicle belonging to a fire department; a certified private vehicle belonging to a volunteer firefighter or firefighting association, partnership or corporation; an ambulance; a motor vehicle belonging to a private security agency; or a motor vehicle belonging to a federal, State, County or municipal law enforcement agency, provided such vehicles are in use as an emergency vehicle by one authorized to use such vehicle for that purpose.

Emergency work. Any work for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Environmental Health Section. The Gwinnett County Board of Health, Environmental Health Section.

Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

Erosion. The process by which land surface is worn away by the action of wind, water, ice, or gravity.

Erosion and sedimentation control plan. A plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities, as required by the Erosion and Sedimentation Control Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protections at least as stringent as the State General Permit, best management practices, and requirements in Sec. 402.2 (Soil Erosion and Sedimentation Control).

Erosion control regulations. The City of Snellville Soil Erosion and Sediment Control Ordinance.

Exemption plat. A subdivision plat drawn to final plat standards, as contained herein, prepared in accordance with one of the exemptions provided under Chapter 100 Article 3.

Existing construction. For the purposes of Sec. 403-4 (Flood Protection), any structure for which the "start of construction" commenced before April 9, 1975.

Existing Density Factor (EDF). The density of existing trees to be preserved on site.

Existing manufactured home park or subdivision. Any 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 before April 9, 1975.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

Extended detention. Detention of stormwater runoff for an extended period, typically 24 hours or greater.

Exterior Insulation Finishing Systems (EIFS). Nonstructural, non-loadbearing, exterior wall cladding systems that consist of an insulation board (attached either adhesively or mechanically, or both, to the substrate), an integrally reinforced basecoat, and a textured protective finish coat.

Extreme flood protection. Measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

F

Façade. A vertical exterior face or elevation of a building.

Family. A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities (except as otherwise provided by Federal Law):

A. Any number of persons related by blood, marriage, adoption, guardianship, foster or other duly authorized custodial relationship; or
B. A maximum of three unrelated persons; or
C. Two unrelated persons and any parents or children related to either.

Family personal care home. Any State-licensed and customary home business, non-institutional in character residential dwelling, whether operated for profit or not, which undertakes through its ownership to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults, aged 18 years or older who are not related to the owner by blood or marriage; personal services includes, but is not limited to, individual assistance with supervision of self-administered medication, assistance with ambulation and transfer, and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting.

Fee simple. A form of property ownership in which the buildings and surrounding lands are owned by the same person.

Fence. An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or demarcate areas of land.

Floor area. See Sec. 201-1.10 (Floor Area).

Fill. A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

Final plat. A finished drawing of a subdivision showing completely and accurately all legal and boundary information and certification required by these regulations.

Final stabilization. All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the erosion and sedimentation control plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials

appropriate for the region) (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation must consist of planted trees, shrubs, perennial vines appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region. Final stabilization applies to each phase of construction.

Finished grade. The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Fire marshal's office. A section of the Gwinnett County Department of Fire and Emergency Services charged with the responsibility of enforcing the County's fire prevention and protection code, the standard fire prevention code, the National Fire Prevention Code, and Georgia handicapped laws.

Fire services division. A division of the Gwinnett County Department of Public Safety charged with the responsibility of enforcing the County's fire prevention and life safety codes, and the Gwinnett handicapped ordinance.

Flood or **flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters; or

B. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood insurance rate map (FIRM). An official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and/or the applicable risk premium zones.

Floodplain. Any land area susceptible to flooding, which would have at least a 1% probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan; i.e., the regulatory flood.

Flood-prone area. See "floodplain."

Floodproofing. Any combination of structural and nonstructural 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 stream, river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor. The top of the walking surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Foot-candle. A unit of measure of the intensity of light falling on a surface, equal to 1 lumen per 1 square foot and originally defined with reference to a standardized candle burning at 1 foot from a given surface.

Forest. A naturally forested residential and/or commercially zoned premise larger than 1 acre, containing no habitable space.

Functionally dependent use. A use that cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Future conditions flood. The flood with a 1% chance of being equaled or exceeded in any given year based on future conditions hydrology. Also known as the 100-year-conditions flood.

Future conditions flood elevation. The highest water surface elevation anticipated at any given location during the future conditions flood.

Future conditions floodplain. Any land area susceptible to flooding by the future-conditions flood.

Future conditions hydrology. The flood discharges associated with projected land use conditions based on a community's zoning maps, comprehensive land use plans, and/or watershed study projections, and without consideration of projected future construction of stormwater management (flood detention) structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.

Future Land Use Map. A policy document adopted by the City Council, the purpose of, which is to provide a guide for the location, type and intensity of future land uses within the corporate limits of the City of Snellville.

G

Garbage. Solid wastes from the preparation, cooking, and disposing of food and from the handling, storage, and sale of produce.

Gatehouse. A roofed accessory structure located at the entrance to a development or lot.

Governing authority. The Mayor and Council of the City of Snellville, Georgia.

Governmental facilities and structures. Facilities or structures owned or substantially controlled by the Government and the services of any civilian and military personnel of the Government.

Grade, Average. A reference plane representing the average of finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line, or where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

Grading. Altering the shape of ground surfaces to a predetermined condition. This includes stripping, cutting, filling, stockpiling and shaping, or any combination thereof, and includes the land in its cut or filled condition.

Grading permit. An official authorization issued by the Department permitting grading of a site, which may include clearing and grubbing, and may include installation of attendant stormwater drainage facilities.

Grading plan. A plan showing existing and proposed contour lines at an interval of no more than 2 feet and shall outline the areas, including dimensions, that are required to remain undisturbed (i.e., tree protection areas, buffer, etc.) and shall indicate protective fencing or staking to be placed surrounding such areas. Grading for roads and improved ditches shall be shown as well as all stormwater detention facilities.

Greenspace. Open space.

Greenway. A linear open space primarily consisting of undisturbed natural areas, creeks and streams, and walking, bicycling, or multi-use trails.

Greenway trail. A type of open space that meets the applicable standards of such use provided in Title 3, Chapters 360 and 900 of the Gwinnett County Unified Development Ordinance and is designed in general conformity with Gwinnett County Open Space and Greenway Master Plan.

Ground elevation. The original elevation of the ground surface before cutting or filling.

Ground coverage: See "lot coverage."

Groundcover. A category of plants usually ranging from a few inches to a foot or more in height. Some groundcovers are excellent for preventing soil erosion; others are helpful in carrying out design patterns.

Group home. A State-licensed child-welfare agency that is any institution, society, agency or facility, whether incorporated or not, which either primarily or incidentally provides full-time care for six or more children through 18 years of age outside of their own homes, subject to such exceptions as may be provided in rules and regulations of the board of human resources. This full-time care is referred to as room, board, and watchful oversight.

Grubbing. The removal of stumps or roots from a property.

H

Habitable space. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Hard-surfaced area or **all-weather surface.** An area that has been paved with concrete, asphalt, or similar approved paving surface and confined by landscaping timbers, railroad cross-ties, concrete curbing, or masonry or rock walls.

Hardwood tree. A tree that does not bear either needles or cones. The term hardwood is based on the colloquialism and does not reflect any true qualities of the tree.

Hazard tree. Tree with uncorrectable defects severe enough to pose a present danger to people or buildings under normal conditions, as determined by Director.

Hazardous Waste. Solid or liquid waste material resulting from the manufacture or use of pesticides or drugs (other than normal household use) pathological wastes; highly flammable or explosive wastes; toxic wastes; sewage sludge; or other waste material that may be a hazard to the public health, safety or environment.

Health department. The Environmental Health Services Division of the Georgia Department of Human Resources for Gwinnett County.

Height of building. The vertical distance measured from the mean finished ground level at the front of the building to the highest point of the roof or the parapet.

Height of a tower or other telecommunication structure. When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

Highest adjacent grade. The highest natural (original) elevation of the ground surface, before construction, next to the proposed foundation of a structure.

Historic structure. Any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
B. Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
C. Individually listed on a State inventory of historic places and determined as eligible by the State; or
D. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified by an approved State program.

Hobby breeding. Owning an animal that is considered to be a pet, which is registered with a national registry for the breed, in order to breed the animal to preserve and further the respective breed with regard to physical and temperamental soundness and in conformance with official breed standards.

Homeowners association. A community association in which membership of all the owners of property within the subdivision is mandatory, which holds title to certain common property, manages and maintains the common property, and enforces certain covenants and restrictions. The association shall have the duty and the authority to assess its members for such maintenance and improvements as set forth in the instrument creating the association.

Hotspot. An area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater or to violate water quality standards.

House location plan. A drawing showing lot information and all improvements, as required in this UDO.

Hydrologic Soil Group. A Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to group D soils, which have low

permeability rates and produce much more runoff.

I

Illegal connection. Any of the following:

A. A pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or

B. A pipe, open channel, drain, or other conduit, whether natural or manmade, that was designed, installed or redirected for the purpose of draining a non-stormwater discharge into the municipal separate storm sewer system; or

C. A pipe, open channel, drain or conveyance connected to the municipal separate storm sewer system and which has not been documented in plans, maps, or equivalent records and approved by the City, regardless of whether such pipe, open channel, drain, or other conduit, whether natural or manmade, was permissible under law or practices applicable or prevailing at the time the connection was made, or has been previously allowed, permitted, or approved by the City or any other authorized enforcement agency. "Illegal connection" expressly includes, without limitation, those connections made in the past.

Illicit discharge. Any direct or indirect non-stormwater discharge to the municipal separate storm sewer system.

Impervious cover. A surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface.

Impervious surface. A paved, hardened or structural surface, including but not limited to, buildings, driveways, walkways, parking areas, patios, decks, streets, swimming pools, dams, tennis courts, and other structures.

In perpetuity. The state or condition of lasting forever, continuing forever, or occurring continually.

Industrialized building. A structure meeting the definition of "industrialized building" set forth in O.C.G.A. § 8-2-111, as amended, and that bears a valid insignia of approval issued by the Georgia Department of Community Affairs pursuant to the Georgia Industrialized Building Act, as amended. With the exception of mobile homes, any uses may occupy an industrialized building, as provided by law.

Infiltration. The process of percolating stormwater runoff into the subsoil.

Inoperable vehicle. A motorized vehicle incapable of immediately being driven.

Inspection and maintenance agreement. A written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

J

Junk Vehicle. A vehicle, automobile, truck, van, trailer of any kind or type, or contrivance or part thereof which is wrecked, dismantled, partially dismantled, stripped, partially stripped, inoperative, abandoned, discarded, or kept parked, stored or maintained on any premises or public right-of-way without a current license plate and/or decal displayed on the vehicle.

K

Kennel. A location where boarding, caring for and keeping of more than a total of five dogs or cats or other small animals or combination thereof (except litters of animals of not more than 6 months of age) is carried on, and also raising, breeding, caring for or boarding dogs, cats or other small animal for commercial use.

L

Lakes, existing and proposed. An inland body of water fed by springs, creeks and surrounding runoff which has a surface area larger than 2 acres of water measured at outflow structure elevation. An existing lake is a body of water, formed by a natural or man-made dam, which is not increased as a result of development by more than 25%. A proposed lake is a body of water that is created by a developer or is an existing lake which realizes an increase of 25% or more as a result of development. Any body of water which has a surface area of 2 acres or less measured at outflow structure elevation will be considered floodplain for the purpose of calculating the required open space.

Land development. Any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

Land development activities. Those actions or activities which comprise, facilitate or result in land development.

Land development project. A discrete land development undertaking.

Land disturbance. A land or vegetation change, including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, that does not involve construction, paving or any other installation of impervious cover.

Land disturbance activity. Those actions or activities which comprise, facilitate or result in a land disturbance.

Land disturbance permit. A permit other than a building permit issued by the City that authorizes clearing or grading activities on a site or portion of a site. Said permit may be a clearing, clearing and grubbing, a grading, or development permit as defined and authorized herein.

Land disturbing activity. 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 O.C.G.A. § 1-3-3.

Landscape plan. A plan that identifies areas of tree preservation and methods of tree protection within the protected zone, as well as all areas of replanting. Within replanting areas, the common and botanical names of the proposed species, the number of plants of each species, the size of all plants, the proposed location of all plants, and any unique features of the plant shall be indicated.

Landscape strip. A land area located within the boundary of a lot and required to be set aside and used for landscaping upon which only limited encroachments are authorized.

Larger common plan of development or sale. A contiguous area where multiple separate and distinct construction activities are occurring under one 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.

Light-emitting diode. A solid-state semiconductor device that converts electrical energy directly into a discrete color of light.

Live retention. That quantity of water capable of being effectively contained by a designated facility for stormwater storage for a specified period of time.

Livestock. Cattle, horses, donkeys, mules, goats, sheep, swine and other hoofed animals; poultry, ducks, geese, pigeons, peacocks, and other live fowl; and fur or hide-bearing animals; whether owned or kept for pleasure, utility or sale. The term livestock shall not include small species of pigs, cage birds or rabbits kept within a dwelling as a household pet.

Loading space, on-site. Space logically and conveniently located for bulk pickups and deliveries scaled to delivery vehicles expected to be used.

Lobby. A lobby is a public internal waiting area at or near the entrance of a building. A lobby may include a variety of uses but is limited to contiguous open area and may not include separated space for public uses such as restrooms or offices.

Local issuing authority. The governing authority of any county or municipality, which has been certified by the Director of EPD as an issuing authority, pursuant to O.C.G.A. § 12-7-8(a).

Lost tree. A tree that has had its critical root zone (CRZ) impacted greater than 25%. A lost tree will not count towards the site's tree density factor.

Lot. See Sec. 201-1.3 (Lots).

Lot line. A boundary of a lot. Lot line is synonymous with a property line, except as otherwise provided for streetscape easements by Sec. 401-4.2.A.3.a.

Lot line, front. The shortest boundary of a lot coincident with a street right-of-way (except as otherwise provided for streetscape easements by Sec. 401-4.2.A.3.a), except on a corner lot, where the front is the boundary of a lot coincident with the shortest street right-of-way line unless otherwise determined by the Director.

Lot line, interior. A boundary of a lot not coincident with a street right-of-way line.

Lot of record. Land designated as a separate and distinct parcel in a subdivision, the plat of which has been recorded in the office of the Clerk of the Superior Court of Gwinnett County, or a parcel of land, the deed to which was recorded in said office before the adoption of this ordinance.

Lot, Stormwater Facility. A lot designed for the principal use of containing a stormwater treatment facility.

Low-to-mid-rise. A structure that is two or more stories high.

Lowest floor. The lowest floor of the lowest enclosed area, including a 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 Sec. 403-4 (Flood Protection).

M

Maintenance. The act of keeping property, structures or vegetation in a proper condition so as to prevent their decline, failure or uncontrolled growth.

Maintenance of retention facility. Preserving the enclosing walls or impounding embankment of the retention facility in good condition; ensuring structural soundness, functional adequacy and freedom from sediment; and rectifying any unforeseen erosion problems.

Major intersection. The intersection of two or more public streets in which at least one of the streets is an arterial or major collector as classified on the Gwinnett County Long-Range Road Classification map.

Major thoroughfare. Any public street, existing or proposed, which is shown in the classified on the Gwinnett County Long-Range Road Classification map as an arterial or major collector.

Manufactured home. A structure (or building), transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when attached to the required utilities. The term also includes mobile homes, park trailers, travel trailers, and similar transportable structures placed on a site for 180 days or longer and intended to be improved property. The term does not include a "recreational vehicle."

Massing. The exterior form of a building, a structure or a series of buildings seen as a whole, encompassing bulk, shape, height, width, scale, proportion, and the spatial relationships of buildings, landscaping, and open space.

Mayor. The Mayor of the City of Snellville, Georgia.

Mean sea level. The datum to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced. For purposes of this UDO, the term is synonymous with National Geodetic Vertical Datum (NGVD) and/or the North American Vertical Datum (NAVD) of 1988.

Minor collector. A through street with the primary function of connecting subdivisions or other areas to major collector streets or other major thoroughfares, or functioning as a central route within a subdivision channeling traffic from the local streets to an abutting major thoroughfare or other minor collector street. For the purposes of these regulations, a central but nonthrough route within a subdivision or other project will be considered as a minor collector, if the average daily traffic generated by the development on the route will exceed 2,000 trips.

Mitigation, stream duffer. An action taken to avoid, minimize, rectify, reduce, compensate, or monitor the negative impacts of development on a protected stream buffer.

Mixed-use development. A development containing both residential and non-residential uses.

Mobile home park. A tract of land that is used, designated, maintained, or held out for rent to accommodate four or more mobile homes. Mobile homes located in a mobile home park are used only to provide living and sleeping accommodations: a mobile home park does not include an automobile or mobile home sales lot on which unoccupied mobile homes are parked for inspection or sale.

Mobile home subdivision. A tract of land that is used, designated, maintained, or held out for sale of lots to accommodate mobile homes. Services such as water, sewage, recreational facilities, and solid waste collection may be provided for a service charge.

Modification. A type of administrative appeal that may be granted by the Director only where specifically authorized in this UDO.

Month. A period of time between the same dates in consecutive calendar months.

Motor vehicle. A vehicle with two or more wheels, or a machine propelled or drawn by mechanical power, and used on the public roads and highways in the transportation of passengers or property, or any combination thereof, which must be licensed, but does not include any vehicle, locomotive or car operated exclusively on rails.

Municipal separate storm sewer system. Any facility designed or used for collecting and/or conveying stormwater, including but not limited to any roads with drainage systems, highways, City or County streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping channels, reservoirs, and other drainage structures, and which is:

A. Owned or maintained by the City or County;

B. Not a combined sewer; and

C. Not part of a publicly owned treatment works.

N

National Geodetic Vertical Datum (NGVD) as corrected in 1929, the vertical control used as a reference for establishing varying elevations within the floodplain.

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 to an individual, group, or general area-wide basis.

Natural area. An area of land or water that has substantially retained its innate character and functions as a habitat for plant and animal life.

Nephelometric turbidity units. 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 particles are present.

New construction.

A. For the general purposes of this UDO, "new construction" means any structure under construction, including improvements to any structure on or after the effective date of this Ordinance and includes any subsequent improvements to the structure.

B. For the purposes of Sec. 403-4 (Flood Protection), any structure for which the "start of construction" commenced on or after Apr and includes any subsequent improvements to the structure.

New development. For the purposes of Chapter 400 Article 4 (Stormwater), land development activity on a previously undeveloped site.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after April 9, 1975.

Non-common ownership. That part of the greenway land now owned jointly by the residents of a community association.

Non-residential district. Any zoning district except a residential district.

Non-residential use. Any use except a residential use.

Nonconforming building or structure. A building or structure that was lawful at the time of passage or amendment of this UDO which does not conform, after the passage or amendment of this UDO, with the regulations of the district in which it is located.

Nonconforming lot. A lot of record that does not comply with the current requirements of this UDO.

Nonconforming lot, legal. A lot of record that does not comply with the current requirements of this Ordinance, but was lawfully established before the adoption, revision, or amendment of the requirements in this Ordinance making the lot of record, structure, or use non-compliant.

Nonconforming use. A use of land that lawful at the time of passage or amendment of this UDO which does not conform, after the passage or amendment of this UDO with the use regulations of the district in which it is located.

Nonpoint source pollution. A form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal, and urban runoff sources.

Non-residential district. A zoning district that is not a residential district.

Non-residential use. Any principal use not listed in Sec. 206-3 (Residential Uses).

Non-stormwater. For the purposes of Sec. 403-3 (Illicit Discharge and Illegal Connection), any surface flow, runoff, drainage, or discharge that is not composed entirely of stormwater and which may include pollutants, but that excludes:

A. Water from those sources described in Sec. 403-3.4.B (Prohibition of Illicit Discharges); and/or
B. Any discharge permitted under NPDES permit or order issued to the discharger and administered under the authority of the State and the federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the municipal separate storm sewer system.

Nonstructural stormwater management practice (or nonstructural practice). Any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

North American Vertical Datum (NAVD) of 1988 means a vertical control used as a reference for establishing varying elevations within the floodplain.

Notice of intent. A notice of intent form provided by EPD for coverage under the State general permit.

Notice of termination. A notice of termination form provided by EPD to terminate coverage under the State general permit.

Nuisance. Anything which causes hurt, inconvenience, or damage to another, provided that the hurt, inconvenience or damage complained of shall not be fanciful or such as would affect only one of fastidious taste, but rather such as would affect an ordinary reasonable man; and the fact that the act done may otherwise be lawful shall not keep it from being a nuisance.

O

Occupancy. The purpose for which a building is utilized or occupied.

Occupant. Any individual living or sleeping in a building; or having possession of a space within a building.

Occupiable Space. Enclosed space designed and constructed for human occupancy and equipped with means of egress, and light and ventilation facilities in accordance with the applicable codes. Occupiable space does not include space used exclusively for unheated storage or vehicle parking.

Off-Site facility. For the purposes of Chapter 400 Article 4 (Stormwater), a stormwater management facility located outside the boundaries of the site.

On-site facility. For the purposes of Chapter 400 Article 4 (Stormwater), a stormwater management facility located within the boundaries of the site.

Open space.

A. For the general purposes of this UDO, "open space" means land set aside, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests in accordance with Sec. 401-2 (Open Space). Land used to meet the open space requirements of this UDO may not include any portion of an overhead power line easement or stormwater detention ponds (including required easements) unless said pond is an existing or proposed permanent lake or recreation area.
B. For the purposes of Chapter 400 Article 4 (Stormwater), "open space" means permanently protected areas of the site that are preserved in a natural state.

Open space, Big Haynes Creek Watershed. A lot set aside, designated, and reserved which must remain in its natural state, undisturbed and unoccupied by any structures or impervious surfaces, and located within the Big Haynes Creek Watershed Protection Area.

Operator.

A. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy; or
B. The party or parties that have Operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or
C. The party or parties that have 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.

Ornamental trees. Small growing trees, attaining a mature height of less than 40 feet, grown primarily for aesthetic purposes; i.e., flowers, fruit, etc. Common ornamental trees in this area include Dogwood and Bradford pear trees.

Outdoor storage. The keeping outdoors of any goods, materials, merchandise, equipment or vehicles in the same place for more than 24 hours whether for storage, display, processing or sale. Outdoor storage includes portable moving or storage containers and tractor trailers.

Outfall. The location where stormwater 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.

Owner. The legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm, or corporation in control of the site.

P

Parcel. See "lot."

Parking, bicycle. An area that is designed and marked for the purpose of securing bicycles in an upright fashion, using a locker or open framework that is permanently attached to the ground, floor, wall, or ceiling, and providing secure anchorage.

Parking space, off-street. An off-street parking space consisting of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

Parking structure. Decks placed above-ground or underground in a structure designed principally for the parking and circulation of motor vehicles that includes a roof and/or more than one level. A parking structure may be either freestanding or incorporated in one structure along with other uses, such as office, residential or commercial uses.

Pedestrian way. A right-of-way or easement within a block dedicated to public use, intended primarily for pedestrians and from which motor vehicles are excluded.

Permanent stabilization (soil). When all soil disturbing activities at the site have been completed, and that a uniform and evenly distributed cover of perennial vegetation with a density of at least 90% has been established, without large bare areas, for unpaved areas of the site not covered by permanent structures.

Permit. The authorization necessary to conduct any land-disturbing or land development activity under the provision of this UDO.

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.

Pervious Paving. Materials used for surfacing parking lots and driveways such as porous concrete or modular porous paver systems that are designed to allow infiltration of stormwater and are consistent with Stormwater BMPs. Pervious paving areas are not considered as impervious surface areas for the purpose of calculating impervious surface coverage.

Pet or **household pet.** A domesticated animal such as a dog, cat, common cage bird, rodent, rabbit, ferret, or aquarium-kept fish, reptile, amphibian or turtle, which is traditionally kept in the home for companionship or pleasure rather than for utility or commercial purposes. This term specifically excludes livestock and wild animals.

Phase or **phased.** Subparts or segments of construction projects where the subpart or segment is constructed and stabilized before completing construction activities on the entire construction site.

Planned commercial/office/industrial development. A contiguous area or subdivision of land planned and maintained as a single entity and containing one or more structures to accommodate retail, service, commercial, office or industrial uses, or a combination of such uses, and appurtenant common areas and accessory uses incidental to the predominant uses (i.e., office park, shopping center, industrial park).

Planning and Development. See "Planning and Development Department."

Planning and Development Department. The Planning and Development Department of the City of Snellville.

Planning Commission. The City of Snellville Planning Commission.

Planter. A zone adjacent to the curb intended for planting street trees and the placement of street furniture including light poles, litter receptacles, utilities, traffic signs, newspaper vending, bike racks, bus shelters, and similar items in a manner that does not obstruct pedestrian access or motorist visibility and as approved by the City.

Plat. A map indicating the subdivision, resubdivision, or recombination of land.

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 wastewater 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 contamination or other alteration of any water's chemical, physical, or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

Post-development. To the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

Pre-development. The time period, or the conditions that exist, on a site before the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan-approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time before the first item being approved or permitted shall establish pre-development conditions.

Preexisting towers and antennas. Any tower or antenna for which a permit has been properly issued before the adoption of this ordinance.

Preliminary plat. A drawing that shows the perimeter boundary, topography, lotting arrangements, street layout, and other features of a proposed subdivision, as specified in these regulations.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Principal building. A building built to fulfill the primary or predominant purpose for which a lot is occupied and/or used. Garages and parking decks serving more than one dwelling unit are considered principal buildings.

Principal permitted use. That use of a lot, which is among the uses allowed as a matter of right under the zoning classifications.

Private deed restrictions or covenants. Private deed restrictions or covenants are imposed on land by private landowners. They bind and restrict the land in the hands of present owners and subsequent purchasers. They are enforced only by the landowners involved and not by the City or other public agency.

Procedure. For the purposes of Sec. 403-3 (Illicit Discharge and Illegal Connection), a procedure adopted by the Department of Planning and Development, by and through the Director, to implement a regulation or regulations adopted under said ordinance, or to carry out other responsibilities as may be required by this Code or other codes, ordinances or resolutions of the City or other agencies.

Project.

A. For the general purposes of this UDO, "project" means a land development project.
B. For the purposes of Sec. 402.2 (Soil Erosion and Sedimentation Control), "project means entire proposed development project regardless of the size of the area of land to be disturbed.

Project access improvement. Any improvement or facility that is planned and designed to provide service or access for a particular project and which is necessary for the use and convenience of the occupants or users of the project and is not a system improvement. A project access improvement includes but is not limited to: pedestrian access improvements; site driveways; new streets; median cuts; right

turn lanes, left-turn lanes, acceleration lanes, and deceleration lanes made necessary to serve site driveways or new streets leading to or from the project; traffic control measures made necessary to serve site driveways or new streets; intersection improvements whose primary purpose at the time of construction is to provide access to the project; and, necessary right-of-way dedications required for any project access improvement.

Property line. See "lot line."

Property owner's association. A community association in which membership of all the owners of property within the subdivision holds title to certain common property, manages and maintains the common property and enforces certain covenants and restrictions. The association shall have the duty and authority to assess its members for such maintenance and improvements as set forth in the instrument creating the association.

Protected zone. All lands that fall outside of the buildable area of a lot, all areas of the lot required to remain in open space, and all areas required as landscaping strips according to the provisions of this UDO, or conditions of the zoning approval.

Protection area or **stream protection area.** With respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.

Public nuisance. A nuisance that damages all persons who come within the sphere of its operation, though it may vary in its effects on individuals.

Public officer. As used in O.C.G.A. § 41-2-17, means the Director.

Public right-of-way. Any street, avenue, boulevard, highway, sidewalk, alley or similar place normally accessible to the public which is owned or controlled by a governmental entity.

Public sewer. A sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

Public Space. Certain types of developed land held in perpetual common or public ownership for the collective use of multiple property owners, maintained and made accessible for public use. Public spaces shall be defined as common area and regulated by this Ordinance, provided they are designed in general conformity with the applicable [UDO Design Guidelines] and owned by a public entity, homeowners' association or property owners' association. See also the terms "pocket park," "green," "square," "plaza," "courtyard," "pedestrian way," and "greenway."

Q

Reserved.

R

Recreation facility. A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

Recreational vehicle. A vehicle which is:

A. Built on a single chassis;
B. Four hundred square feet or less when measured at the largest horizontal projection;
C. Designed to be self-propelled or permanently towable by light duty truck; and
D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Redevelopment. A land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

Regional stormwater facility (or **regional facility**). Stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

Replacement Density Factor (RDF). The density of new trees to be planted on a site.

Residential area. A residential district or a lot used for residential purposes.

Residential district. A zoning district in Chapter 200 Article 2 (Residential Districts).

Residential subdivision. A development made up entirely of single-family detached and/or two-family dwellings.

Residential use. Any use defined in Sec. 206-3 (Residential Uses).

Responsible party. In the context of enforcement procedures, a person (as defined above) who is alleged to have committed, caused, continued or created a violation of the terms, requirements, regulations, or provisions of these regulations whether as a direct act, through lack of action or neglect, or at the direction of or on behalf of others. A responsible party may be the owner of the premises where a violation has occurred; an occupant whether through ownership, lease or other tenancy; a contractor, builder or developer; an agent of or person otherwise acting on behalf of the aforementioned parties; or other person acting in violation of these regulations.

Retention. The storage of stormwater runoff and controlled release of such runoff during and after a flood or storm.

Revegetation. The replacement of trees and landscape plant materials into the minimum required landscape areas, as determined by this UDO or conditions of zoning approval.

Right-of-way, public. A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, sidewalk, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer, and other similar uses; right-of-way is not generally part of adjacent lots and usually coincides with adjacent lot lines.

Riparian. Belonging or relating to the bank of a river, stream, lake, pond or impoundment.

Road. See "Street, public."

Road frontage. The distance, measured in a straight line, from the two furthest property corners located on the same public right-of-way, excluding out lots.

Roadway. The paved portion of a street from the back of the curb to the back of the curb (or the edge to edge of the pavement for streets without curbs) but excluding driveway aprons, bridges, and large single and multi-cell culverts which in a hydrologic sense can be considered to function as a bridge.

Roadway drainage structure. A device such as a bridge, culvert or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Roofed Accessory Structure. See "Accessory Building."

Rubbish. Discarded waste paper, cartons, boxes, wood, tree branches, yard trimmings, furniture, appliances, metals, cans, glass, crockery, dunnage, and/or similar materials.

Runoff. Stormwater runoff.

Runoff coefficient. The ratio of runoff to rainfall.

S

Sanitary sewer. A sewer which carries sewage and to which stormwaters, surface waters, and groundwaters are not intentionally admitted.

Screening. A method of shielding or obscuring one abutting or nearby structure or use from another by opaque fencing, walls, berms, densely planted vegetation, or the like.

Sediment. Solid material, both organic and inorganic, that is in suspension, is being transported or has been moved from its site of origin by wind, water, ice or gravity, as a product of erosion.

Sedimentation. The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

Setback.

A. See "yard."

B. With respect to a stream, the area established by Sec. 403-1 (Stream Buffer Protection) extending beyond any buffer applicable to the stream.

Sewage. A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

Sewer. A pipe or conduit for carrying sewage.

Sewer system. All public sanitary sewer facilities for wastewater collection and treatment and other support facilities required for system operation.

Shopping center. A group of commercial uses (which may include craft manufacturing) with a site and building composition that is an architectural unit and is not a miscellaneous assemblage of stores; planned, developed, owned and managed as a unit related in location, size, and type of shops to the trade area that the unit serves, and providing on-site parking in definite relationship to the types and sizes of stores services (laundry, dry cleaning, barbering, shoe repair, etc.) for the day-to-day living needs of the immediate neighborhood, and is usually built around a supermarket which is the principal tenant.

Shrub. A woody plant that is never tree-like in growth habit and produces branches or shoots from or near the base.

Sign. Any structure, display, or device that is used to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event, or location by any means, including words, letters, figures, design characteristics, symbols, logos, fixtures, movement, or illumination.

Single-family detached residential district. A zoning district beginning with "RS."

Site. See Sec. 201-1.1 (Sites).

Site plan. The plan required to acquire a development, construction or building permit which shows the means by which the developer will conform with applicable provisions of this UDO and other applicable ordinances.

Site work. Development activity to prepare a property for construction of buildings or finished structures, including clearing, grubbing, grading, and installation of soil sedimentation and erosion control facilities.

Sketch plan. See "concept plan."

Softwood tree. Any coniferous (cone-bearing) tree. The term softwood is based on the colloquialism and does not reflect any true qualities of the tree.

Solid Waste. Putrescible and non-putrescible wastes, except water-carried body waste, and shall include garbage, rubbish, ashes, street refuse, dead animals, sewage sludges, animal manures, industrial wastes, abandoned automobiles, dredging wastes, construction wastes, hazardous wastes and any other waste material in a solid or semi-solid state not otherwise defined in these regulations.

Special flood hazard area. The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. This includes all floodplain and flood-prone areas at or below the base flood elevation (including A, A1-30, A-99, AE, AO, AH, and AR on the FHBM or the FIRM), all floodplain and flood-prone areas at or below the future conditions flood elevation, and all other flood-prone areas as

referenced in Sec. 403-4 (Flood Protection). All streams with a drainage area of 100 acres or greater must have the area of special flood hazard delineated. In the absence of official designation by the Federal Emergency Management Agency, Special Flood Hazard Areas may be those designated by the local community and referenced in Sec. 403-4 (Flood Protection).

Special tree. Any tree, which qualifies for special consideration for preservation due to its size, type, and condition as defined in this article.

Special use. A use which while not permitted as a matter of right may be allowed within a given zoning district when meeting standards as prescribed by this UDO. Special land uses have operational characteristics and/or impacts that are significantly different from the zoning district's principal authorized uses and therefore require individual review pursuant to the standards and criteria set forth in this UDO.

Specimen tree. Any tree which has been determined by the Director to be of high value because of its type, size, age, and/or of historical significance, or other professional criteria, and has been so designated in administrative standards established by the City. This is usually a plant with desirable form, foliage, fruit, or flower that can be emphasized although isolated.

Stabilization means 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.

Start of construction. Start of construction includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include 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 buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or not part of the main structure. (Note: accessory structures are not exempt from any ordinance requirements). For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State. The State of Georgia.

State general permit. The National Pollution Discharge Elimination System (NPDES) general permit or permits for stormwater 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. § 1251 et seq., and O.C.G.A. § 12-5-30(f).

State route. A road under the jurisdiction of the State of Georgia as defined in O.C.G.A. § 32-1-3.

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.

Stealth technology. A method of concealing or reducing the visual impact of wireless support structures, including small cell wireless support structures, antennas, and small cell technology, by use of incorporating features or design elements of the installation which either totally or partially conceals the structure; achieves the result of the structure blending into the surrounding environment; or otherwise minimizes the visual impact of the structure.

Stop work order. An order to cease and desist building, development, and land disturbing that is issued by the Department of Planning and Development pursuant to the requirements of this UDO and the International Construction Code.

Storefront Street. A public or private street intended for a higher standard of Design and Walkability. Storefront Streets include Oak Road (that portion within the TCO District), Wisteria Drive, Clower Street, Hugh Drive, and other streets specifically designated through a condition of rezoning.

Storm sewer and **storm drain.** A sewer which carries storm and surface waters and drainage but excludes sewage and polluted industrial wastes.

Stormwater. For the purposes of Sec. 403-3 (Illicit Discharge and Illegal Connection), any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation, but which also includes:

A. Water from those sources described in Sec. 403-3.4.B (Prohibition of Illicit Discharges); and/or

B. Any discharge permitted under NPDES permit or order issued to the discharger and administered under the authority of the State and the federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the municipal separate storm sewer system.

Stormwater better site design. Nonstructural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.

Stormwater management. The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, streambank channel erosion, habitat degradation, and water quality degradation, and to enhance and promote the public health, safety and general welfare.

Stormwater management design manual. The most recent version of the Gwinnett County Storm Water Design Manual.

Stormwater management facility. Any infrastructure that controls or conveys stormwater runoff.

Stormwater management measure. Any stormwater management facility or nonstructural stormwater practice.

Stormwater management plan. A document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this UDO.

Stormwater management system. The entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey and control the quantity and quality of the stormwater runoff from a site.

Stormwater retrofit. A stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

Stormwater runoff. The flow of surface water resulting from precipitation.

Story. Occupiable space of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. A bonus room constructed above a garage serving a single-family residence does not constitute a story.

Story, Above Average Grade. Any story with its finished floor surface entirely above average grade, or in which the finished surface of the floor next above is:

A. More than 6 feet above average grade; or

B. More than 12 feet above the finished ground level at any point.

Stream. Any natural running water flowing continuously or intermittently in a channel on or below the surface of the ground, beginning at:

A. The location of a spring, seep, or groundwater outflow that sustains streamflow; or

B. A point in the stream channel with a drainage area of 25 acres or more;

C. Where evidence indicates the presence of a stream in a drainage area of other than 25 acres, the City may require field studies to verify the existence of a stream.

Stream bank. The sloping land that contains the stream channel and the normal flows of the stream.

Stream channel. The portion of a watercourse that contains the base flow of the stream.

Stream, perennial. A watercourse with a source, terminus, banks, and channel through which water flows on a continuous basis as depicted on the most recent United States Geological Survey 7.5-Minute Quadrangle Map (scale 1:24,000).

Stream protection area. The combined areas of all required buffers and setbacks applicable to such stream.

Streamer. Any long, narrow flag, banner, tinsel or roping which is hung or strung from any structure to another structure or the ground.

Street. A right-of-way for vehicular traffic that affords the principal means of access to abutting properties. The various classifications of streets are defined as follows:

A. **Arterial.** A street used primarily for fast and heavy traffic flow; is of considerable continuity; and is used as a traffic artery to interconnect areas and major activity centers.

B. **Major collector.** A street carrying traffic from activity centers and minor collector streets to arterial streets.

C. **Minor collector.** Principal entrance streets to subdivisions and the main thoroughfares providing circulation within subdivision serving a network of four or more local streets.

D. **Local.** A street used primarily in residential subdivisions for access to abutting properties as opposed to the collection and dispersion of traffic.

E. **Cul-de-sac.** A local street with only one outlet, closed and terminated by a vehicular turnaround.

Street, local non-residential. A surface street intended primarily to provide local access to adjacent existing or planned commercial or industrial development and not for through traffic.

Street, local residential. A surface street intended primarily to provide local access to adjacent residential development and not for through traffic.

Street, private. An access way similar to and having the same function, design, and construction standards as a public street, providing access to more than one property, but held in private ownership (as distinct from a "driveway").

Street, public. A right-of-way dedicated to and accepted by the City of Snellville or other governmental entity with jurisdiction for vehicular traffic or over which the City may hold a prescriptive easement for public access, and including designated and numbered U.S. highways and State routes. For the purposes of this UDO, the term "public street" is limited to those which afford or could afford a direct means of vehicular access to abutting lots and excludes limited access roadways which abut a lot but from which direct access may not be allowed under any circumstances.

Structural/erosion and sedimentation control measures. 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 sedimentation control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps, etc. Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Structural stormwater control. A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff.

Structure. Anything constructed or erected, the use of which requires a location on, above, or below the surface of land or water, or attached to something with a location on, above, or below the surface of land or water.

Stub-out Street. A street, usually relatively short in length, which terminates at the boundary of a site and is ultimately intended to connect to a street on the abutting site when said abutting site is developed.

Stucco, true hard coat. A material usually made of Portland cement, sand, and a small percentage of lime, and applied in a plastic state to form a hard covering for exterior walls. The term specifically excludes EIFS.

Subdivider. Any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit dividing or proposing to divide land so as to constitute a subdivision as herein defined, including an agent of the subdivider.

Subdivision. Any division or re-division of a lot, regardless of its existing or future use, into two or more lots.

A. The term, "subdivision" means the act or process of dividing property. Lots that do not abut or are not directly across a public street from other subdivided lots will be considered a separate distinct subdivision with a separate name.
B. Where appropriate to the context, the term "subdivision" also may be used in reference to the aggregate of all lots held in common ownership at the time of division.

Subdivision entrance. A public street, or publicly approved private street, that provides access to subdivided lots.

Substantial building permit. A non-residential building permit issued by the City of Snellville with a total value in excess of the Gwinnett County Tax Assessor's 100% assessed value of the existing improvements only. The aggregate value of all building permits issued to the property over the previous 12 months shall be included in this calculation.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. This definition also includes Repetitive Loss.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement to a structure, taking place during a 10-year period, in which the cumulative cost equals or exceeds 50% of the market value of the structure before the improvement. The market value of the building means:

A. The appraised value of the structure before the start of the initial repair or improvement, or
B. In the case of damage, the value of the structure before the damage occurring.

This term includes structures which have incurred "substantial damage, "regardless of the actual repair work performed. The term does not, however, include those improvements of a structure required to comply with existing State or local health, sanitary, or safety code specifications which are the minimum necessary to assure safe living conditions, which have been identified by the Director. The term does also not include 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. Such use where the repair, reconstruction, rehabilitation, or improvement of the streets, utilities and pads equals or exceeds 50% of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

Swimming pool. Any structure intended for swimming, recreational bathing or wading that contains water over 18 inches deep including in-ground, above-ground and on-ground pools, hot tubs, spas and fixed-in-place wading pools.

System improvement. Any improvement or facility such as streets, bridges, or rights-of-way identified on the long-range road classification map (i.e., "the system"), and any traffic control measures, landscaping or other features to same, that is included in the Comprehensive Plan and which is further designed to provide service to the community at large.

T

Temporary use permit. Written authorization by the Director for the applicant to engage in a temporary use at a specified, fixed location meeting all requirements for the temporary use permit.

Tie point. The point of reference for a boundary survey. Said point of reference shall be an established, monumented position, which can be identified or relocated from maps, plats, or other documents on the public record.

Toilet room. A room containing a water closet or urinal but not a bathtub or shower.

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

Townhome. A one-family dwelling unit in a row of at least three attached units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

Trailer (motor homes). A vehicle, including a motor home, designed and/or maintained for use as a temporary dwelling or sleeping place for travel or recreation purposes exclusively, with no foundation other than wheels or jacks.

Trailer park (camper). A site used solely for the rental or lease of lots for transient campers, trailers, motor homes or temporary parking of any other recreational vehicle that is not a mobile home.

Trash. Combustible and noncombustible waste material, except garbage, including paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, cans, metals, bricks, lumber, concrete, mineral matter, glass crockery, and including the residue from the burning of wood, coal, coke or other combustible material.

Tree. Any self-supporting, wood perennial plant which at maturity attains a trunk diameter of 4 inches or more measured at a point 4½ feet above the ground level and which normally attains a height of at least 25 feet at maturity, usually with one main stem or trunk and many branches.

Tree debris. The remains of a broken down or destroyed tree including whole trees, tree stumps, tree branches, and tree trunks.

Tree density unit/factor. A unit of measure used to prescribe and calculate required tree coverage on a site. Unit measurements are based upon tree size.

Tree diameter. The widest cross-sectional dimension of a tree trunk measured at diameter breast height (DBH) or at any point below DBH for new trees or multitrunked species, but in no case less than 6 inches from the ground.

Tree, hardwood. Any tree that is not coniferous (cone-bearing) or needle-bearing.

Tree, heritage. Any tree that is in fair or better condition with a 10-year minimum life expectancy and meets the following size criteria:

Tree type	Size requirements
Large hardwoods	40-inch DBH or greater
Large softwoods	42-inch DBH or greater
Small native flowering	16-inch DBH or greater

Tree, mid-canopy. A tree that normally attains a DBH of 10—25 inches and a height of 30—60 feet at maturity. Examples include Blackgum, European Hornbeam, Chinese Elm, and Laurel.

Tree, overstory. A tree that composes the top layer or canopy of vegetation and will generally reach a mature height of greater than 40 feet.

Tree preservation and/or replacement plan (TP/RP). A plan that identifies tree protection areas where existing trees are to be preserved and where proposed replacement trees are to be planted on a property to meet minimum requirements, as well as methods of tree protection to be undertaken on the site and other pertinent information.

Tree preservation/replacement plan. A plan that identifies tree protection areas, existing trees to be preserved and proposed replacement trees to be planted on a property to meet minimum requirements of the tree preservation ordinance, as well as methods of tree protection to be undertaken on the site and other pertinent information.

Tree protection area. Any portion of a site wherein are located existing trees which are proposed to be retained in order to comply with the buffer requirements of this UDO.

Tree protection plan. A plan that identifies tree protection areas, existing trees to be preserved, and methods of tree protection to be undertaken on a property to meet the minimum requirements of the tree preservation ordinance. The plan must be prepared and sealed by a Georgia Registered Landscape Architect, certified arborist, or registered forester and shall include (at a minimum): tree survey; definition of spatial limits; detail drawings of tree protection measures; tree density calculations; and procedures and schedules of implementation, installation, and maintenance of tree protection measures.

Tree protection zone. The area between the trunk of a tree identified for preservation and the tree protection fencing. No construction activity shall take place inside of a tree protection zone, including but not limited to, trenching, grading, paving, construction of buildings and other structures, staging of equipment and materials, and parking vehicles.

Tree, softwood. Any coniferous (cone-bearing) tree.

Tree, specimen. Any tree that is in fair or better condition with a 10-year minimum life expectancy and meets the following size criteria:

Tree type	Size requirements
Large hardwoods	28-inch DBH or greater
Large softwoods	30-inch DBH or greater
Small native flowering	10-inch DBH or greater

Tree survey. A to-scale map or site plan, prepared and sealed by a Georgia Registered Landscape Architect, certified arborist, Georgia Registered Forester, Georgia Registered Surveyor, or Georgia Registered Professional Engineer, showing the location of all specimen trees, labeled with their size and species, CRZ delineated and the spot elevation at the base of their trunk must be indicated. Trees must be labeled in a way to determine if they are intended for removal or preservation. All trees with a DBH of 12 inches or larger shall be located and their size and species shall be indicated.

Tree thinning. Selective cutting or thinning of trees only for the clear purpose of good forestry management in order to protect said forest from disease or infestation and in no way shall be construed as clear-cutting.

Tree topping. The removal of tree limbs, branches, or stems by cutting at the internodes and resulting in the failure of the tree to assume a typical dominance.

Tree, understory. A tree that normally attains a DBH of less than 10 inches and a height of less than 30 feet at maturity. Examples include Serviceberry, Redbud, Dogwood, and Fringe tree.

Trout streams. All streams or portions of streams within the watershed, as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20 in the rules and regulations for Water Quality Control, Chapter 391-3-6 at *www.epd.georgia.gov.* Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

U

Undeveloped land. A lot that has less than 100 square feet of impervious surface.

Undisturbed. Land in its natural state of vegetation.

Unfinished space. Enclosed space within a building or structure which requires additional construction to render the space suitable for human occupancy in accordance with the applicable codes.

Use. The purpose or purposes for which land or building is designed, arranged, or intended, or to which said land or building is occupied, maintained or leased.

Utility. A 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, stormwater systems, and railroads or other utilities identified by the City.

V

Variance. A grant of relief from a requirement of this UDO.

Vegetation. All plant growth, especially trees, shrubs, vines, ferns, mosses, and grasses.

Vegetative erosion and sedimentation control measures. Technical measures approved within the Georgia Manual for Erosion and Sediment Control for the stabilization of erodible or sediment-producing areas.

Violation. For the purposes of Sec. 403-4 (Flood Protection), the failure of a structure or other development to be fully compliant with the requirements of said ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required of Sec. 403-4 (Flood Protection) is presumed to be in violation until such time as that documentation is provided.

Visual quality. The appropriate design, arrangement, and location of tower structures in relation to the built or natural environment to avoid abrupt or severe differences.

W

Wall. See "fence."

Wall plate. A structural member consisting of a horizontal beam that provides bearing and anchorage for the joists or roof rafters above it.

Water quality. The chemical, physical, and biological characteristics of the State's public utilities.

Water quantity. The volume of runoff which is not entirely confined and retained completely upon a lot.

Watercourse. Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Watershed. A drainage area or basin in which all land and water areas drain or flow toward a downstream collection area such as a stream, river, lake or reservoir.

Weeds. All rank vegetative growth including but not limited to kudzu, poison ivy, jimsonweed, burdock, ragweed, thistle, cocklebur, dandelion, plants of obnoxious odors, or other similar unsightly vegetative growths; however, this term shall not include cultivated flowers, fruits and vegetables, and gardens.

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

Wild Animal. Any living member of the animal kingdom, excluding livestock and household pets.

X

Reserved.

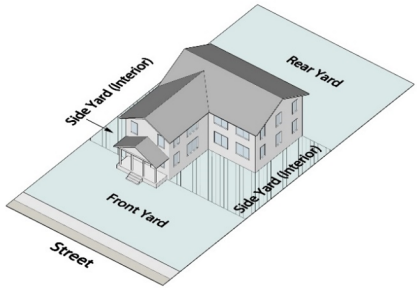
Y

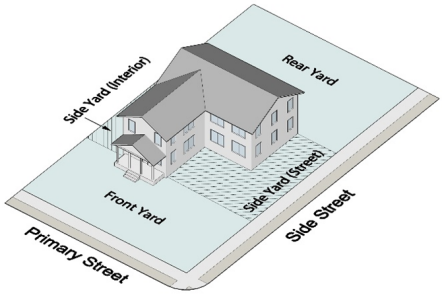
Yard. An open space between a lot line and any principal structure from the ground upward, except as otherwise provided in this UDO. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum distance between the lot line and the principal building must be used measured perpendicular to the applicable lot line. See Sec. 201-1.4.B (Measurement of Building Setbacks).

Yard, front. An open space situated between the front lot line and any principal structure extending the full width of the lot.

Yard, rear. An open space situated between the rear lot line and any principal structure extending the full width of the lot.

Yard, side. An open space situated between the side lot line or an existing or proposed street right-of-way and any principal structure extending from the required front yard to the required rear yard. Side yards adjacent to a street are considered side (street) yards; those not, are side (interior) yards.





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Yard trimmings. Leaves, brush, grass clippings, pruned shrub and tree debris, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscape development and maintenance other than mining, agricultural and silvicultural operations.

Z

Zoning buffer. A buffer required by Sec. 207-2.1 (Buffers) or as a condition of zoning, special use of variance approval for a specific property.

Zoning ordinance. Those articles and definitions of this UDO that constitute a zoning ordinance within the meaning of O.C.G.A. § 36-66-1 et seq. See Sec. 101-1.6 (Zoning Compliance Law).

(UDO 21-01, § 1, 10-25-2021)

ARTICLE 3. - ADMINISTRATION

Sec. 103-1. - General

103-1.1. - UDO Administration

A. **Planning and Development Director**
   1. The City Council authorizes the Planning and Development Director to administer, interpret, and enforce this UDO and to carry out the duties required in it. It is also the duty and responsibility of each officer and employee of the City, especially of each member of the police and fire departments, to assist the Director by reporting to them new construction and reconstruction of buildings, new land uses, and apparent violations of this UDO.
   2. Appeals of a decision by the Director are provided for in Sec. 103-7.3 (Board of Appeals).

B. **Exemptions**

The powers authorized in paragraph A above do not extend other ordinances or regulations referenced in this UDO, such as the health, water, and sewer regulations. Those other ordinances and regulations are administered by the directors of the departments responsible them, as established by the Board of Commissioners of Gwinnett County or the City Council.

C. **Violations**

If the Director finds that activities do not comply with the provisions of this UDO, or of a permit issued under this UDO, or without authorization of a permit which would otherwise be required by this UDO, the Director is authorized to suspend or invalidate such permits, order that all unauthorized or improper work be stopped, direct correction of deficiencies, issue summonses to any court of competent jurisdiction, or take any other legal or administrative action appropriate to the severity of the violation and degree of threat to the public health, safety, and welfare.

103-1.2. - Fees

A. **Established**

Application filing and permit fees required by this UDO are as established from time-to-time by the City Council.

B. **Permit Fees**

Permit fees, if any, must be submitted as a prerequisite to the issuance of the permit. Non-payment as a result of the submission of a check with insufficient funds on the account, or for any other reason, will cause the permit to be voided and reissuance subject to penalty as may be established by the City Council.

C. **Application Fees**

Application fees, if any, must be submitted with the application and upon acceptance of said submission for review and consideration will not be refundable. Failure to pay a required application fee will cause the application to be returned to the applicant without acceptance for review or consideration by the City.

D. **Miscellaneous Fees**

After the approval of development plans, and before authorization to begin construction, the developer must pay into the treasury of the City such required inspection, sanitary sewer permit charges, curb cut, or other fees as may be established from time-to-time by the City Council. Fees paid directly to the County must be verified by submittal of copies of paid receipts to the Department. Such fees will not be refundable following the issuance of a development permit, except upon approval of the Board of Appeals.

E. **Street-Related Fees**

Before approval of development conformance for a project, the developer must provide to the Department such fees for traffic control signs, street name signs, and street striping as shall be required by traffic engineering regulations and established from time-to-time by the City Council.

F. **Performance, Maintenance Bond Fees**

Before approval of a final plat or certificate of occupancy, the developer must provide to the Department such recording fees and performance and/or maintenance bonds as shall be required by this UDO or established from time-to-time by the City Council.

103-1.3. - City Employees

A. No City employee may be relieved of their duty for complying with this UDO or any other ordinance, law or regulation whether or not such person has been advised by the Director or their designee or other City employees.

B. The City may not be estopped by errors of its employees from enforcing this UDO and does not warrant the accuracy or

completeness of its employees' advice as to compliance with laws, especially federal and State laws.

Sec. 103-2. - Enforcement

This section applies in addition to the specific enforcement provisions otherwise provided in this UDO.

103-2.1. - Inspection and Right of Entry

A. Work that requires a permit by this UDO is subject to inspection by authorized City representatives upon presentation of City identification to the developer, contractor, owner, owner's agent, operator, or occupants during all reasonable hours, or outside reasonable hours in the event of any emergency threatening life or property. When an inspection is necessary to enforce this UDO, or when the Director or authorized City employee has a reasonable cause to believe that there exists upon a premises or property a condition which is contrary to or in violation of this UDO, the Director or authorized City employee is authorized to enter the property or premises at a reasonable time to inspect or to perform the duties required by this UDO, provided that, if the property or premises is occupied, credentials must be presented and entry requested. If the property or premises is unoccupied, the Director or authorized employee must first make a reasonable effort to locate the owner or other person having charge or control of the property or premises and request entry.
B. If a property or facility has security measures in-force to require proper identification and clearance before entry is possible, the owner or operator must make the necessary arrangements to allow access to the Director.
C. The owner or operator must allow the Director access to all parts of the premises for the purposes of inspection, investigation, observation, monitoring, measurement, recording, enforcement, sampling, and testing, photography and videotaping for the purpose of ensuring compliance with this UDO. The owner or operator must allow the Director to examine and copy any records that are required under the conditions of any permit granted under this UDO.
D. The Director may set up on any premises, property, or facility such devices as are necessary in their opinion to conduct any monitoring and/or sampling procedures.
E. The Director is authorized to require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the Director. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense.
F. Any temporary or permanent obstruction to safe and easy access to, or from the premises, property or facility to be inspected and/or sampled must be promptly removed by the owner or operator at the written or oral request of the Director and may not be replaced. The costs of clearing such access shall be borne by the owner or operator.
G. Unreasonable delays in allowing the Director or access to a facility, property, or premises will constitute a violation of this UDO.
H. If the Director or authorized City employee has been refused access to any part of a premises, property or facility and the Director is able to demonstrate probable cause to believe that there may be a violation of this UDO, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this UDO or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the Director or authorized City employee may seek an inspection warrant in accordance with Georgia law.

103-2.2. - Violations

A. Any action or inaction that violates this UDO (including violations of conditions and safeguards established in connection with grants or variances or special uses) or the requirements of an approved plan or permit will be subject to the enforcement actions or penalties outlined in this section. Any such action or inaction that is continuous with respect to time is deemed to be a public nuisance and also may be abated by injunctive or other equitable relief. The imposition of any of the enforcement actions or penalties described in this section will not prevent such equitable relief.
B. If any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or if any building,

structure or land is used in violation of this UDO, the Mayor or City Council, the Director, or anyone else who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action in proceeding to stop the violation in the case of such building, structure or land use.

C. Any person who violates this UDO or fails to comply with any of its requirements will, upon conviction thereof, be fined not more than that prescribed by State law. In addition, that person must pay all costs and expenses involved in the case. Each day the violation continues will be considered a separate offense.

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

E. Nothing in this section will prevent the City from taking such, other lawful action as is necessary to prevent or remedy any violation.

103-2.3. - Emergency Work

A. When emergency work is performed under this UDO, the person performing it must report the pertinent facts relating to the work to the Director on the next business day after the commencement of the work.

B. Within 10 days of reporting the emergency work, the person must apply for a permit and perform such work within such time as may be determined by the Director.

103-2.4. - Enforcement Procedures

A. Enforcement must begin with the issuance of a written notice of violation to the owner or responsible party by the Director. The notice may be delivered personally or sent by overnight delivery or first-class mail.

B. The notice of violation must contain at least the following information:

1. The name and address of the owner or responsible party;
2. The location or address of the site upon which the violation is occurring;
3. A description of the nature of the violation;
4. A description of the remedial actions or measures necessary to bring an action or inaction into compliance with a permit, approved plan, or this UDO;
5. The deadline or completion date of any such remedial actions or measures; and
6. A statement of the penalty or penalties that may be assessed against the owner or responsible party to whom the notice of violation is directed.
7. If the owner or responsible party fails to correct the violations after the deadline contained in the notice of violation, the Director is authorized to take or impose any one or more of the additional actions contained in this subsection.

C. **Stop Work Orders**

When any building, structure, or premises is being developed, demolished, expanded, renovated, constructed, used, or occupied contrary to the provisions of this UDO, or the public interest is otherwise threatened in a manner requiring immediate action, the Director is authorized to issue stop work orders to an owner or responsible party. Stop work orders are effective immediately and will remain in effect until the necessary corrective actions or remedial measures stated in the notice of violation have occurred. Stop work orders may be withdrawn or modified by the Director in order to enable an owner or responsible party to take the necessary remedial actions or measures to correct the violations.

D. **Refusal to Issue Certificates of Occupancy or completion**

The Director is authorized to refuse to issue certificates of occupancy or completion for the building or other improvements constructed or being constructed on a site until the owner or responsible party has taken the remedial actions or measures stated in the notice of violation or has otherwise corrected the violations described within it.

E. **Suspension, Revocation, or Modification of Permit**

The Director is authorized to suspend, revoke, or modify a permit that was issued authorizing land disturbing activities or development. The Director is authorized to reinstate a suspended, revoked or modified permit after the owner or responsible party has taken the remedial actions or measures stated in the notice of violation or has otherwise corrected the violations described therein. The Director is also authorized to reinstate such permit, which may include conditions as the Director deems necessary, to enable the owner or responsible party to take the necessary remedial actions or measures to correct the violations.

F. **Refusal to Approve Final Subdivision Plats**

The Director is authorized to refuse to approve final plats until the owner or responsible party has taken the remedial actions or measures stated in the notice of violation or has otherwise corrected the violations described within it.

G. **Issuance of Citations or Summons to Court**

The Director is authorized to issue a citation or summons to the owner or responsible party requiring such person to appear in a court of competent jurisdiction to answer charges for violations of this UDO.

H. **Cumulative Remedy**

The remedies provided in this subsection will not be exclusive but will be cumulative of all other remedies provided by law.

103-2.5. - Legal Penalties and/or Remedies

A. **Fine and/or Sentence**

Any person convicted by a court of competent jurisdiction of violating any provision of this UDO will be guilty of violating a duly adopted ordinance of the City and will be punished either by a fine not less than $100.00 per day and not greater than $1,000.00 per day, or by a sentence of imprisonment not to exceed 60 days in jail, or both a fine and jail or work alternate. Each day that a violation continues after due notice has been served will be deemed a separate offense.

B. **Other legal Remedies**

When a violation of this UDO has occurred, the City, in addition to other remedies provided by law, may petition for a restraining order, injunction, abatement, or take any other appropriate legal action or proceeding through a court of competent jurisdiction to prevent, restrain, or abate such unlawful use or activity.

Sec. 103-3. - Land Disturbance Permits

103-3.1. - General

A. **Permit Required, Exemptions**

No disturbance of the land, including clearing, grubbing, or grading activities, may begin or continue except in accordance with this UDO, unless the activity is for the construction of an individual single-family detached or duplex residence on a buildable lot of record.

B. **Plan Review and Approval**

Any developer must first submit to the Department any plans, plats, or construction drawings required by this UDO and must have been granted a permit consistent with this UDO and approved by the Department before starting development activities. Approval of plans by City officials or employees will not imply nor 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 plans were prepared and sealed. Sec. 103-6 (Plans and Plats) details the elements of the required plans.

C. **Interdepartmental Review and Approval**

The Department may not issue a permit for any development activities until the plans, plats, or construction drawings, as applicable, have been approved by such other departments or agencies as may have authority or jurisdiction over said activities in whole or in part.

D. **Activities Limited to permit Authorization**

Development activities are limited to those as authorized by the applicable permit and as may be further restricted by conditions of approval pertaining thereto attached by the Department or other department or agency as may have authority or jurisdiction over said activities in whole or in part.

E. **Developer's Responsibility for Compliance**

No permit may be interpreted to relieve any developer or subdivider of the responsibility of maintaining full compliance with all codes, ordinances, and other regulations of the City, except as amended by an approved waiver, variance, or other relief granted through applicable formal appeal procedures for a specific property or application. Any permit issued in error or in contradiction to the provisions of an adopted code, ordinance, or regulation of the City will be considered to have been null and void upon its issuance.

F. **Development Maintenance Compliance**

Once substantial development activities have stopped for a period of at least 90 days, the developer/owner must bring the entire property to a state of permanent soil stabilization. Once permanent soil stabilization has been achieved, the developer/owner must perform routine property maintenance and keeping the site free of grass, weeds, or uncultivated vegetation over 12 inches high. The Director has the authority to determine when substantial development activities have stopped.

103-3.2. - Clearing, Clearing and Grubbing, and Grading

A. **Clearing (minor) Permit**

1. A permit limited to removal of underbrush, shrubs and other low growing vegetation and trees up to 3 inches in diameter (DBH), including the removal of the stumps and root systems. The surface of a cleared site may be disturbed by the tracks or tires of the equipment used but may not be intentionally altered from its natural contour. Minor earthmoving to construct stream crossings is permitted.
2. Issuance is dependent upon the identification of the property, the limits of the area to be cleared, the type of activities to be undertaken and approved erosion and sedimentation control measures. All clearing activities are to be consistent with the provisions of this UDO and any conditions of zoning approval.
3. A clearing (minor) permit will expire unless activities are started within 60 days of issuance of the permit or if activities lapse and are abandoned for a period exceeding 30 days. For this purpose, a lapse in or suspension of clearing activity as authorized by a clearing (minor) permit, as a direct result of action or inaction on the part of the City completely beyond the control of the developer/owner, will not be considered as a lapse in activity causing the clearing (minor) permit to expire. The 60 days within which clearing activity must begin will exclude any such time period during which the activity is prohibited or has been caused to lapse by said City action or inaction.
4. A clearing (minor) permit will not be construed as approval of or authorization to construct any improvements, buildings, or other structures on the property.
5. A permit for this activity is limited to a maximum of 3 acres.

6. This activity is not considered to be associated with site development, therefore, sites for which this permit is obtained are not e development permit for a period of 6 months.

B. **Clearing (major) Permit**

1. A permit limited to all items included in clearing (minor) plus the cutting and removal of all trees regardless of diameter, but not including the removal of the stumps and root systems of the trees larger than 3 inches in diameter (DBH). The surface of a cleared site may be disturbed by the tracks or tires of the equipment used but may not be intentionally altered from its natural contour. Minor earthmoving to construct stream crossings is permitted.
2. Issuance is dependent upon the identification of the property, the limits of the area to be cleared, the type of activities to be undertaken and approved erosion and sedimentation control measures. Issuance is also dependent upon approval of a concept plan and tree preservation and/or replacement plan (if required) for the development. All clearing activities are to be consistent with the provisions of this UDO and any conditions of zoning approval.
3. A clearing (major) permit will expire unless activities are commenced within 60 days of issuance of the permit or if activities lapse and the project is abandoned for more than 30 days. For this purpose, a lapse in or suspension of clearing activity as authorized by a clearing (major) permit, as a direct result of action or inaction on the part of the City of Snellville completely beyond the control of the developer/owner, will not be considered as a lapse in activity causing the clearing (major) permit to expire. The 60 days within which clearing (major) activity must begin will exclude any such time period during which the activity is prohibited or has been caused to lapse by said City action or inaction.
4. A clearing (major) permit will not be construed as approval of or authorization to construct any improvements, buildings or other structures on the property.
5. A permit for this activity is limited to a maximum of 10 acres.
6. All required (tree) replacement density (RRD) units, including special and specimen tree replacement density units, will be transferred with the project/property. The RRD units will be calculated in accordance with Sec. 207-4 (Tree Ordinance). Furthermore, the property owner must execute a covenant, in a form satisfactory to the City Attorney and recorded by the Clerk of the Superior Court of Gwinnett County, which discloses to any future property owner all requirements with respect to the required tree replacement density (RRD) units relating to the subject property and obligates such future property owner to comply with said requirements.

C. **Clearing and Grubbing Permit**

1. This construction activity includes all items included in clearing (major) plus the removal of the stumps and root systems of all trees cut and removed.
2. A clearing and grubbing permit may be approved based on the approval of a concept plan and tree protection/replacement plan for the development. Appropriate soil erosion and sedimentation controls in accordance with Sec. 402-1 (Soil Erosion and Sedimentation Control) and tree protection measures in accordance with Sec. 103-6.8 (Tree Ordinance Plans) must be in-place and maintained as required.
3. A clearing and grubbing permit will expire unless activities are commenced within 60 days of issuance of the permit or activities lapse and the project is abandoned for more than 14 days. For this purpose, a lapse in or suspension of clearing and grubbing activity as authorized by a clearing and grubbing permit, as a direct result of action or inaction on the part of the completely beyond the control of the developer/owner, will not be considered as a lapse in activity causing the clearing and grubbing permit to expire. The 60 days within which clearing and grubbing activity must begin will exclude any such time period during which the activity is prohibited or has been caused to lapse by said City action or inaction.
4. A clearing and grubbing permit will be limited to the removal of trees and vegetation and stumps or roots from a property; the placement of required tree protection measures and soil erosion and sedimentation facilities, and may authorize the removal of existing structures on the property, at the option of the developer, and upon receiving an approved demolition permit (per structure). Under no circumstances may any grading (movement, removal, or addition of earth on a site by the

use of mechanical equipment) or construction activity commence under a clearing and grubbing permit. The approval of a clearing and grubbing permit will not imply the approval of or authorization to construct any improvements, buildings, or other structures on the property.

5. All required (tree) replacement density (RRD) units, including special and specimen tree replacement density units, will be transferred with the project/property. The RRD units will be calculated in accordance with Sec. 207-4 (Tree Ordinance). Furthermore, the property owner must execute a covenant, in a form satisfactory to the City Attorney and recorded by the Clerk of the Superior Court of Gwinnett County, which discloses to any future property owner all requirements with respect to the required tree replacement density (RRD) units relating to the subject property and obligates such future property owner to comply with said requirements.

D. **Grading Permit**

1. This construction activity includes the movement, removal or addition of earth on a site by the use of mechanical equipment that alters the natural contour of the site.
2. Issuance of a grading permit, which may include clearing and grubbing, is dependent upon approved grading plans, erosion and sedimentation control measures, and stormwater management report (if applicable). All grading activities are to be consistent with the provisions of this UDO and any conditions of zoning approval.
3. A grading permit will be limited in its authorization to land grading along with associated tree protection, clearing, and grubbing, and may authorize the removal of existing structures on the property, at the option of the developer/owner, and upon receiving an approved demolition permit (per structure), and may authorize the construction of storm drainage improvements and soil erosion and sedimentation facilities as allowed by the permit. Grading permit approval will not imply the approval of or authorization to construct any improvements, buildings, or other structures on the property, other than the construction of storm drainage improvements and soil erosion and sedimentation facilities.
4. A grading permit will expire 60 days after permit issuance unless clearing, grubbing and grading activities as authorized by the permit is initiated within the 60-day period or if such authorized activities lapse and the project is abandoned for more than 30 days. For this purpose, a lapse in or suspension of development activity as authorized by a grading permit, as a direct result of action or inaction on the part of the City completely beyond the control of the developer/owner, will not be considered as a lapse in activity causing the grading permit to expire. The 60 days within which clearing, grubbing, and grading activity must begin will exclude any such time period during which the activity is prohibited or has been caused to lapse by said City action or inaction. Any site for which the grading permit expires must immediately be stabilized to prevent erosion.
5. All required (tree) replacement density (RRD) units, including special and specimen tree replacement density units, will be transferred with the project/property. The RRD units will be calculated in accordance with Sec. 207-4 (Tree Ordinance). Furthermore, the property owner must execute a covenant, in a form satisfactory to the City Attorney and recorded by the Clerk of the Superior Court of Gwinnett County, which discloses to any future property owner all requirements with respect to the required tree replacement density (RRD) units relating to the subject property and obligates such future property owner to comply with said requirements.

103-3.3. - Development Permit

A. **Development Activities Authorized**

A development permit must be issued to authorize all activities associated with the land development process, including clearing and grubbing, grading, and the construction of such improvements as streets, surface parking areas and drives, sewer systems, stormwater drainage facilities, sidewalks, or other structures permanently placed on or in the property except for buildings or other structures requiring the issuance of a building permit. Water system improvements must be authorized only upon approval by the Gwinnett County Department of Water Resources.

B. **Development Permit Approval**

1. Before the issuance of a site development permit, each permittee must designate a registered agent who is located within Gwinnett County by residence and/or office and who can be contacted 24-hours a day. This information will be kept by the Department and utilized when and if immediate action is required.
2. A development permit (which may include grading, clearing, and grubbing) will be issued at the developer's request following approval of a preliminary plat for a subdivision or a site plan for a non-subdivision project, along with approval of all other development plans and documents required by this UDO. All plans approved for a development permit will expire after 6 months if no permit is issued within said time period.
3. All required (tree) replacement density units (RRD), including special and specimen tree replacement density units, will be transferred with the project/property. The RRD units will be calculated in accordance with Sec. 207-4 (Tree Ordinance). Furthermore, the property owner must execute a covenant, in a form satisfactory to the City Attorney and recorded by the Clerk of the Superior Court of Gwinnett County, which discloses to any future property owner all requirements with respect to the required tree replacement density (RRD) units relating to the subject property and obligates such future property owner to comply with said requirements.

C. **Expiration of Development Permits**

A development permit will expire 12 months after issuance unless the development activity authorized by the permit is initiated within the 12-month period or if such authorized activities lapse and the project is abandoned for more than 60 days. The Director may approve one extension not exceeding 3 months within which time development activity must commence or the permit will expire. The extension must be applied for within the first 12 months after the permit's issuance.

D. **Lapse in Construction Activity**

For the purposes of this subsection, a lapse in or suspension of development activity as authorized by a development permit, as a direct result of action or inaction on the part of the City completely beyond the control of the developer, will not be considered as a lapse in activity causing the development permit to expire. The 12 months within which development activity must begin will exclude any such time period during which the activity is prohibited or has been caused to lapse by said City action or inaction.

Sec. 103-4. - Building Permits

103-4.1. - Permit Required

No building or other structure may be erected, moved, added to, or structurally altered without a permit such activity issued by the Director. In addition, no building permit may be issued except in conformity with this UDO, unless there is either an approved variance from the Board of Appeals or an approved administrative variance from the Director, both as provided by this UDO.

103-4.2. - Application

Building permit applications must be accompanied by plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations of existing buildings on the lot, if any; and the location and dimensions of the proposed building or alteration. The application must include such other information as lawfully may be required by the Director, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this UDO. One copy of the plans must be returned to the applicant by the Director after they must have marked such copy either as approved or disapproved and attested to the same by their signature on such copy. The

original, similarly marked, must be retained by the Director. If the plans conform with the provisions of this UDO, the City building codes and other ordinances of the City, the permit will be issued upon payment of the required fee. If compliance does not result, the building permit will be refused by the Director.

103-4.3. - Certificate of Occupancy

A. It is unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy has been issued therefor by the Director stating that the proposed use of the building or land conforms to the requirements of this UDO.
B. No permit for the erection, alteration, moving or repair of any building may be issued until an application has been made for a certificate of occupancy. The certificate will be issued only if the building and use comply with the provisions of this UDO upon completion of the work.
C. A temporary certificate of occupancy may be issued by the Director for a period not exceeding 6 months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.
D. The Director must maintain a record of all certificates of occupancy, and a copy must be furnished upon request to any person. Failure to obtain a certificate of occupancy will be a violation of this UDO and punishable under Sec. 103-2 (Enforcement).

103-4.4. - Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Occupancy

Building permits or certificates of occupancy issued on the basis of plans and applications approved by the Director authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement, or construction at variance with that authorized will be deemed a violation of this UDO and punishable under Sec. 103-2 (Enforcement).

103-4.5. - Applicable Codes

Building permits for all structures or interior finishes are issued after meeting the applicable requirements of Chapter 300 of this UDO, the fire prevention and life safety codes, and the various health, water, sewer, and building codes of the City and County.

103-4.6. - Health Department, On-Site Sewage Disposal

When on-site sewage disposal will be provided, a permit issued by the Gwinnett County Environmental Health Department is required before issuance of a building permit. Said permit may first require approval by the Gwinnett County Environmental Health Department of a plan showing the location of the sewage disposal system and other site improvements, in accordance with their regulations.

103-4.7. - Single-Family Detached and Two-Family Dwellings

A. A building permit for a single-family detached or two-family dwelling may only be issued after the recording of a final plat or after the lot upon which the building is to be located has otherwise become a buildable lot of record.
B. The approval by the Department of a house location plan (HLP), residential drainage plan (RDP), or residential drainage study (RDS), may be required before issuance of the building permit, as noted and conditioned on the final plat. For such lots, a certificate of occupancy may not be issued until conformance to the HLP, RDP, or RDS has been field verified by the Department as shown on a certified foundation survey prepared by a registered land surveyor.

103-4.8. - Swimming Pools

Issuance of a building permit for a swimming pool as an accessory use to a single-family or two-family dwelling, whether to be issued at the same time as or subsequent to the permitting or construction of the principal building, first requires the approval of a swimming pool location plan. The plan must show the proposed location of the swimming pool and enclosing fence relative to the residence, the property boundaries, setback lines, septic tank and septic tank drain field (if any), and any easements on the site, and must comply with all requirements of this UDO and swimming pool code. Based on-site conditions, a residential drainage study (RDS) may also be required before issuance of the building permit. In locations where septic tanks and drain fields exist the plan must also be approved by the Gwinnett County Environmental Health Department. A certificate of occupancy will not be issued until conformance to the swimming pool location plan (and to provisions of the RDS, if applicable) has been field verified by the Department of Planning and Development.

103-4.9. - Multifamily and Nonresidential Structures

A. Issuance of a building permit for any principal building other than a single-family detached or two-family dwelling (and associated accessory structure) first requires the issuance of a development permit for the building site, and the building permit must be consistent with said development permit.
B. Building plans must be reviewed and approved by the Department of Planning and Development, the Gwinnett County Fire Services Division, and the Gwinnett County Public Utilities Departments before permitting for all structures, except single-family detached or two-family dwelling and their accessory structures. Building plan approval will expire after 1 year, after which rereview and approval by the Department of Planning and Development is required before issuance of a building permit for the building or additional buildings.

103-4.10. - Issuance on Buildable Lots of Record, Exceptions

Building permits will only be issued on buildable lots of record, as defined in this UDO, except under special circumstances limited to and as specifically described below.

A. In a single-family detached or two-family dwelling subdivision, building permits for no more than two model home buildings, except by approval of a modification application, on specific lots may be issued by the Department on the basis of an approved preliminary plat after the approval of the Gwinnett County Environmental Health Department or Gwinnett County Department of Public Utilities, as appropriate, and subject to all limitations or requirements as may be established by the Director. A certificate of occupancy will not be issued for the completed model home until the final plat encompassing the model home building lots has been approved and recorded.
B. In fee-simple single-family attached subdivisions, a building permit may be issued on a buildable lot of record established for each building (containing any number of dwelling units) through recording of a final plat following completion of all required public improvements. Upon completion of the buildings, the final plat must be re-recorded to establish individual lots for the dwelling units, based on their actual locations, before issuance of certificates of occupancy.
C. In subdivisions not subject to paragraphs A or B above, building permits may be issued by the Department on the basis of an approved preliminary plat and after a development permit has been approved reflecting the site plan and construction drawings for specific buildings and associated site improvements. Issuance of the building permits will be conditioned on the following:
    1. A performance bond or other approved surety must have been received in a form acceptable to the City Attorney, drawn in favor of the City and in an amount not less than 110% of the cost of completing all public improvements as authorized and required by the preliminary plat.
    2. The performance bond or other approved surety may not exceed an aggregate total for all required public improvements of $12,000.00 per acre for the total acreage included within the subdivision or portion of the subdivision wherein the improvements are proposed, except by approval of the City Council.

3. Gwinnett County Fire Services Division approval is required before issuance of any building permit, which may include appro acceptable access and water under pressure for combustible construction.
4. Approval of the Gwinnett County Environmental Health Department for on-site sewage disposal or by the Gwinnett County Water Pollution Control Division for a building to be served by public sewer is required before issuance of any building permit.
5. Construction of the required public improvements must proceed concurrently with the construction of the buildings.
6. A certificate of occupancy may not be approved for any structure within the subdivision before the recording of the final plat without the express approval of the Director.
7. The Director must have found that the public interest is best served and that a public purpose is involved in the acceptance of the performance bond.

Sec. 103-5. - Review Procedures

103-5.1. - General

A. **Applicability**
   1. All land disturbance activity or any other development activity must comply with the requirements of this section.
   2. All subdivision must comply with the requirements of this section, except as provided for in clause 3 below.
   3. If a proposed subdivision is located within the incorporated area of the City and partially within the unincorporated area of Gwinnett County or within the incorporated areas of another municipality the City Council may provide by contract with the governing authority of Gwinnett County or other municipalities involved so that either the provisions of this section will apply to the entire subdivision or so that the provisions of an ordinance of Gwinnett County or another municipality regulating the subdivision of land will apply to the entire subdivision. Lacking such an agreement, that portion of the subdivision lying within the City must conform to the provisions of this section.

B. **Dedication of Public Lands and Facilities**

   No land dedicated as a public street or other public purpose may be opened or accepted as a public street or for any other public purpose, and no subdivision of land may be made, nor subdivision plat, nor part thereof, may be recorded before obtaining final approval from the Department. The approval must be entered in writing on the final plat by the Director. The Director is authorized to accept such dedications of lands and public facilities on behalf of the city and to cause such dedications to be recorded by the Clerk to Superior Court of Gwinnett County, subject to ratification by the City Council.

C. **Transfer of Land Ownership**
   1. **Transfer criteria.** No person, firm, partnership, association, corporation, estate, trust, developer, subdivider or any other owner or agent may transfer title or attempt to record the title to any land, and no building permit may be issued on said land, unless:
      a. Said land existed as a single lot of ownership, recorded as such in its entirety and present boundaries with the Clerk to Superior Court of Gwinnett County before the July 1985 Subdivision Regulations; or
      b. Said land is shown in its entirety and present boundaries on a final plat as approved (under these or any previously applicable regulations) and duly recorded with the Clerk to Superior Court of Gwinnett County; or
      c. Said land is shown in its entirety and present boundaries on a plat authorized by the Director and recorded with the Clerk to Superior Court of Gwinnett County pursuant to the regulations governing subdivision exemptions contained herein; or
      d. Said land is an aggregation of properties for land assembly purposes, and no building permit will be requested before the filing of an application for issuance of a development permit, pursuant to these regulations.
   2. **Restrictions.** No person, firm, partnership, association, corporation, estate, trust, developer, subdivider, or any other owner

or agent may transfer title to any property by reference to, exhibition of, or any other use of any map of plat illustrating the subdivision of land without a final plat of said land showing said property first having been duly approved under the procedures of this UDO or any previously applicable regulations and recorded with the Clerk to Superior Court of Gwinnett County.

D. **Subdivision Exemptions**

1. **General requirements.** For the purpose of this UDO, the following types of activities are considered subdivisions but are exempt from the "procedures" and "required public improvements" portions of article and Sec. 401-1.5 (Required Public Improvements), except as noted. Each such subdivision must be drawn as an exemption plat in accordance with final plat standards (except clause 4.b) of this UDO and must be submitted in an appropriate number of copies together with the appropriate fees to the Department for review and approval. Upon approval, the Director will authorize the recording of the exemption plat with the Clerk of Superior Court of Gwinnett County and grant the issuance of building permits pursuant to the codes and ordinances of the City of Snellville.
2. **Recombinations.** The combination or recombination of all of two or more buildable lots of record, where the total number of lots is not increased and the resultant lots are in compliance with the zoning district size regulations. An exemption plat is not required for aggregations of properties for land assembly purposes where no building permit will be requested before issuance of a development permit.
3. **Minor subdivision.** The division of a buildable lot of record into five or fewer lots, provided:
   a. Each proposed lot complies with all zoning district size regulations and is limited to single-family detached dwelling use.
   b. Each proposed lot abuts upon an existing public street.
   c. All project-related slope and utility easements, as well as necessary street right-of-way as determined by the Department based on the Comprehensive Plan, are provided at no cost to the City.
   d. Each lot thus created may not be resubdivided under this paragraph D. Resubdivision may only be accomplished per Sec 103-5.3 (Subdivision Review).
   e. Each proposed lot must comply with the requirements of the Gwinnett County Department of Public Utilities and the Gwinnett County Environmental Health Department, as appropriate, whose certification of approval is required before approval of the exemption plat by the Department.

   The Director is authorized to grant a modification from the five-lot maximum exemption; provided, however, modifications may not be granted to exceed a total of seven exempt lots. The Director may impose conditions of approval upon any modification thus granted as may be necessary to ensure the general public welfare.
4. **Estate subdivisions**
   a. The division of land in any single-family detached residential district into lots with a minimum lot area of 5 acres, provided:
      i. Each proposed lot abuts upon an existing public street which contains the necessary right-of-way width required by these regulations as determined by the Comprehensive Plan.
      ii. Each proposed lot must provide at least 100 feet of frontage upon the street, must provide at least 200 feet of lot width, and must meet or exceed all other minimum requirements of the applicable zoning district.
      iii. All project-related slope and utility easements, as well as necessary street right-of-way, must be provided at no cost to the City as determined by the Department based upon the Comprehensive Plan.
      iv. No lot thus created may be resubdivided to less than 5 acres as an exemption to these regulations.
      v. Each proposed lot must comply with the requirements of the Gwinnett County Department of Public Utilities and the Gwinnett County Environmental Health Department, as appropriate, whose certification of approval is required before approval of the exemption plat by the Department of Planning and Development.

b. The division of land in any single-family detached residential district into lots with a minimum lot area of 10 acres, provided:

i. Each proposed lot abuts upon an existing public street.

ii. Each proposed lot must provide at least 100 feet of frontage upon the street, must provide at least 200 feet of lot width, and must meet or exceed all other minimum requirements of the applicable zoning district.

iii. No lot thus created may be resubdivided to less than 10 acres as an exemption to these regulations.

iv. A record survey certified by a land surveyor currently registered in the State of Georgia must be submitted to and approved by the Department showing all lots.

5. **Nonresidential project management.** The creation of a lot for recording within an overall nonresidential development, provided:

a. The overall nonresidential development is being undertaken as a single multiphase or multiuse project under the unified control of a single developer, is zoned for such use or development, and an overall concept plan for the entire project has been approved by the Director.

b. The proposed subdivision is clearly intended to transfer the title for financing or building management purposes and not for the sale of the property for future development, to the satisfaction of the Director.

c. The proposed lot has been approved by the Department to be provided permanent vehicular access by a private drive. Said access must be established by easement or acceptable covenant before or concurrently with the recording of the exemption plat.

d. The proposed lot must encompass a principal structure that has been granted a building permit and which is under construction or has been completed.

e. The exemption plat must be drawn to include the entirety of the overall development and must clearly identify those lots to be recorded, those lots previously recorded and the remainder of the development which must be labeled "not included." All easements, dedications, etc., must be shown as appropriate or as required. Each lot must be consistent with the zoning approved for the overall development and the applicable requirements of this UDO.

103-5.2. - Traffic Impact Analysis

A. **Applicability**

1. A traffic impact analysis is required when a development seeking subdivision review, non-subdivision review, rezoning, or special use permit exceeds 50% of the threshold otherwise required by the DRI rules of GRTA.
2. Any DRI that complies with the rules of GRTA is exempt from the traffic impact analysis requirement.
3. A traffic impact analysis is not required when an application is initiated by the City.
4. An application may be exempted from the traffic impact analysis requirement by the Director if a prior traffic impact analysis for the subject property has been submitted to the City and the proposed development is substantially similar to that for which the prior traffic impact analysis was conducted.

B. **Procedures**

1. During the required pre-application conference or before accepting a rezoning or special use permit application, the Director, in consultation with the Gwinnett DOT and GDOT, as applicable, must review the thresholds and submittal requirements for a traffic impact analysis.
2. When required, a traffic impact analysis must be submitted before the application being deemed complete.

C. **Scoping Meeting**

1. Once it is determined that a traffic impact study is required, a scoping meeting may be held with the developer or their consultant and the appropriate representatives of the City. It is the responsibility of the developer or their consultant to

initiate this meeting. The purpose of this meeting is to discuss the availability of site-specific information concerning the development, available forecasts of traffic volumes, and to ensure the applicant understands the content requirements for traffic impact studies.

D. **Required Contents of a Traffic impact Study**

The traffic impact study must be prepared following and meeting the standards of the GRTA Development of Regional Impact technical guidelines, dated January 14, 2002, as may be amended from time to time. In addition, the following components must be included:

1. **Alternative transportation.** Alternative transportation (sidewalk, bicycle, transit) impacted or needed as a result of the development.
2. **References.** A listing of all technical documents and resources cited or consulted in preparing the traffic impact study.
3. **Technical Appendix.** Relevant technical information, including but not limited to: copies of raw traffic count data used in the analysis, calculation sheets and/or computer software output for all LOS and V/C calculations in the analysis, and warrant worksheets for signals, turn lanes, signal phasing, etc. used in the analysis.
4. **Mitigation Measures and Costs.** Listing of all intersections and road segments that are forecasted to be Level of Service "E" and "F" in the horizon year, or if phased, in the years that each phase is planned to be complete, and an identification and description of specific mitigation measures including signal, turn lane, or other warrant analyses as appropriate and necessary to bring these intersections and road segments into compliance with a Level of Service "D" or other City-adopted level of service for said road segment or intersection.

If roadway improvements are needed, the study shall show a drawing at an engineering scale of 1 inch = 20 feet for all recommended lane configurations.

If signalization is warranted by the traffic signal warrants outlined in the Manual on Uniform Traffic Control Devices (MUTCD), a warrant analysis shall also be conducted as a part of the traffic impact study. If a traffic signal is warranted, the warrant package in the study shall show a drawing at an engineering scale of 1 inch = 20 feet, detailing the signal design and phasing plans.

The estimated cost associated with implementing all such mitigation measures must be provided in the traffic impact study. The traffic impact study may take into account any City/County/State-approved roadway, traffic signalization and other improvements in determining mitigation measures and providing recommendations.

E. **Additional Technical Specifications**

The Director is authorized to promulgate and require the use of additional technical specifications for conducting traffic impact studies, which must be consistent with analysis methods included in the most recent Highway Capacity Manual, Manual on Uniform Traffic Control Devices, "Trip Generation" published by the Institute of Transportation Engineers (ITE), and/or Traffic Access and Impact Studies for Site Development: A Recommended Practice (Washington, DC: Institute of Transportation Engineers, 1991), as may be amended or republished from time to time.

F. **Costs and fees**

The City assumes no liability for any costs or time delays (either direct or consequential) associated with the preparation and review of traffic impact studies. There is no application review fee for a traffic impact study.

G. **Submittal and Review of Study**

The applicant for the proposed development or the qualified professional must submit one electronic copy of the traffic impact study and technical appendix, two paper copies of the traffic impact study and one paper copy of the technical appendix to the Director. The Director may submit copies of the report to applicable review agencies which may include GDOT, GRTA, Gwinnett County, an adjacent local jurisdiction, and/or the ARC. Within 10 days of receipt of a traffic impact study, the Director will review

all calculations and analyses and determine if they are complete, reasonable, understandable, consistent and fully explained. The conclusions presented in the traffic impact study must be consistent with and supported by the data, calculations, and analyses in the report. Calculations, graphs, tables, data and/or analysis results that are contrary to good common sense or not consistent with and supported by the data will not be accepted. In such events, the Director will return the traffic impact study to the development applicant for correction.

H. **Recommendations for mitigation of impacts**

Within 10 days of receipt of a completed traffic impact study, the Director must complete their review of the study and submit to the applicant all recommendations for mitigation measures as stated in the traffic impact study and include any interpretations or recommended conditions of approving the discretionary development proposal that will mitigate traffic impacts of the proposed development.

I. **Determination of project and system improvements**

1. The Director will determine which mitigation measures constitute "project" improvements and which mitigation measures constitute "system" improvements within the context of the Georgia Development Impact Fee Act of 1990.
2. If a particular improvement is called for in the traffic impact study or recommended by Director, and the Director is unable to uniquely attribute the recommendation as a project or system improvement or finds that such improvement has characteristics of both a project improvement and a system improvement, the Director will determine the proportion of the cost of such improvement that can reasonably be attributed to the development as a project improvement, and the portion of such improvement that can reasonably be considered a system improvement.

J. **Conditions of development approval for project improvements**

Upon the determination of project improvements needed to mitigate the traffic impacts of the discretionary development proposal as provided in this section, the Director will recommend that the project improvements be completed by the developer as conditions of approval of the discretionary development proposal.

K. **System improvements**

When the Director recommends improvements as a condition of a discretionary development proposal that the Director determines are wholly or partially "system" improvements, the Director may include such recommendations in the recommended conditions of approval for the discretionary development application. The development applicant and the City in the case of system improvements shall have the following options:

1. The applicant for a discretionary development proposal may voluntarily agree to pay for the cost of providing the system improvements, or a pro-rated share of the cost of said system improvements that are reasonably attributed to the subject development, as determined by the City.
2. When an application is for a discretionary development proposal before the City Council, the City may find that the proposed development will provide substantial adverse impacts on the transportation system. The City may find further that the existing transportation system is insufficient to serve the proposed development and the City is unable to provide adequate transportation facilities within a reasonable amount of time after the impacts of said development would occur. Given such findings, the City Council may reduce the development density or intensity to the degree that the impacts of the development proposal do not degrade transportation facilities below adopted level of service standards, require a phasing of the development in a manner that adequate public facilities will be provided publicly or privately, or in cases where such other alternatives do not address the adverse impacts, deny an application for a discretionary development proposal.

103-5.3. - Subdivision Review

A. **Pre-application Conference**

When any subdivision of a tract of land is proposed, whether for residential or nonresidential development, the subdivider is encouraged to present to the Department preliminary documents and graphic exhibits to allow early evaluation of the subdivider's intentions and coordination with the Comprehensive Plan and UDO regulations, and to inform and provide the subdivider with the necessary regulations in order to properly accomplish the proposed project.

B. **Concept Plan Approval**

1. Application for concept plan approval must be submitted to the Department using an application form and in a number of copies to be determined by the Director. The concept plan must include the entire property proposed for development but need not include the applicant's entire contiguous ownership.
2. If the subdivider chooses not to submit a concept plan, then the subdivider may proceed directly with the submittal of development plans (called a preliminary plat) if they show the entire property proposed for development. In so doing, however, the subdivider assumes the risk of premature design and engineering expenses if the City requires subsequent design and engineering changes.
3. Copies of the approved concept plan must be provided to the Department for permanent record, in a number as determined by the Director.

C. **Development Plans Approval for Subdivisions**

1. An application for development plans (called a preliminary plat) approval and issuance of a development permit must be submitted to the Department using an application form and in a number of copies as determined by the Director. The development plans may encompass a portion of a property included within an approved concept plan. However, if no concept plan has been approved, the development plans must include the entire property being developed and having the same zoning district. The application must include the preliminary plat, and construction drawings. All construction drawings and other engineering data shall be prepared and sealed by a professional engineer currently registered in the State of Georgia, in accordance with provisions of Georgia Law.
2. The Director must indicate on a review copy of the drawings or in a written memorandum all comments related to compliance of the development plans with this section, principles of good design, this UDO, conditions of zoning approval, and the regulations of other City and County departments and State agencies as appropriate. The Director has final authority to determine the applicability of any and all comments under this UDO or conditions of zoning approval.
3. A preliminary plat may not be approved when it shows a lot that would present particularly unusual difficulties for construction of a building, which would clearly require a variance to be reasonably usable, or which is otherwise "unbuildable" because of its unusability, whether due to the presence of floodplain, unusual configuration, lack of public utilities or for any other reason. A House Location Plan (HLP) may be required to be filed as a part of the preliminary plat approval to substantiate the buildability of any such difficult or unusual lot. This provision does not apply to lots used exclusively for subdivision identification signage, entrance or landscape features, common areas, open spaces, private alleys, or stormwater facilities.
4. The subdivider is responsible for compliance with all codes, regulations, and zoning requirements and for the satisfaction of all of the noted and written comments of the Director.
5. If an applicant disagrees with the findings or final review comments of the Director or of any other City department, concluding that factual or interpretive errors have been made, the appeal procedure of Sec. 103-7.3 (Administrative Decision Appeals) must be followed to resolve the issues.
6. When the Director has determined that the plat and other development plans are in compliance with all applicable City regulations and approval has been received from all affected City and County departments, the Director must sign and date a CERTIFICATE OF DEVELOPMENT PLANS APPROVAL stamped or printed on a reproducible copy of the plat. Copies of approved plat and development plans must be transmitted to the applicant and retained by the Department for its records.
7. After the above approval by all affected City and County departments, a development permit will be issued at the developer's

request to begin construction activities based on the approved development plans.

D. **Final Plat Approval**

1. When the provisions of this subsection have been complied with, the subdivider may submit to the Department an application for final plat approval, using an application form and a number of copies as determined by the Director.
2. The Director must indicate on a review copy of the plat or in a written memorandum all comments related to compliance of the final plat with this UDO, conditions of zoning approval, and the regulations of other City and County departments and State agencies as appropriate. The Director will have final staff authority to determine the applicability of any and all comments under this UDO or conditions of zoning approval.
3. A final plat may not be approved when it shows or otherwise creates a lot that would present particularly severe and unusual difficulties for construction of a building, which would clearly require a variance to be reasonably usable, or which is otherwise "unbuildable" due to the presence of floodplain, unusual configuration, lack of Gwinnett County Health Department approval, or for any other justified reason. This provision does not apply to lots used exclusively for subdivision identification signage, entrance or landscape features, common areas, open spaces, private alleys, or stormwater facilities.
4. Lots which would appear to be buildable under certain circumstances and would require further study or additional information before a building permit could be issued, but which present problems or unusual difficulties which can reasonably be addressed or overcome by the lot owner, may be included in the plat with the appropriate notation of the steps necessary to allow issuance of a building permit.
5. The subdivider is responsible for compliance with all codes, UDO requirements, and for the satisfaction of all of the comments of the Director.
6. Final approval by the Director may not be shown on the final plat until all requirements of these and other applicable regulations have been met, and the Director has received a completed request for approval of development conformance and an executed development performance and maintenance agreement. The agreement must be accompanied by a bond, letter of credit or other acceptable surety providing for the maintenance of all installations and improvements required by these regulations in the subdivision for a period not to exceed 12 months following the date of approval of development conformance for subdivisions for which the final topping of a "two-pass" street has not been applied or for a period not to exceed 24 months. The maintenance bond period of application may be extended by the Director at the request of the developer, provided it is in the best interest of the health, safety, and welfare of the public.
7. The Director must further determine that either:
   a. All improvements and installation to the subdivision required for approval of the final plat under the rules and regulations of the City of Snellville have been completed in accordance with the appropriate specifications; or
   b. All of the stormwater drainage and detention facilities, water and sewer utilities, street base and curbing construction required for approval of the final plat have been properly installed and completed and, for those required improvements not yet completed (grassing, pavement topping, required landscaping, sidewalks, etc.) a performance bond will have been filed by the subdivider with the development performance and maintenance agreement, which performance bond must:
      i. Be conditioned upon the faithful performance by the subdivider or developer of all work required to complete all improvements and installations for the subdivision, or approved portion thereof, in compliance with these rules and regulations within a specified time, not to exceed 3 months;
      ii. Be payable to, and for the indemnification of, the City;
      iii. Be in an amount equal to the cost of construction of the required improvements not yet completed plus an additional 10% of said costs, as calculated by the Director on the basis of yearly contract prices or City contracts, where available;
      iv. Be with surety by a company entered and licensed to do business in the State of Georgia; and
      v. Be in a form acceptable to the Director or the City Attorney.

8. Payment for materials and installation of traffic control and street name signs must be made to the Department in accordance w traffic engineering regulations before approval of the final plat. Payment of the cost of striping major thoroughfares or required signalization if required and not completed by the developer must also be received by the Department before approval of the fir
9. Payment of the required plat recording fee must be made to the Department before approval of the final plat.
10. Once the Department has approved the final plat and all other affected departments and agencies of government as required have certified compliance and signed the route sheet, the Director will certify by their signature on the original of the plat that all of the requirements of this UDO, and the conditions of zoning approval have been met, and that all other affected departments have approved the plat. The final plat may not be deemed approved until it has been signed by the Director and where the use of septic tanks is proposed, by a duly authorized representative of the Gwinnett County Health Department. The final plat when approved must be submitted to the Planning Commission for information purposes.
11. Once the final plat has been so certified, the Director must authorize it to be recorded by the developer with the Clerk of the Superior Court of Gwinnett County. The developer must record the final plat within 30 days after final approval. Any plat not submitted within 30 days for recordation will be considered invalid and have to be resubmitted for review. The subdivider must provide the Department with an appropriate number of copies of the recorded plat, as determined by the Director. Deeds to lands dedicated to the City in fee simple, or to property owner associations for park or recreational use, must be recorded simultaneously with the final plat.
12. Periodically, but no less often than once each month, the Director must submit a listing of all approved final plats to the City Council for ratification of acceptance of all dedications.

103-5.4. - Non-Subdivision Review

A. **Pre-application conference**

When any development of a single site (other than a subdivision or a single-family detached or two-family dwelling) is proposed, the developer is encouraged to present to the Department preliminary documents and graphic exhibits to permit early evaluation of the developer's intentions and coordination with the Comprehensive Plan and this UDO, and to inform and provide the developer with the necessary regulations in order to properly accomplish the proposed project.

B. **Concept Plan Approval**

1. Application for concept plan approval must be submitted to the Department of Planning and Development using an application form and in a number of copies to be determined by the Director.
2. The concept plan must include the entire property being developed. Properties that adjoin the subject property and are under the same ownership or control as the subject property must be indicated as such. If the developer elects not to submit a concept plan, then the developer may proceed directly with the submittal of development plans, provided they show the entire site being developed. In so doing, however, the developer assumes the risk of premature design and engineering expenses in the event that the City requires subsequent design.
3. Copies of the approved concept plan must be provided to the Department for permanent record, in a number as determined by the Director.

C. **Site Development Plan Approval**

1. An application for development plan approval and issuance of a development permit must be submitted to the Department using an application form and in a number of copies as determined by the Director. The development plans may encompass a portion of a property included within an approved concept plan. However, if no concept plan has been approved, the development plans must include the entire property being developed and having similar zoning. As required by Sec. 103-6.7 (Site Development Plans), the application must include the site plan and construction drawings, as appropriate to the project. All construction drawings and other engineering data must be prepared and sealed by a professional engineer currently registered in the State of Georgia, in accordance with the provisions of Georgia law.

2. The Director must indicate on a review copy of the drawings or in a written memorandum all comments related to compliance of the development plans with this UDO, principles of good design, conditions of zoning approval, and the regulations of other City and County departments and State agencies as appropriate. The Director will have final staff authority to determine the applicability of any and all comments under these this UDO or conditions of zoning approval.
3. The developer is responsible for compliance with all codes, this UDO, and for the satisfaction of all of the noted and written comments of the Director.
4. Deeds to lands dedicated to the City in fee simple must be submitted to the Director for recording.
5. If an applicant disagrees with the findings or final review comments of the Director or of any other City department, concluding that factual or interpretive errors have been made, the appeal procedure of Sec. 103-7.3 (Administrative Decision Appeals) must be followed to resolve the issues.
6. When the Director has determined that the site plan and other development plans are in compliance with all applicable City regulations and this UDO, and approval has been received from all affected City and County departments, they will sign and date a certificate of development plans approval on a reproducible copy of the plan. Approved copies of the approved development plans must be transmitted to the applicant and retained by the Department for its record.
7. Following the above approval by all affected City and County departments, a development permit will be issued at the developer's request to begin construction activities based on the approved development plans. Said permit may include clearing, grubbing, and grading as appropriate and approved as part of the project. A building permit may also be issued on the basis of the approved development permit under the provisions of Sec. 103-4 (Building Permits). A certificate of occupancy may not be issued, however, until a certificate of development conformance for the project has been executed by the owner and an executed development performance and maintenance agreement has been received in accordance with these regulations.

D. **Certificate of Development Conformance Approval Process**

1. Final approval by the Director may not be shown on the certificate of development conformance until all requirements of these and other applicable regulations have been met, and the Director has received a completed request for approval of development conformance and an executed development performance and maintenance agreement. The agreement must be accompanied by a bond, letter of credit or other acceptable surety providing for the maintenance of all installation and public improvements required by these regulations in the development for a period not to exceed 12 months following the date of approval of development conformance for developments for which the final topping of a "two-pass" street has not been applied or for a period not to exceed 24 months. The maintenance bond period of application may be extended by the Director at the request of the developer, provided it is in the best interest of the health, safety, and welfare of the public.
2. The Director must further determine that either:
   a. All public improvements and installations to the development required to be dedicated and for approval of the certificate of development conformance under the rules and regulations of the City have been completed in accordance with the appropriate specifications; or
   b. All of the stormwater drainage and detention facilities, water and sewer utilities, street base and curbing construction required for approval of the certificate of development conformance have been properly installed and completed, and, for those required public improvements not yet completed within areas to be dedicated (grassing, pavement topping, required landscaping, sidewalks, etc.), a performance bond will have been filed by the developer with the development performance and maintenance agreement, which performance bond will:
      i. Be conditioned upon the faithful performance by the developer of all work required to complete all public improvements and installation required to be dedicated for the development, or approved portion thereof, in compliance with these rules and regulations within a specified time, not to exceed 3 months;
      ii. Be payable to, and for the indemnification of, the City;

iii. Be in an amount equal to the cost of construction of the required public improvements required to be dedicated not yet additional 10% of said costs, as calculated by the Director on the basis of yearly contract prices or City contracts, where a

iv. Be with surety by a company entered and licensed to do business in the State of Georgia; and

v. Be in a form acceptable to the Director or the City Attorney.

3. Payment for materials and installation of traffic control must be made to the Department in accordance with the traffic engineering regulations before approval of the certificate of development conformance. Payment of the cost of striping major thoroughfares or required signalization if required and not completed by the developer must also be received by the Department before approval of the certificate of development conformance.
4. Payment of the required plat recording fee must be made to the Department before approval of the final plat.
5. Once the Department has approved the certificate of development conformance and all other affected departments and agencies of government as required have certified compliance and signed the route sheet, the Director must certify by their signature on the original of the certificate of development conformance that all of the requirements of this UDO, and the conditions of zoning approval have been met, and that all other affected departments have approved the plat. The certificate of development conformance is not deemed approved until it has been signed by the Director and, where the use of septic tanks is proposed, by a duly authorized representative of the Gwinnett County Health Department.

103-5.5. - Assignment of Names, Addresses

A. **Subdivision or Development Names**

1. Proposed subdivision or development names must be reviewed and approved before the issuance of a development permit. Names must be reviewed by the Gwinnett County Department of Planning and Development upon submittal of the preliminary plat or site plan. This submittal must be made directly by the developer to that County department.
2. Proposed names may not duplicate or too closely approximate, phonetically, the name of any other subdivision or development in Gwinnett County or its municipalities except for extensions of existing subdivisions or developments.
3. Subdivision and development names may be reserved if submitted and approved along with the concept plan for the project.

B. **Street Names**

1. Proposed street names must be reviewed and approved before the approval of a final plat for recording. Street names may be reserved through approval as shown on an approved concept plan or preliminary plat for the subdivision. Proposed names for private streets must follow the same rules as for public streets.
2. Street names must consist of a root name of the developer's choosing and a suffix designation (such as "street," "avenue," "drive," etc.), and shall be followed by a quadrant suffix. Directional prefixes (i.e., "north," "south") and the prefixes "old" or "new" may not be used.
3. All streets shall bear the proper quadrant suffix appropriate to its location within the County (i.e., NE, NW, SE, and SW), as determined by the Gwinnett County Department of Planning and Development.
4. A proposed street that is obviously in alignment with another already existing and named street must bear the name of such existing street, unless this requirement is waived by the Gwinnett County Departments of Public Safety and Engineering.
5. Except within the same development, no proposed street name may duplicate (be spelled the same or be phonetically the same) as an existing street name within Gwinnett County regardless of the use of such suffix designations as "street," "avenue," "boulevard," "drive," "place," "way," "court," or however otherwise designated. In the same subdivision, a root name may not occur more than twice.
6. All street root names and suffix designations are subject to the approval of the Gwinnett County Department of Planning and Development. Obscene or otherwise unacceptable language, abbreviations, contractions, or initials may not be used.
7. Root names may not exceed 13 characters including space, hyphens, etc. Letters not occurring in the English alphabet, and

numerals, may not be used.

C. **Street Address Assignments**

1. **A street address number must be assigned before issuance of a building permit.** For any new structure proposed on a property that has not been assigned an address, a street number must be assigned upon confirmation or establishment of the property as a buildable lot of record under the requirements of these regulations.
2. **Subdivisions.** House numbers must be assigned after an exemption plat or preliminary plat is approved for the property. Submit two copies of the approved plat to the Gwinnett County Department of Planning and Development. Block number assignments must also be designated for abutting major street name signs at this time.
3. **Commercial/industrial projects or buildings.** Projects must be numbered after the developer submits the site plan to the City for development review. The developer must submit a copy of the site plan to the Gwinnett County Department of Planning and Development for this purpose.
4. **Multifamily rental projects.** Projects must be numbered after the developer submits copies of the site plan for development review. The overall development must be issued a single street address. The developer must number/letter individual buildings and units and must also submit a copy of the site plan to the Gwinnett County Department of Planning and Development for this purpose.
5. **Multifamily and other condominium projects.** Projects must be numbered after the developer submits the site plan for development review. Individual units must be numbered consecutively if located along public or private streets. Units in the "stacked-flat" configuration must use the same numbering approach as applies to an apartment project. The developer must submit a copy of the site plan to the Gwinnett County Department of Planning and Development for this purpose.
6. **Numbering system.** The following numbering systems must be followed, per postal regulations:
   a. Individual mailbox for each dwelling unit: Each street in the project must be named.
   b. Cluster box system—Centralized mailbox for the entire project: One street name will serve to assign all house numbers for main delivery.

103-5.6. - Initiation of Development

A. **Initial Activities Required**

After the issuance of any permit authorizing clearing and grading of a site:

1. Required erosion control measures must be installed, where practical, by the developer and inspected and approved by the Director before actual grading or removal of vegetation. All control measures must be in place as soon after the commencement of activities as possible and in coordination with the progress of the project.
2. Soil sedimentation facilities must be installed and operational before major grading operations.
3. Areas required to be undisturbed by this UDO, conditions of zoning approval, or other ordinance or regulation must be designated by survey stakes, flags, or other appropriate markings and must be inspected and approved by the Director before starting any clearing or grading activities.

B. **Tree Protection Areas**

Before starting land disturbance activities, and throughout the clearing and grading process, the following must occur for any designated tree protection area in accordance with any approved buffer and landscape plan or tree preservation/replacement plan:

1. For those trees that are not to be removed, all temporary protection fencing, staking, and any tree protection area signs must be in-place. These barriers must be maintained throughout the land disturbance process and should not be removed until landscaping is begun.

2. The tree protection areas may not be used for the storage of earth and other materials resulting from or used during the develo process.
3. Construction site activities, such as parking, materials storage, concrete washout, burning, etc., must be arranged to prevent disturbances in the tree protection areas.

C. **Development Inspections**

The developer or contractor must verbally notify the Director at least 24 hours before starting each of the following phases, as authorized by any permit for site work or development. Inspections must be made by the Director and passed before the continuation of further activity or proceeding into new phases. A similar notification must be made to the Gwinnett County Inspection Department for any activity involving the water or sanitary sewer system.

1. **Clearing or clearing and grubbing of the site or any portion included under the permit.**
2. **Grading.** Installation of slope stakes is required. Upon completion of roadway grading, the water certificate shall be submitted to the Gwinnett County Department of Planning and Development certifying that the centerline of the road and the offset centerline of the water line is within 6 inches of that shown on the approved plans or relined plan submittal. Inspection and approval will be required before trenching or continuation with subbase preparation.
3. **Installation of storm drainage pipe, detention, or other stormwater facilities.**
4. **Installation of sanitary sewer and appurtenances.** This notification must be made simultaneously with official notification by the developer or contractor to the Gwinnett County Water Pollution Control Division, and if for informational purposes only, to the Department.
5. **Curbing of roadways.** Inspection should be requested before the forms have been set (if used). Roadway width will be spot checked by string line between curb stakes.
6. **Subbase or subgrade of streets.** After compaction, the subgrade must be string-lined for depth and crown. The subgrade must be roll tested and must pass with no movement, to the satisfaction of the inspection department.
7. **Street base.** The base must be string-lined for depth and crown and must pass a roll test with no movement to the satisfaction of the Director.
8. **Paving.** The Director must 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 spot-checked, and the roadways will be cored after completion to check thickness.

D. **Responsibility for Quality and Design**

The completion of inspections by City officials or employees and authorization for work continuation will not transfer responsibility for the quality of the work performed or materials used from the contractor or developer, nor imply or transfer acceptance of responsibility for project design or engineering from the professional corporation or individual under whose hand or supervision the plans were prepared.

E. **Stop Work Orders**

Work which is not authorized by an approved permit, or which is not in conformance to the approved plans for the project, or which is not in compliance with the provisions of this UDO or any other adopted code, regulation or ordinance of the City, will be subject to immediate stop work order by the Director. Work which proceeds without having received the necessary inspections of the Director must be halted until all inspections of intervening work are completed.

F. **Stabilization for Erosion Control**

If, for any reason, a clearing and grubbing, grading, or development permit expires after land disturbance activities have started, the developer must stabilize the site for erosion control, under the direction of the Director.

G. **Silt Fence Removal**

Upon completion of a site development project, silt fences and other temporary erosion control measures must be removed before the issuance of a certificate of occupancy or within 30 days of permanent stabilization or submission of a notice of termination to the State of Georgia, whichever occurs first.

103-5.7. - Approval of Development

A. **Prerequisite to Final Plat or Certificate of Occupancy**

This approval is a prerequisite to the approval of a final plat or issuance of a certificate of occupancy for any part of a project or issuance of a certificate of occupancy for any part of a project included in a development permit, except for single-family detached dwellings and two-family dwellings. The approval must reflect the owner's certification that all site work and construction has been accomplished according to the terms of approved plans and permits, and that all facilities intended for maintenance, supervision and/or dedication to the public are in compliance with appropriate standards, regulations, codes and ordinances. Such approval will be revoked in cases of fraud or whenever unauthorized changes are made to the site without the benefit of required permits.

B. **Submission Requirements**

Upon completion of the project authorized for construction by the development permit, the owner must file a certificate of development conformance with the Director, along with as-built surveys of all stormwater detention facilities and modifications to the limits of the 100-year floodplain (if any). An "as-built" hydrology study for the project with the actual parameters from the record drawing of the detention facilities must be prepared. A record drawing of the sanitary sewer facilities must also be prepared, separately or included with the above, and submitted to the Public Utilities Department of Gwinnett County as well as the Department in accordance with their regulations. The certificate of development conformance must be in a form as required by the Director and must be accompanied by a development performance and maintenance agreement completed in draft form. If the owner is a corporation, the documents must be signed by the president or vice president, be affixed by the corporate seal, and either the corporate secretary must attest to the signature and affix the corporate seal, or a certificate of corporate resolution must also be submitted.

C. **Approval**

Following final inspection and approval of all record drawings, the Director must approve the certificate of development conformance.

103-5.8. - Closeout and Maintenance

A. **Development Performance and Maintenance Agreement**

Based on the approved certificate of development conformance, the owner must file a final development performance and maintenance agreement with the Director, along with any required certificate of corporate resolution and performance or maintenance surety, as a prerequisite to the approval of a final plat or issuance of a certificate of occupancy for any part of a project included in the development permit, except for single-family detached dwellings and two-family dwellings. The development performance and maintenance agreement must be in a form as required by the Director, and must include the following:

1. Final required improvements yet to be completed (e.g., grassing, topping, sidewalks, required landscaping) and performance bonding. Final landscaping shall be provided in accordance with a schedule acceptable to the Department. The developer may take up to 3 months after the date of approval of the certificate of development conformance to finish other designated improvements.
2. Maintenance of the public streets and drainage facilities within public streets or easements for the bonding period after the

date of approval of the certificate of development conformance. Repairs must be made for any deficiencies identified within the bonding period or the bonds must be called to complete the same. The final street topping will not be applied until 90% of the lots have been issued a certificate of occupancy or until 36 months have passed from the date of final plat approval, whichever comes first. The Director has the ability to approve an alternate date for said topping based on the schedule of construction. The developer must post a 36-month performance surety in the amount of 110% of the cost of applying the final topping. If the final topping is not completed within 36 months of the date of final plat approval, the surety must be extended appropriately, as approved by the Director.

3. Indemnification of the City against all liability for damages arising as a result of errors or omissions in the design or construction of the development for a period of 10 years. If liability is subsequently assigned or transferred to a successor in title or other person, a copy of such legal instrument must be filed with the clerk to superior court.

B. **Maintenance and Performance Surety**

1. The maintenance surety and the performance surety, required from the owner/developer or the contractor employed by the owner/developer, must be in the form of cash deposited with the City, or letter of escrow or letter of credit from a bank, or other financial institution in a form acceptable to the Director and City Attorney.
2. Performance surety and maintenance surety must, in all cases, be provided in an amount as provided in Sec. 103-5.3.D (Final Plat Approval) or Sec. 103-5.4.D (Certificate of Development Conformance Approval Process), as applicable. The maintenance bond period of application may not be less than 24 months from installation of the wearing course or final topping for a one-pass street and not less than 12 months from the installation of the binder for a two-pass street and which time will be extended equal to any extension of time for the performance bond granted by the Director but not more than 24 months. The performance bond period of application may not exceed 3 months unless an extension of an additional 3 months has been granted by the Director. All cost estimates must be as prepared by or acceptable to the Department.
3. A maintenance bond for the sanitary sewer facilities is required separately by the Water Pollution Control Division of Gwinnett County in accordance with their regulations. For the water system improvements, the contractor employed by the developer must maintain all water mains and appurtenances for 1 year from the date of approval of the certificate of development conformance by correcting all defects or deficiencies in materials or workmanship.

Sec. 103-6. - Plans and Plats

103-6.1. - General

A. All plans must be submitted for review as two sets of either blue line or black line prints. Only one copy of the stormwater management report is required. Re-submitted revisions must also be submitted as the original submittal. After final revisions are approved, three sets as described for the initial submittal must be submitted before release of the permit. If stamped, approved sets are desired in return, then more than three sets should be submitted. If approval signature is desired for future printing, the original sheet bearing the certificate of development plans approval should be submitted. In the case of a final plat, one mylar copy must also be returned for City records after recording and notation of the plat book and page on the plat.
B. When the Department provides written comments during plan review, a written response to those comments must be submitted with the re-submitted revisions. The written response must include the Department's comments and the applicant's responses to them.
C. All approved permit drawings (including a concept plan) must be submitted using email, flash drive, or other means approved by the Director. The desired format is AutoCAD .dwg, however, universal .dxf format will also be acceptable if major plat integrity is maintained. An Acrobat .pdf of all drawings is also required. No other formats may be considered.
D. When a traffic impact analysis is required by Sec. 103-5.2 (Traffic Impact Analysis), it must be included with the plans.

103-6.2. - Concept Plan Specifications

A. **General**

The following paragraphs outline the required elements of both the required and optional plans and plats mentioned throughout this section.

B. **Scale**

The concept plan for a subdivision or site development must be clearly and legibly drawn at a scale of not less than 1 inch = 100 feet. Sheet size may not exceed 48 inches by 36 inches, provided, however, a scale of 1 inch = 200 feet may be used to avoid sheets larger than 48 inches by 36 inches. The Director may approve other scales and sheet sizes as deemed appropriate.

C. **Freehand Drawing**

The concept plan may be prepared as a freehand drawing to approximate scale of the proposed improvements, right-of-way, lot lines, etc., shown on a boundary survey or other property outline map of the property.

D. **Concept Plan Contents**

The concept plan must contain the following:

1. Approximate total acreage.
2. Proposed total number of lots and minimum lot size.
3. Size and location of adjoining existing streets or access drives and proposed right-of-way, roadways, and access drives.
4. For multi-family and nonresidential site developments (not subdivisions), the approximate location and arrangement of buildings, parking areas, and other improvements including stormwater detention areas, and all required buffers.
5. Topography with contour intervals no greater than 10 feet.
6. Proposed method of sewage disposal, expressed as a note.
7. Boundary lines of the overall property showing bearings and distances along all lines and the bearings and distance to an existing street intersection or other recognized permanent landmark. The source of this boundary information must be indicated.
8. All contiguous property under the ownership or control of the developer, except those lands of a dissimilar zoning category specifically approved to be excluded by the Department. Areas not planned at the time of the submittal must be shown as "future development."
9. Authorization statement on the concept plan to read as follows:

   I hereby submit this Concept Plan as authorized agent/owner of all property shown thereon, and certify that all contiguous property under my ownership or control is included within the boundaries of this Concept Plan, as required by the Development Regulations.

_____ *Signature of Authorized*	_____ *Date*
Agent/Owner	

10. Location sketch (vicinity map).
11. Lakes, ponds, and floodplains and the source of floodplain data including the panel number of flood insurance rate maps.
12. Required recreation areas and other public areas to be dedicated to the public or held in common ownership by a

homeowner association or other similar entity.

13. Existing zoning of the property and adjoining properties.
14. Land lot and district.
15. Subdivider's name, local, and permanent (if different) address and phone number.
16. Name of company or person who prepared plan, local and permanent river tributary protection areas, if applicable to the property.
17. General development data (in tabular form) for individual multi-family or nonresidential site developments, such as number of residential units, number of gross square feet of nonresidential floor area by building, number of parking spaces, number of stories, etc.
18. General development data (in tabular form) for single-family developments, such as minimum lot size, floor area, and all relevant conditions of zoning.
19. Signature block to read as follows:

    This Concept Plan has been reviewed and approved for general compliance with the Unified Development Ordinance of the City of Snellville, Georgia.

_____ *Planning and Development Director or Designee*	_____ *Date*
City of Snellville	

20. The concept plan must be stamped and signed by a professional engineer, registered land surveyor, or landscape architect (as appropriate).

103-6.3. - Subdivision Development Plans

A. **Development Permit Application**

An application for a development permit for a subdivision shall consist of the preliminary plat, a certified boundary survey, associated slope or construction easements (if any), and such other development plans as may be required by these regulations.

B. **Conformance**

Development plans must generally conform to the concept plan, if any, and must constitute only that portion of the approved concept plan which the subdivider proposes to construct at one time as a single unit, provided that such portion conforms to the requirements of these rules and regulations. If no concept plan was approved on the property, the development plans must include the entire property being developed within the same zoning category.

C. **Scale**

Development plans must be clearly and legibly drawn at a scale of not less than 1 inch = 100 feet. Sheet size may not exceed 48 inches by 36 inches. Plan and profile must have a horizontal scale of no less than 1 inch = 100 feet and a vertical scale of no less than 1 inch = 10 feet.

D. **Certified Boundary Survey**

1. The preliminary plat must be based on a certified boundary survey delineating the entirety of the property contained within

the preliminary plat, and tied to a point of reference (tie point) with the same degree of accuracy as the boundary survey itself. The survey must have an initial field closure precision of 1 foot in no less than 10,000 feet and must meet all requirements of Georgia law regarding the recording of maps and plats.

2. Each preliminary plat must be drawn on, accompanied by, or referenced to a boundary survey which must at least meet the requirements clause 1 above.

E. **Preliminary Plat Contents**

The preliminary plat must contain the following:

1. Proposed name of the subdivision.
2. Name, address, and telephone number of the owner of record, and of the subdivider (if not the owner).
3. Name, address, and telephone number of each professional firm associated with the Development Plans (engineer, surveyor, landscape architect, etc.).
4. Date of survey, north point, and graphic scale, source of vertical datum, date of plat drawing, and space for revision dates.
5. Proposed use of the site, such as single-family detached residences, duplexes, townhouses, office park, industrial subdivision, etc. For residential, indicate the total number of dwelling units within the plat.
6. Location (land district and land lot), acreage, and density (if applicable).
7. Location sketch locating the subdivision 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 = 2,000 feet. U.S. Geological Survey maps may be used as a reference guide for the location sketch.
8. Name of former subdivision if any or all of the land in the preliminary plat has been previously subdivided, showing boundaries of the same.
9. Boundary lines of the perimeter of the tract indicated by a heavy line giving lengths in feet and hundredths of a foot, and bearings in degrees, minutes, and seconds. Bearing and distance to designated tie point.
10. Directional flow arrows for street drainage and individual lot drainage when finished grading of lots is not shown.
11. Contour lines based on sea level datum, or other datum acceptable to the Department. These shall be drawn at intervals of not more than 2 feet. Contour lines shall be based on field surveys or photogrammetric methods from aerial photographs. The basis for the topographic contour shown must be specified and dated.
12. Natural features within the proposed subdivision, including drainage channels, bodies of water, and other known significant features such as extensive exposed rock. On all watercourses leaving the tract, the direction of flow must be indicated. The 100-year floodplain must be outlined and the source of the depicted floodplain information must be indicated. For those lots containing floodplain, a floodplain lot chart must be provided showing the area (in square feet) of each lot lying inside and outside of the floodplain as though the land disturbance activity were completed.
13. Man-made and cultural features existing within and adjacent to the proposed subdivision including existing right-of-way measured from the centerline, pavements widths, and names of existing and platted streets; all easements, City, and County jurisdiction lines; existing structures on the site and their disposition, and other significant information. Location and dimensions of existing bridges; water, sewer, and other existing utility lines and structures; culverts and other existing features should be indicated.
14. Proposed layout including lot lines, lot numbers, and block letters; proposed street names, roadway, and right-of-way lines; and, sites reserved through covenants, easement, dedication, or otherwise for public uses. Lots must be numbered in numerical order and blocks lettered alphabetically. The minimum building setback line from all streets. Streets must be

dimensioned to show right-of-way and roadway widths, central angles, intersection radii, and cul-de-sac roadway and right-of-way radii. Centerline curve data must be provided for all roadway curves [radius, length, amount of superelevation (if any), point of curvature (P.C.), point of tangency (P.T.), etc.] if not shown separately on construction drawings.

15. Identify the unit number, division, or stage of development, if any, as proposed by the subdivider.
16. Existing zoning of the property. Rezoning and variance case numbers, dates of approval and conditions (as applicable). Note minimum lot size and minimum yard setback requirements, and other applicable zoning requirements. Show and dimension any required buffers, landscape strips, no-access easements, etc. Note any approved waivers from these regulations.
17. All adjoining property owners, subdivision names, lot numbers and lot lines, block letters, and zoning.
18. Location of all known existing or previously existing landfills. A statement that no cut trees, timber, stumps, debris, rocks, stones, junk, rubbish, garbage, or other waste material of any kind must be buried in any right-of-way, under any proposed structure, and/or in any onsite/offsite pit.
19. Proposed recreation area, if any; area of the site; area and percent of the site within the 100-year floodplain; proposed disposition of the site (public ownership, homeowners association, etc.).
20. Such additional information as may be reasonably required to permit an adequate evaluation of the subdivision.
21. Plans must be stamped and signed by a professional engineer, registered land surveyor or landscape architect (as appropriate).

F. **Certificate of Development Plans Approval and Owner's Acknowledgement**

Each preliminary plat must carry the following certificate printed or stamped thereon:

All requirements of the City of Snellville Unified Development Ordinance relative to the preparation and submission of a subdivision development permit application having been fulfilled, and said application and all supporting plans and data having been reviewed and approved by all affected City and Gwinnett County Departments as required under their respective and applicable regulations, approval is hereby granted, on this Preliminary Plat and all other development plans associated with this subdivision, subject to all further provisions of said Unified Development Ordinance and other City existing regulations.

_____ *Planning and Development Director or Designee*	_____ *Date*
City of Snellville	

THIS CERTIFICATE EXPIRES TWELVE MONTHS FROM THE DATE OF APPROVAL UNLESS A DEVELOPMENT PERMIT IS ISSUED.

NOTE: The boundaries of the lots shown on this Plat have not been surveyed. This Plat is not for recording.

Owner's Acknowledgement for Preliminary Plat

(STATE OF GEORGIA)

(COUNTY OF GWINNETT)

The owner of the land shown on this plat and whose name is subscribed thereto, and in person or through a duly authorized agent, acknowledges that this plat was made from an actual survey, and accurately depicts the land owned by the undersigned and will dedicate to the use of the public forever all streets, sewer collectors, lift stations, drains, easements, and other public

facilities and appurtenances thereon shown, and will transfer ownership of all public use areas in fee simple by deed, for the purposes therein expressed.

SUBDIVIDER _____ OWNER_____

DATE _____ _____

G. **Additional Plans**

The preliminary plat must be accompanied by other development plans showing the following information when same is not shown on, or evident from the preliminary plat. The various plans may be combined where appropriate and clarity can be maintained.

1. Erosion control plan prepared in accordance with the requirements of Sec. 402-2 (Soil Erosion and Sedimentation Control). Erosion control measures may be shown on the grading plan, if desired.
2. Grading plan prepared in accordance with Sec. 402-1 (Grading) if grading is proposed beyond the street right-of-way.
3. Stormwater drainage construction data:
   a. Location and size of all proposed drainage structures, including detention ponds, catch basins, grates, headwalls, pipes and any extensions thereof, energy dissipators, improved channels, and all proposed drainage easements to be located outside street right-of-way lines.
   b. Profiles of all storm drainage pipes and slope of receiving channels. On storm drainage profiles a pipe chart must be shown which will include pipe numbers, pipe size, pipe material, pipe slope, pipe length, contributing drainage area, design flow, design storm frequency, runoff coefficient, and velocity. On all pipes, the 100-year storm line hydraulic grade line must be shown from the outlet to the farthest upstream catch basin, grated inlet or yard inlet. On all outfall structures from detention ponds, the hydraulic grade line must be shown for the 100-year storm.
   c. Profiles of all open channels and ditches including Mannings' 25-year storm normal depth and velocity. On storm drainage profiles an open channel chart must be shown which will include open channel numbers, conveyance size, lining material, length, channel slope, contributing drainage area, design storm frequency, runoff coefficient, and velocity.
   d. Hydrological study used in determining the size of structures, including a map of all contributing drainage basins and acreage.
4. If sanitary sewers are required by water pollution control, sanitary sewer plans, including the location and size of all proposed sewer lines, manholes, and any easements required therefore, together with sufficient dimensions to locate the same on the ground.
5. Construction data for new streets and street widenings:
   a. Centerline profiles and typical roadway sections of all proposed streets, as well as plans and profiles for all proposed major thoroughfares. Typical roadway sections must be provided for street widenings.
   b. Where sanitary or storm sewers are to be installed within a street, the grade; size, location, and bedding class of pipe; location and invert elevation of manholes must be indicated on the road profile.
   c. Profiles covering roadways that are extensions of existing roadways must include: elevations at 50-foot intervals for such distance as may be adequate to provide continuity consistent with the standards required by the Regulations for street improvements, but no less than 200 feet.
   d. All elevations must be coordinated and tied into the U.S. Coast and Geodetic Survey or Department of Transportation benchmarks where feasible, or into reference monuments established by the Federal Emergency Management Agency.
   e. Stub streets must be profiled at least 200 feet onto adjoining property (no tree cutting).
6. Buffer and landscape plan, if any such areas exist within the subdivision, prepared in accordance with the specifications

under this subsection and other articles of this UDO.

7. Tree preservation/replacement plan, as applicable.
8. Floodplain management plans. If any floodplain areas are located on the property, such data as is required by Sec. 403-4 (Floodplain Protection) must be submitted.

H. **Encroachments**

Where construction is proposed on adjacent property, an encroachment agreement or easement must be submitted to the Department.

103-6.4. - Final Plat Specifications

A. **Scale**

The final plat must be clearly and legibly drawn in black ink on Mylar or other permanent reproducible material. The scale of the final plat must be not less than 1 inch = 100 feet. Sheet size must not exceed 48 inches by 36 inches. Any sheet that is larger than 17 inches by 22 inches must be photographically reduced to no more than 17 inches by 22 inches in order to be recorded with the Clerk of the Superior Court.

B. **Certified Boundary Survey**

The final plat must be based on a certified boundary survey delineating the entirety of the property contained within the final plat, and tied to a point of reference (tie point) with the same degree of accuracy as the boundary survey itself. The survey must have an initial field closure precision of 1 foot in no less than 10,000 feet and must meet all requirements of Georgia law regarding the recording of maps and plats.

C. **Conformance**

The final plat must substantially conform to the preliminary plat and it must constitute only that portion of the approved preliminary plat which the subdivider proposes to record at any one time, provided that such portion conforms to the requirements of these regulations, and said portion is not inconsistent with the public health, safety, or welfare. Any substantial deviation from the preliminary plat will require revision and reapproval of the preliminary plat.

D. **Final Plat Contents**

The final plat must contain the following information:

1. Name of the subdivision, unit number, land district, and land lot number.
2. Name, address, and telephone number of the owner of record, and the subdivider (if not the owner).
3. Name, address, and telephone number of each professional firm associated with the portion of the subdivision within the final plat (engineer, surveyor, landscape architect, etc.).
4. Date of plat drawing, graphic scale, north point; notation as to the reference of bearings to magnetic, true north or grid north, and an indication whether bearings shown are calculated from angles turned.
5. Location sketch of tract showing major surrounding features.
6. Name of former subdivision, if any or all of the final plat has been previously recorded.
7. Case number, date of approval and all provisions for any applicable rezoning, special use permit, variance or waiver affecting the property.
8. Location and dimension of any buffer, landscape strip, special setback, no-access easement, etc., required by this UDO.
9. Boundary lines of the tract, to be indicated by a heavy line, giving distances to the nearest one-hundredth foot and bearings to the nearest second. Bearing and distance to designated tie point shall be shown. The plat must have an initial field closure precision of 1 foot in no less than 10,000 feet.

10. Municipal or county jurisdictional lines approximately tied to the lines of the subdivision by distance and angles when such lines adjoin the subdivision; land lot lines traversing or adjoining the subdivision must also be indicated.
11. Locations, widths, and names of all streets and alleys within and immediately adjoining the plat, the location and widths of all internal public crosswalks, and all other public rights-of-way.
12. Street centerlines showing angles of deflection and standard curve data including radii, length of arcs and tangents between curves, point of curvature (P.C.) and point of tangency (P.T.).
13. Lot lines with dimensions to the nearest one-tenth of a foot and bearings to the nearest second, and radii of rounded corners, as necessary to delimit each lot.
14. Building setback lines along streets with dimensions.
15. When lots are located on a curve or when side lot lines are at angles other than 90 degrees, the lot width may be required to be shown, if deemed necessary by the Department.
16. Lots numbered in numerical order and blocks lettered alphabetically.
17. Location and size of all drainage pipe, location and extent of detention ponds, the location and size of all public water mains and fire hydrants, and the location, dimensions, and purpose of any easements, including construction or slope easements if required.
18. Location of any areas to be reserved, donated, or dedicated to public use with notes stating their purpose and limitations. Location of any areas to be reserved by private deed covenant for the common use of all property owners, or dedicated to a homeowner's association.
19. A statement of private covenants if any, and they are brief enough to be put directly on the plat; otherwise, if covenants are separately recorded, a statement as follows:

    This plat is subject to the covenants set forth in the separate document(s) attached hereto dated _____, which hereby become a part of this plat, and which were recorded _____ and signed by the owner.

20. Accurate location, material, and description of monuments and markers (all monuments must be in place before approval of the final plat.) A minimum of two permanent markers is required for horizontal and vertical reference. Additional markers may be required on larger developments.
21. Certificates and statements specified in these regulations, below.
22. Extent of the 100-year floodplain and a floodplain chart showing the area within and outside the floodplain for each lot containing any portion of the 100-year floodplain. The origin of the floodplain data must be indicated.
23. Street address numbers and block number designations for street names signs on abutting streets, where appropriate.
24. Individual lots must be designated HLP (house location plan), RDP (residential drainage plan) and/or RDS (residential drainage study) if required by the Department and to be approved before issuance of a building permit.
25. All other notes or notations as may be required by the Department.
26. Plat must be stamped and signed by a registered land surveyor.

E. **Open Space Lands**

If any lands are shown on the final plat for dedication to a property owners association in order to meet minimum open space requirements of this UDO, a copy of the deed of transfer for such dedication and a copy of the instrument of incorporation of the property owner's association shall be submitted with the final plat application.

F. **Certificates and Statements**

Each final plat must bear the following certificates or statements printed or stamped thereon as follows:

1. Final surveyor's certificate:

It is hereby certified that this plat is true and correct as to the property lines and all improvements shown thereon, and was prepared from an actual survey of the property made by me or under my supervision; that all monuments shown hereon actually exist, and their location, size, type and material are correctly shown. The field data upon which this plat is based has a closure precision of one foot in _____ feet and an angular error of _____ per angle point, and was adjusted using _____ rule. This plat has been calculated for closure and is found to be accurate within one foot in _____ feet, and contains a total of _____ acres. The equipment used to obtain the linear and angular measurements herein was _____.

By:_____
REGISTERED GEORGIA LAND SURVEYOR
REG NO _____
DATE OF EXPIRATION _____

2. Owners acknowledgment and declaration:

   (STATE OF GEORGIA)
   (COUNTY OF GWINNETT)

   The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, acknowledges that this plat was made from an actual survey, and accurately depicts the land owned by the undersigned and dedicated by this Acknowledgement and Declaration to the use of the public forever all streets, sewer collectors, lift stations, drains, easements, and other public facilities and appurtenances thereon shown.

   _____ _____
   SIGNATURE OF SUBDIVIDER DATE SIGNED

   _____
   PRINTED OR TYPED NAME OF SUBDIVIDER

   _____
   SIGNATURE OF OWNER DATE SIGNED

   _____
   PRINTED OR TYPED NAME OF OWNER

3. Final plat approval:

   The Planning Commission Chairman and the Director of the City of Snellville, Georgia, certifies that this plat complies with the City of Snellville Unified Development Ordinance, and that it has been approved by all other operational City and county departments, as appropriate. This plat is approved subject to the provisions and requirements of the Development Performance and Maintenance Agreement executed for this project between the Owner and the City of Snellville.

   DATED THIS ___ DAY OF _____, 20___.

   _____
   Planning Commission Chairman

   _____
   Planning and Development Director or Designee

4. Health department certification (for subdivisions served by septic tanks):

The lots shown hereon have been reviewed by the Gwinnett County Health Department and with the exception of lots _____ are approved for development. Each lot is to be reviewed by the Gwinnett County Health Department and approved for septic tank installation prior to the issuance of a building permit.

DATED THIS ___ DAY OF _____, 20___.

BY:_____

TITLE:_____

GWINNETT COUNTY HEALTH DEPARTMENT

Note: The above authorization only constitutes approval by the Gwinnett County Health Department. Authorization for development shall not be considered complete and final until the procedure in Sec. 103-5.3.D (Final Plat Approval) has been complied with.

5. Public notice - drainage:

   Every single-family detached dwelling final plat must contain the following statement:

   a. *NOTE: The City of Snellville assumes no responsibility for overflow or erosion of natural or artificial drains beyond the extent of the street right-of-way, or for the extension of culverts beyond the point shown on the approved and recorded subdivision plat.*
   b. *NOTE: Stream Buffer Easements are to remain in a natural and undisturbed condition.*
   c. *NOTE: Structures are not allowed in drainage easements.*

   Every final plat that is not a single-family detached dwelling subdivision must contain the following statement:

   a. *NOTE: The City of Snellville assumes no responsibility for overflow or erosion of natural or artificial drains beyond the extent of the street right-of-way or for the extension of culverts beyond the point shown on the approved and recorded subdivision plat. The City of Snellville does not assume the responsibility for the maintenance of pipes in drainage easements beyond the City right-of-way.*
   b. *NOTE: Stream Buffer Easements are to remain in a natural and undisturbed condition.*
   c. *NOTE: Structures are not allowed in drainage easements.*

6. House Location Plans (HLP):

   On any final plat containing a lot for which a house location plan approval will first be required before issuance of a building permit, the following statement must be included:

   HLP HOUSE LOCATION PLAN

   A House Location Plan shall be required to be approved by the Department prior to issuance of a Building Permit on those lots labeled "HLP." A House Location Plan is a scale drawing submitted by the builder at the time of permit. It is not required that this plan be prepared by a land surveyor or professional engineer. The purpose of this plan is to ensure that the house is properly located on the lot. Please refer to the City of Snellville Development Regulations or contact the Snellville Department of Planning and Development for further information.

7. Residential drainage plan (RDP) or study (RDS):

   On any final plat containing a lot for which a residential drainage plan (RDP) or residential drainage study (RDS) will first be required before issuance of a building permit, the following statement must be included, as applicable:

   RDP RESIDENTIAL DRAINAGE PLAN

RDS RESIDENTIAL DRAINAGE STUDY

A Residential Drainage Plan or Residential Drainage Study must be approved by the Department of Planning and Development prior to issuance of a Building Permit on those lots labeled "RDP" or "RDS," respectively. Please refer to the City of Snellville Development Regulations and contact the Snellville Department of Planning and Development for further information.

103-6.5. - House Location Plan

A. **Scale**

House location plans (HLPs) must be drawn to scale and may be shown on a certified boundary survey of the lot or any other drawing showing the information required below. The Department may accept a house location plan drawn to the same scale as shown on the final plat where sufficient detail can be shown to support an adequate review and approval. The house location plan may be combined with a residential drainage plan (RDP) if an RDP is required for the lot.

B. **Preparation**

It is not the intent of the Department that the house location plan must be prepared by a registered surveyor or engineer, rather, it may be done by the individual proposing the improvements on the lot. It is the intent, however, to receive a drawing with sufficient readability and accuracy to ensure that the proposed improvements are constructed on the lot in conformance with the requirements of this UDO or other regulations, as applicable.

C. **Contents**

House location plans must show the following as applicable:

1. Boundary lines of the lot, giving distances to the nearest one-tenth of a foot and bearings to the nearest minute.
2. Location and names of all abutting streets or other rights-of-way.
3. Minimum required front, side and rear building setback lines with dimensions, and notation of the existing zoning on the property.
4. The approximate outline of all buildings, driveways, parking areas, swimming pools, recreational courts, patios, accessory structures, and other improvements existing or proposed on the property, and dimensions of buildings and distances between all structures and the nearest property lines.
5. All easements, public water, sewer or storm drainage facilities traversing or located on the property, septic tank, and septic tank drain field.
6. Subdivision name, lot designation, land lot, and district.
7. North arrow and scale.
8. Limit of the 100-year floodplain and any applicable buffers or special building setback lines.
9. All other applicable requirements of this UDO or conditions of zoning approval.
10. Name, address, and telephone number of the owner and the person who prepared the HLP.

103-6.6. - Residential Drainage Plan or Study

A. **Scale**

Residential drainage plans must be drawn to scale on a certified boundary survey of the lot prepared by a registered land surveyor, having an initial field error of closure not exceeding 1 foot in 5,000 feet. The residential drainage plan may be combined with a an HLP if an HLP is required for the lot. The requirements contained herein also apply to lots which formerly required SPED (site plan - engineering division) approval before the issuance of a building permit.

B. **Contents**

Residential drainage plans must show the following, as applicable:

1. Boundary lines of the lot, giving distances to the nearest one-tenth of a foot and bearings to the nearest minute.
2. Location and names of all abutting streets or other rights-of-way.
3. The outline of all buildings, driveways, parking areas, swimming pools, recreational courts, patios, accessory structures, and other improvements existing or proposed on the property, and dimensions of buildings and distances between all structures and the nearest property lines as required to locate the major improvements on the lot.
4. All easements, public water or sewer facilities traversing or located on the property, and septic tank drain field.
5. Subdivision name, lot designation, land lot, and district.
6. North arrow and scale.
7. Contour lines based on sea level datum. These must be drawn at intervals of not more than 2 feet and shall be based on a field survey. The proposed grading of the lot must be shown along with the finished floor elevation of the lowest habitable floor of the house.
8. Stormwater features, including swales, pipes, stormwater detention and other structures, all drainage (D.E.) easements, and directions of flow.
9. Floodplain features, including the limits of the flood hazard area, 100-year flood high water elevation, the origin of the floodplain data, and any proposed modifications to the floodplain limits.
10. Sedimentation and erosion control measures to be taken or placed on the lot during construction.
11. Names, address, and telephone number of the owner and person who prepared the RDP.
12. Seal, registration number, and date of expiration of the professional engineer or landscape architect who prepared the drainage improvements or modifications shown on the RDP.

C. **Residential Drainage Study**

1. A residential drainage study (RDS) must be conducted by the developer's or builder's design professional before issuance of a certificate of occupancy on those lots so noted on the final plat. The requirements for an RDS contained herein also apply to lots that formerly required SSED (site study - engineering division) approval before the issuance of a building permit.
2. The grading and construction of the lot must be field verified by the developer's or builder's design professional as being in conformance with grading plans and stormwater management studies approved for the subdivision before issuance of a certificate of occupancy.

D. **Plans to be Field Verified**

A certificate of occupancy may not be issued for the structure until a written certification has been received from the developer's or builder's design professional stating that the provisions or improvements required by the residential drainage plan or as a result of the residential drainage study have been field verified.

E. **Notation of Stream or Floodplain on Development Plans or Plat**

If an RDP or RDS is required because a stream or floodplain is on or adjacent to the lot, the notation on the development plans and plat should be "RDP-E" or "RDS-E," as appropriate.

103-6.7. - Site Development Plans

A. **Application Criteria**

An application for a development permit for a multi-family or nonresidential site must consist of the site plan, a certified boundary survey or final plat reference, associated slope or construction easements (if any), and such other development plans as may be required by this UDO.

B. **Conformance**

The development plans must generally conform to the concept plan, if any, and may constitute only that portion of the approved concept plan which the developer proposed to construct at one time as a single unit, provided that such portion conforms to the requirements of these rules and regulations and all setbacks, maximum density, and other zoning district restrictions. If no concept plan was approved on the property, the development plans must include the entire property being developed having the same zoning district.

C. **Scale**

The development plans must be clearly and legibly drawn at an engineering scale convenient to illustrate the details of the project. Sheet size shall not exceed 48 inches by 36 inches. Plan and profile sheets, if any, must have a horizontal scale of no less than 1 inch = 100 feet and a vertical scale of no less than 1 inch = 10 feet.

D. **Project Boundary Data**

1. The site plan must be based on the boundaries of a lot as recorded on a final subdivision plat or on a certified boundary survey delineating the entirety of the property contained within the project, and tied to a point of reference (tie point) with the same degree of accuracy as the boundary survey itself. The survey must have an initial field closure precision of 1 foot in no less than 10,000 feet and must meet all requirements of Georgia law regarding the recording of maps and plats.
2. Each site plan must be drawn on, accompanied by, or referenced to a boundary survey which shall at least meet the requirements of clause 1 above.

E. **Site Plan Contents**

The site plan must contain the following (on one or more sheets):

1. Proposed name of development. If the project is located within a subdivision, the name of the subdivision, lot, and block number must also be shown.
2. Name, address, and telephone number of the owner of record, and of the developer (if not the owner).
3. Name, address, and telephone number of each professional firm associated with the development plans (engineer, landscape architect, surveyor, etc.).
4. Date of survey, north point, and graphic scale, source of datum, date of plan drawing, and space for revision dates.
5. Proposed use of the site, including gross square footage for each different use type or building.
6. Location (land district and land lot), acreage or area in square feet, and density (if applicable).
7. Location sketch locating the development in relation to the surrounding area with regard to well-known landmarks such as major thoroughfares or railroads. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than 1 inch = to 2,000 feet. U.S. Geological Survey maps may be used as a reference guide for the location sketch.
8. Size and location of all buildings, building setback lines, minimum yard lines, and distances between buildings and from buildings to property lines; location of outdoor storage areas; parking and loading areas, driveways, curb cuts and designated fire lanes. Each building must be identified with a number or letter.
9. Boundary lines of the perimeter of the tract indicated by a heavy line giving lengths to the nearest one-hundredth of a foot and bearings to the nearest second. Bearing and distance to designated tie point.
10. Directional flow arrows for street drainage.

11. Contour lines based on sea level datum. These must be drawn at intervals of not more than 2 feet and shall include the entire si abutting public streets. Contour lines must be based on field surveys or photogrammetric methods from aerial photographs. Th the topographic contour shown must be specified and dated.
12. Natural features within the proposed development, including drainage channels, bodies of water, and other known significant features such as extensive exposed rock. On all watercourses leaving the tract, the direction of flow must be indicated. The 100-year floodplain shall be outlined and the source of the depicted floodplain information must be indicated. The acreage or area in square feet within the floodplain must be indicated.
13. Man-made and cultural features existing within and adjacent to the proposed development including existing right-of-way measured from the centerline, pavement widths, and names of jurisdiction lines; existing structures on the site and their disposition, and other significant information. Location and dimensions of existing bridges; water, sewer, and other existing utility lines and structures; culverts and other existing features should be indicated.
14. Proposed street names, roadway and right-of-way lines and widths and sites reserved through covenants, easement, dedication or otherwise for public uses.
15. Identify the unit number, division or stage of development, if any, as proposed by the developer.
16. Show all adjoining property owners, subdivision names, lot numbers, lot lines and block letters, and zoning.
17. Show the location and number of parking spaces according to the size of the building on the plans. Show factors used in determining the number of spaces required by Sec. 207-1.5 (Accessible Parking). Accessible parking spaces must be shown as required by the Georgia law.
18. Zoning district rezoning case number, date of approval and conditions (as applicable). Variances obtained on the property should be shown with the case number, date of approval and conditions (if applicable). Note any approved waivers from these regulations.
19. 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 tree preservation/replacement plan or buffer and landscape plan, as applicable.
20. Location, height, and size of all freestanding signs to be erected on the site, and an indication of whether lighted or unlighted.
21. Location of all known existing or previously existing landfills. A statement that no cut trees, timber, stumps, debris, rocks, stones, junk, rubbish, garbage, or other waste material of any kind must be buried in any right-of-way, under any proposed structure, and/or in any on-site/off-site pit.
22. Such additional information as may be reasonably required to permit an adequate evaluation of the project.
23. Plans must be stamped and signed by a professional engineer, registered land surveyor or landscape architect (as appropriate).

F. **Certificate of Development Plans approval and Owner's Acknowledgement**

Each site plan must carry the following certificate printed or stamped thereon:

All requirements of the City of Snellville Regulations relative to the preparation and submission of a development permit application having been fulfilled, and said application and all supporting plans and data having been reviewed and approved by all affected city and county departments as required under their respective and applicable regulations, approval is hereby granted of this site plan and all other development plans associated with this project subject to all further provisions of said development and other city regulations.

_____ *Planning and Development Director or Designee*	_____ *Date*

City of Snellville

THIS CERTIFICATE EXPIRES TWELVE MONTHS FROM THE DATE OF APPROVAL UNLESS A DEVELOPMENT PERMIT IS ISSUED

Owner's Acknowledgement and Declaration:

(STATE OF GEORGIA)
(COUNTY OF GWINNETT)

The owner of the land shown on this plat and whose name is subscribed thereto, and in person or through a duly authorized agent, acknowledges that this plat was made from an actual survey, and accurately depicts the land owned by the undersigned and dedicated by this declaration to the use of the public forever all streets, sewer collectors, lift stations, drains, easements, and other public facilities and appurtenances thereon shown, and transfers ownership of all public use areas in fee simple by deed, for the purposes therein expressed.

SUBDIVIDER _____ OWNER _____

DATE _____ DATE _____

G. **Additional Plans**

The site plan must be accompanied by other development plans showing the following information when same is not shown on, or evident from the site plan. The various plans may be combined where appropriate and clarity can be maintained.

1. Erosion control plan prepared in accordance with the requirements of Sec. 402-2 (Soil Erosion and Sedimentation Control). Erosion control measures may be shown on the grading plan, if desired.
2. Grading plan, prepared in accordance with the requirements Sec. 402-1 (Grading).
3. Stormwater drainage construction data:
   a. Location and size of all proposed drainage improvements, and all proposed drainage easements to be located outside street right-of-way lines.
   b. Profiles of all storm drainage pipes and slope of receiving channels. The hydraulic grade line for the 100-year storm is to be shown on all pipes and detention basin outfalls. On storm drainage profiles a pipe chart must be shown, including pipe numbers, pipe size, pipe material, pipe slope, pipe length, contributing drainage area, design flow, design storm frequency, runoff coefficient and velocity. Profiles of all open channels and ditches must be shown including the design flow normal depth and velocity. On storm drainage profiles an open channel chart must be shown which will include open channel numbers, conveyance size, lining material, length, channel slope, contributing drainage area, design flow, design storm frequency, runoff coefficient and velocity for the required design flow.
   c. Acreage of drainage areas and hydrological study used in determining the size of structures, including a map of all contributing drainage basins and acreages.
4. Sewage disposal plans, as follows:
   a. Sanitary sewer plans, including the profiles and other information as may be required by Gwinnett County Water Pollution Control.
   b. For projects proposed to be served by on-site sewage disposal systems, location and extent of the septic tank, drain field and attendant structures, and other information required by the Gwinnett County Health Department.
5. Street widening and construction data:

a. Centerline profiles and typical roadway sections of all proposed streets, as well as plans and profiles for all proposed major t Profiles (and plans, where required) must be drawn on the standard plan and profile sheet with plan section showing street l pavement and right-of-way width, curvature, and required drainage facilities. Typical roadway sections shall be provided for widenings.

b. Where sanitary or storm sewers are to be installed within a street, the grade, size, location and bedding class of pipe; location and invert elevation of manholes shall be indicated on the road profile.

c. Profiles covering roadways that are extensions of existing roadways shall include; elevations at 50-foot intervals for such distance as may be adequate to provide continuity consistent with the standards required by these regulations for street improvements, but no less than 200 feet.

d. All elevations shall be coordinated and sited into U.S. Coast and Geodetic Survey or Department of Transportation benchmarks where feasible or into reference monuments established by the Federal Emergency Management Agency.

e. Buffer and landscape plan, if any such areas exist within the site, prepared in accordance with the specifications here, and otherwise required by this UDO.

f. Tree preservation/replacement plan, as applicable.

g. Floodplain management plans; if any floodplain areas are located on the property. Such data as is required by the floodplain management ordinance must be submitted.

h. Private water system plans, if any, indicating proposed water main size and location, with fire hydrants, on the site. The distance and direction to all other fire hydrants within 500 feet of the site or buildings along existing streets or other access drives must also be indicated.

i. Street striping plan, showing striping in accordance with the Manual on Uniform Traffic Control devices, for any street newly constructed to four or more lanes, and all newly constructed or widened major thoroughfares.

H. **Encroachments**

Where construction is proposed on adjacent property, an encroachment agreement or easement must be submitted to the Department.

I. **Public Notice, Drainage**

Every site plan must contain the following statement:

1. NOTE: The City of Snellville assumes no responsibility for overflow or erosion of natural or artificial drains beyond the extent of the street right-of-way or for the extensions of culverts beyond the point shown on the approved and recorded plan. The City of Snellville does not assume the responsibility for the maintenance of pipes in drainage easements beyond the City right-of-way.
2. NOTE: Stream Buffer Easements are to remain in a natural and undisturbed condition.
3. NOTE: Structures are not allowed in drainage easements.

103-6.8. - Tree Ordinance Plans

A. **Conformance**

A tree preservation/replacement plan is required only when indicated in Sec. 207-4 (Tree Ordinance).

B. **Additional Plans**

Tree preservation/replacement plans must be prepared in accordance with the specifications contained in Sec. 207-4 (Tree Ordinance). At the developer's option, the plan may be combined with other plans such as a general landscaping plan for the project.

103-6.9. - Buffer and Landscape Plans

A. **Required**

A buffer and landscape plan are required when indicted in this UDO.

B. **Conformance**

The buffer and landscape plans must be prepared in accordance with this UDO. At the developer's option, the plan may be combined with other plans such as a general landscaping plan.

Sec. 103-7. - Board of Appeals

103-7.1. - Proceedings

A. The Board of Appeals must adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this UDO. The Board of Appeals must conduct its regular meetings on the second Tuesday of each month and at such other times as the chairperson or board determines, with the chairperson or board having the right to re-schedule or cancel any meeting. The chairperson, or in their absence, the vice-chairperson, may administer oaths and compel the attendance of witnesses. All meetings must be open to the public.

B. The Board of Appeals must keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and must keep records to its examinations and other official actions, all of which will be a public record and be immediately filed in the office of the board.

103-7.2. - Powers and Duties

The Board of Appeals has the following powers and duties:

A. **Administrative Review**

To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by a staff member of the Department in the enforcement of this UDO. See Sec. 103-7.3 (Administrative Decision Appeals).

B. **Variances and Waivers**

To authorize, upon appeal in specific cases, such variance from the terms of this UDO as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the UDO would result in unnecessary hardship. A variance may not be granted by the Board of Appeals unless and until:

1. A written application for a variance or waiver is submitted demonstrating:
   a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same zoning district;
   b. That literal interpretation of the provisions of this UDO would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this UDO;
   c. That the special conditions and circumstances do not result from the actions of the applicant;
   d. That granting the variance or waiver requested will not confer on the applicant any special privilege that is denied by this UDO to other lands, structures, or buildings in the same zoning district.

   No nonconforming use of neighboring lands, structures, or buildings in the same zoning district, and no permitted or nonconforming use of lands, will be considered grounds for the issuance of a variance.

Any application for an administrative review, variance, and/or waiver must be submitted by noon 36 days before the date on which it is to be considered by the Board of Appeals. The applicant must submit nine stapled or bound copies of the application and any supporting documents, in addition to one unbound application bearing original signatures. In addition, a digital copy in .pdf (and .dwg format, as appropriate) of all materials must be submitted using email, flash drive, or other means approved by the Director. The submitted application must also include: Verification by Gwinnett County that all property taxes owed have been paid; a certificate of title for all lots subject to the application; and a map indicating the subject property(ies) and the adjacent properties, identified by tax parcel number. An initiating party must also file any other information or supporting materials that are required by the City Council, Planning Commission, and/or the Department and must pay any filing fee.

The Department must notify the owners of adjoining properties of the property for which the variance is sought and/or their agent by certified mail with return receipt requested as shown by the Gwinnett County GIS Data Browser. The notification must be mailed not fewer than 15 days, nor more than 45 days before the Board of Appeals hearing. The notification must include a description of the application and the date, time, and place of the public hearing.

2. The City must provide notice of the public hearing at least 15 days before the public hearing. Notice of such hearings must be posted on the property for which the variance or waiver is sought and at city hall.
3. Due notice of the Board of Appeals hearing must be published in the newspaper which carries the legal advertisements of the City, by advertising the application and date, time, place and purpose of the public hearing not fewer than 15 days, nor more than 45 days before the date of the Board of Appeals hearing.
4. The public hearing must be held. Any party may appear in person, or by agent or attorney.
5. The Board of Appeals must further make findings that the requirements of this paragraph B have been met by the applicant for a variance or waiver.
6. The Board of Appeals must further make a finding that the reasons set forth in the application justify the granting of the variance or waiver is the minimum variance that will make possible the reasonable use of the land, building, or structure.
7. The Board of Appeals must further make a finding that the granting of the variance or waiver will be in harmony with the general purpose and intent of this UDO, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this UDO. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, will be deemed a violation of this UDO that is punishable under its provision.

103-7.3. - Administrative Decision Appeals

A. Appeals to the Board of Appeals concerning interpretation or administration of this UDO may be taken by any person aggrieved or by any officer or bureau of the governing body of the City affected by any decision of a staff member of the Department of Planning and Development. Appeals must be filed with the Department within 15 days of said decision on the form/application provided by the City, including payment of fees. The Director must forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.
B. An appeal stays all proceedings in furtherance of the action appealed from unless the Director certifies to the Board of Appeals that, by reason of facts stated in the certificate, a stay would, in their opinion, cause imminent peril, to life or property. In such a case, proceedings may not be stayed otherwise than by the Zoning Board of Appeals or by a restraining order granted by a court of record on application, and notice to the Director for good cause shown.
C. The person requesting the appeal must first submit to Department a written statement clearly defining the nature of the disagreement, the specific reference to the sections of the regulations at issue, and the applicant's own opinion.

D. If the Department fails to respond within 10 business days from the date of transmittal of the appeal, the Department must automa forward a copy of the appeal to the Board of Appeals for final action in their normal course of business.

E. The Board of Appeals must hear and act upon within 45 days of receipt and give public notice thereof. At the hearing, any party may appear in person or by agent or attorney.

F. In exercising the above-mentioned powers, the Board of Appeals may, so long as such action is in conformity with the terms of this UDO, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end will have the powers of the Department staff member from whom the appeal is taken.

103-7.4. - Reapplication

If an application for a variance or waiver is denied by the Board of Appeals, a reapplication for such variance or waiver may not be made earlier than 12 months from the date of the original application.

103-7.5. - Appeals

Any person aggrieved by a decision or order of the Board of Appeals may appeal by certiorari to the Superior Court of Gwinnett County. Such appeal must be filed within 30 days from the date of the decision of the Board of Appeals. Upon failure to file the appeal within 30 days, the decision of the Board of Appeals will be final.

Sec. 103-8. - Administrative Variances

103-8.1. - General

A. The Director may modify the following standards during development review:

1. **Front yard or street side yard.** Variance not to exceed 5 feet.
2. **Interior side yard.** Variance not to exceed 2 feet.
3. **Rear yard.** Variance not to exceed 4 feet.
4. **Height of building.** Variance not to exceed 5 feet, provided the maximum number of stories allowed may not be increased.
5. **Side or rear yard.** A variance for a 0-foot setback may be granted when part of a commercial or mixed-use development and planned as a unit with a similar architectural composition and not a miscellaneous assemblage of stores, provided, however, that before any issuance of the variance, the applicant must obtain approval from the affected side and/or rear yard property owner(s).
6. **Sidewalk setback.** Variance for a 0-foot setback.
7. **The one exception would cover nonconforming structures.** Structures that preceded this UDO and do not conform to its may be granted an administrative variance not identified in clauses 1 through 6 above when ownership is changing and the mortgage company requires conformity to the UDO.

B. The Director may also modify other standards as specifically provided in this UDO.

C. Any other modification beyond those contained in paragraphs A or B above must be considered by the Board of Appeals as a variance.

103-8.2. - Criteria for Approval

The applicant must demonstrate, and the Director must find, that all of the following criteria are present when approving a request for an administrative variance:

A. There are clear and compelling reasons that are not purely financial demonstrating that the required standard cannot be met;

B. The variance is the minimum amount necessary to meet the objectives identified above; and

C. The requested adjustment will not contravene the public interests or negatively impact adjoining properties.

Sec. 103-9. - Amendments

103-9.1. - Applicability

A. **Zoning Amendments**

Amendments to the provisions of this UDO that constitute a zoning ordinance under Sec. 101-1.6.B (Zoning Compliance Law) or that involve the Future Land Use Map of the Comprehensive Plan must conform to this section.

B. **Non-Zoning Amendments**

Amendments to the provisions of this UDO that are not included in paragraph A above may be amended using the City's general procedures for ordinance amendments.

103-9.2. - General

The regulations, restrictions, and boundaries contained in this UDO may from time to time be amended, supplemented, changed, or repealed, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens must have an opportunity to be heard. This UDO, including the Official Zoning Map and the Future Land Use Map, may be amended from time to time by the City Council, but no amendment is effective unless it has been proposed by or has first been submitted to the Planning Commission for review and recommendation.

103-9.3. - Initiation of Amendments

Amendment applications may be in the form of proposals to amend the text, the Future Land Use Map, or the Official Zoning Map. An application to amend the text of this UDO may be initiated by the Department, submitted to the Planning Commission by the City Council, or submitted by any person with an interest in the city. An application to amend the Future Land Use Plan or the Official Zoning Map may be initiated by the Planning Commission or be submitted to the Planning Commission by the City Council. Unless initiated by the City Council or the Planning Commission, all applications to amend the Future Land Use Plan, Official Zoning Map, or conditions of zoning must be submitted by the owner of the affected property or the authorized agent of the owner. Such authorization must be notarized and attached to the application.

103-9.4. - Application Requirements

Each application to amend the text of this UDO, the Future Land Use Map, or the Official Zoning Map must be filed with the Department. Applications must be submitted in compliance with the following:

A. **UDO Text Amendments**

UDO text amendment applications must include the following:

1. Payment of the appropriate application fee.
2. Name and address of the applicant.
3. Current provisions of text to be affected by the amendment.
4. The proposed wording of text change.
5. Letter of intent explaining what is proposed and the reason for the request.
6. Applicant's certification.

7. Conflict of interest certification and disclosure of campaign contributions.
8. Ten stapled or bound copies of the text amendment application and all supporting documents, in addition to one unbound application bearing original signatures. In addition, a digital copy in .pdf format of all submitted materials must be submitted using email, flash drive, or other means approved by the Director.

B. **Future Land Use Map Amendments**

Future Land Use Map amendment applications must include the following:

1. Payment of the appropriate application fee.
2. A current legal description of the site proposed for amendment. If the site proposed for amendment includes multiple lots, provide a separate legal description for each individual lot, together with a composite legal description for the site.
3. Ten printed boundary surveys of the site that is to have a revised land use under the applicant's proposal, at least one of which should be an 11 x 17-inch (or smaller) reduction. In addition, a digital copy in .pdf and .dwg. format must be submitted using email, flash drive, or other means approved by the Director. The survey must have been prepared by a registered land survey no more than 12 months before the date of submittal.
4. All permitted land uses for the identified area under the existing Future Land Use Map.
5. All changes to existing land use designations that are proposed by the application.
6. All land uses immediately adjacent to the subject property under the existing Future Land Use Map.
7. A letter listing all the reasons for the amendment application.
8. Applicant's and/or owner's certification.
9. Names and addresses of the owner(s) of the land or their agent(s), if any, authorized to apply for an amendment.
10. A written, documented analysis of the impact of the proposed land use change that specifically addresses each of the following matters:
    a. Whether the proposed land use change will permit uses that are suitable in view of the uses and development of adjacent and nearby property.
    b. Whether the proposed land use change will adversely affect the existing uses or usability of adjacent or nearby property.
    c. Whether the proposed land use change will result in uses which will or could cause excessive or burdensome uses of existing streets, transportation facilities, utilities, or schools.
11. Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approval or disapproval of the proposed land use change.
12. Ten stapled or bound copies of the Future Land Use Map amendment application and all supporting documents, in addition to one unbound application bearing original signatures. In addition, a digital copy in .pdf format must be submitted using email, flash drive, or other means approved by the Director.
13. Verification by Gwinnett County that all property taxes owed have been paid (for all lots subject to this application).
14. A certificate of title (for all lots subject to the application).
15. A map indicating the site and the adjacent properties, identified by tax parcel number.
16. An initiating party must also file any other information or supporting materials that are required by the City Council, Planning Commission and/or the Department.

C. **Zoning Map Amendments**

Zoning map amendment applications must include the following:

1. Payment of the appropriate application fee as determined by the fee schedule.

2. A current legal description of the site to be rezoned. If the site proposed for amendment includes multiple lots, provide a sep description for each individual lot, together with a composite legal description for all lots.
3. Ten printed boundary surveys of the site to be rezoned, at least one of which should be an 11 x 17-inch (or smaller) reduction. In addition, a digital copy in .pdf and .dwg. format must be submitted using email, flash drive, or other means approved by the Director. The survey must have been prepared by a registered land survey no more than 12 months before the date of submittal.
4. Ten copies of the proposed site plan, and one 11 x 17-inch (or smaller) reduction of the plan, drawn to scale, showing: a north arrow; land lot, district, and parcel number: the dimensions with bearing and distance; acreage; location of the tract(s); the present zoning district of all adjacent lots; the proposed location of structures, driveways, parking, and loading areas; and the location and extent of required buffer areas. The site plan must be prepared by an architect, engineer, landscape architect or land surveyor whose State registration is current and valid. The site plan must be stamped and sealed by one of the four above-mentioned professionals no more than 6 months before the date of submittal. In addition, a digital copy in .pdf and .dwg formats must be submitted using email, flash drive, or other means approved by the Director.
5. Letter of intent explaining what is proposed.
6. Ten stapled or bound copies of the zoning map amendment application and all supporting documents, in addition to one unbound application bearing original signatures. In addition, a digital copy of all materials in .pdf format must be submitted using email, flash drive, or other means approved by the Director.
7. Applicant's and/or owner's certification.
8. Conflict of interest certification and disclosure of campaign contributions.
9. The present and proposed zoning district for the site.
10. The names and addresses of the owners of the land and their agents, if any.
11. Each zoning map amendment application, whether submitted by the City or by another party, must include with it a written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters:
    a. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
    b. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby property.
    c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
    d. Whether the zoning proposal will result in a use that will or could cause excessive or burdensome use of existing, streets, transportation facilities, utilities, or schools.
    e. Whether the zoning proposal is in conformity with the policy and intent of the Future Land Use Map.
    f. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.
12. Architectural building renderings indicating building elevation, colors, construction materials, etc. of which the facades and roofs will consist.
13. Verification by Gwinnett County that all property taxes owed have been paid (for all lots subject to this application).
14. A certificate of title (for all lots subject to the application).
15. A map indicating the site and the adjacent properties, identified by tax parcel number.
16. A traffic impact analysis when required by Sec. 103-5.2.
17. An initiating party must also file any other information or supporting materials that are required by the City Council, Planning Commission, and/or the Department.

D. **Timing**

Applications must be submitted by noon at least 42 days before the date on which it is to be considered by the Planning Commission. Any application that does not include all of the components required in paragraphs A, B, and C above will be considered incomplete; submission date will be considered the date upon which the application is accepted as complete by the Department. Fees for an application to amend this UDO, the Official Zoning Map, the Future Land Use Map, or any combination thereof, must be paid by the applicant upon submission, except that a fee is not charged for applications initiated by the City Council or Planning Commission.

E. **Withdrawal**

1. Once an application for a Future Land Use Map amendment and/or Official Zoning Map amendment has been made, the applicant may withdraw such application without prejudice until the legal advertisement for the City Council public hearing has been placed in the City's legal organ (no less than 21 days before the City Council public hearing). No application may be withdrawn less than 21 days before the City Council public hearing unless the request for withdrawal is granted by the City Council at the public hearing. Otherwise, all applications must be considered by the City Council.
2. There will be no reimbursement for withdrawn applications. An applicant may request reimbursement in writing to the City Council. Said request will be considered during a regular meeting of the City Council.

F. **Denial**

If an application for a Future Land Use Map amendment and/or an Official Zoning Map amendment is denied by the City Council, no application affecting any portion of the same property may be submitted less than 12 months from the date of denial.

103-9.5. - Department Study

A. The Department, upon receiving an application to amend this UDO, Future Land Use Map, or the Official Zoning Map, may do the following:
   1. Consult with other departments of the City or County to fully evaluate the impact of any land use category or zoning district change upon public facilities and services including, but not limited to, schools, drainage, traffic, and related facilities.
   2. Conduct a site review of the property and surrounding area.
   3. Submit a written record of its investigation and recommendations to the Planning Commission and City Council. This report will be a matter of public record.
B. The Department's report may recommend amendments to the applicant's request which would reduce the land area for which the application is made, change the land use category or zoning district requested, and/or recommend conditions of rezoning which may be deemed advisable so that the purpose of this UDO will be served and the public health, safety, morality, and general welfare secured.

103-9.6. - Planning Commission Action

The Planning Commission must hold a public hearing on each application in accordance with a schedule adopted by the City Council. Staff recommendations on each application must be submitted to the Planning Commission before the public hearing. In addition, the Planning Commission must, with respect to each application, investigate and make a recommendation as to each of the matters set forth in Sec. 103-9.4.B.10 and/or Sec. 103-9.4.C.11 for approval, denial, deferral, withdrawal without prejudice, or no recommendation. Proponents and opponents of any amendment will be allotted at least 10 minutes, per side, for the presentation of data, evidence, and opinion during said public change. A written report of the Planning Commission's investigation and recommendation, along with the investigation and recommendation of the Department, must be submitted to the City Council and will be of public record.

103-9.7. - City Council Public Hearing

Before taking action on a proposed amendment and after receipt of the Department of Planning and Development and Planning Commission recommendations and reports thereon where required, the City Council will hold a public hearing on the proposal. At the public hearing, the City Council will review the reports prepared by the Department of Planning and Development and the Planning Commission. So that the purpose of this UDO will be served and the public health, safety, morality, and general welfare secured, the City Council may approve or deny the application, reduce the land area for which the application is made, change the district or land use category requested, and/or add or delete conditions of the application that are more or less restrictive than the current regulations. Proponents and opponents of any amendment will be allotted a minimum of 10 minutes, per side, for the presentation of data, evidence, and opinion during said public hearing. An action by the City Council to defer the application will include a statement of the date and time of the next meeting at which the application will be considered, which statement will constitute public notice of the hearing on the application and no further notice, such as that required by Sec. 103-9.8 (Public Notification), is required.

103-9.8. - Public Notification

The following are required for applications to amend the Future Land Use Map, Official Zoning Map, conditions of rezoning, or for a special use permit:

A. **Legal Notice**

Due notice of the Planning Commission meeting and the City Council public hearing must be published in a newspaper of general circulation within the City and the newspaper which carries the legal advertisements of the City, by advertising the application and date, time, place and purpose of the public hearing, not fewer than 15 days, nor more than 45 days before the date of the Planning Commission meeting and the City Council public hearing. If the application is to amend the Future Land Use Map, the notice must include location, current land use category and proposed land use category. However, if the application is for an amendment to the Official Zoning Map, then the notice must also include the location of the property, the present zoning district of the property, and the proposed zoning classification of the property.

B. **Signs Posted**

The Department must post a sign containing information that indicates that the application(s) has been filed and the date, time, and place of both the Planning Commission meeting and City Council public hearing at which the application(s) will be considered. The sign(s) must be posted at least 15 days, nor more than 45 days before the Planning Commission public hearing and must be posted in a conspicuous place on the property adjacent to and visible from each public street abutting the property for which an application has been submitted. The applicant must submit the required fee for the purchase of said sign(s) at the time such an application(s) is submitted. The applicant must maintain the sign(s) in good condition, making sure they are present and upright throughout the application review period, which must extend through the time of final City Council decision. The Department is responsible for the removal of all public notice sign(s).

C. **Letters to Property Owners**

The Department must notify the owners of adjoining properties of the property for which the variance is sought and/or their agent by certified mail with return receipt requested as shown by the Gwinnett County GIS Data Browser. The notification must be mailed at least 15 days before the Planning Commission meeting. A second notification mailing must be at least 15 days before the City Council public hearing. The notification must include a description of the application and the date, time, and place of the public hearing.

103-9.9. - Rezoning Condition Alteration

A. An application to alter conditions of rezoning must be submitted and processed in accordance with all provisions applicable to

map amendments through the Department, the Planning Commission for a public hearing, and to the City Council for a public hearing.

B. The City Council may add or delete conditions to rezoning applications during the public hearing that are more or less restrictive than this UDO.

103-9.10. - Order of Amendments

The permitted order in which amendments may be made to the text of this UDO, the Future Land Use Map, and the Official Zoning Map, respectively, is as follows:

A. The text of this UDO may be amended without prior or subsequent amendment to the Future Land Use Map or the Official Zoning Map.

B. The Official Zoning Map may be amended without an amendment to the Future Land Use Map if the proposed amendment would permit a use that is permitted by the Future Land Use Map.

C. If a proposed amendment to the Official Zoning Map would permit a use that is not authorized within the land use category of the subject property as shown on the Future Land Use Map, then the applicant must obtain an appropriate amendment to the Future Land Use Map before applying for the rezoning. The applicant may apply for an appropriate amendment to the Future Land Use Map and at the same time apply for zoning map amendment.

D. The Future Land Use Map may be amended regardless of the zoning districts that apply to the subject property.

E. Where an application to amend the Future Land Use Map and an application to amend the Official Zoning Map each affect the same property and are scheduled to be heard at the same hearing, the application to amend the Future Land Use Map must be heard first and action authorized by this section taken before the application to amend the Official Zoning Map may be heard and action taken with respect thereto.

103-9.11. - Failure to Implement Plans

If a site development plan or preliminary plat has not been submitted to the Department within 12 months of the date of approval of the rezoning application, then the Planning Commission may review each case to determine if there are circumstances clearly justifying such delays. If justifying circumstances do not exist, the Planning Commission may recommend to City Council that the zoning map be amended to change the land to its prior zoning classification.

103-9.12. - Evaluation of Amendments

A. In considering the applications for an amendment to this UDO or Official Zoning Map, or in making other zoning decisions, the following factors may be considered:

1. The impact upon the appearance of the city;
2. The impact upon thoroughfare congestion and traffic safety;
3. The impact upon population density and the potential for overcrowding and urban sprawl;
4. The impact upon the provision of water, sewerage, transportation, and other urban services;
5. The protection of property against blight and depreciation;
6. Consistency with the adopted Future Land Use Map and/or the Comprehensive Plan;
7. The impact upon adjacent property owners if the amendment is approved;
8. The impact upon the applicant if the amendment is denied; and/or
9. Any other factor affecting the health, safety, morals, convenience, order, prosperity, or general welfare of the present and future inhabitants of the City of Snellville.

103-9.13. - Appeals

Any person aggrieved by a decision or order of the City Council may appeal by certiorari to the Superior Court of Gwinnett County. Any such appeal must be filed within 30 days from the date of the decision of the City Council. Upon failure to file the appeal within 30 days, the decision of the City Council will be final.

Sec. 103-10. - Special Use Permits

103-10.1. - General

Special use permits are intended as a means for the City Council to authorize certain uses that are not permitted by-right in a zoning district. Special use permits may be subject to meeting specific standards by Chapter 200 Article 6 (Use Provisions), but still require individual review by City Council because of the increased potential for incompatibility with its immediate neighborhood.

103-10.2. - Application Requirements

A. Each application for a special use permit must be filed with the Department and must include the following:
    1. Payment of the appropriate application fee.
    2. A current legal description of the site. If the site includes multiple lots, provide a separate legal description for each individual lot, together with a composite legal description for all lots.
    3. Ten printed boundary surveys of the site, at least one of which should be an 11 x 17-inch (or smaller) reduction. In addition, a digital copy in .pdf and .dwg. format must be submitted using email, flash drive, or other means approved by the Director. The survey must have been prepared by a registered land survey no more than 12 months before the date of submittal.
    4. Ten copies of the proposed site plan, and one 11 x 17-inch (or smaller) reduction of the plan, drawn to scale, showing: a north arrow; land lot, district, and parcel number: the dimensions with bearing and distance; acreage; location of the tract(s); the present zoning district of all adjacent lots; the proposed location of structures, driveways, parking, and loading areas; and the location and extent of required buffer areas. The site plan must be prepared by an architect, engineer, landscape architect or land surveyor whose State registration is current and valid. The site plan must be stamped and sealed by one of the four above-mentioned professionals no more than 6 months before the date of submittal. In addition, a digital copy in .pdf and .dwg format must be submitted using email, flash drive, or other means approved by the Director.
    5. Letter of intent explaining what is proposed.
    6. Ten stapled or bound copies of the special use permit application and all supporting documents, in addition to one unbound application bearing original signatures. In addition, a digital copy in .pdf format of all plan submittals must be submitted using the means requested by the Director.
    7. Architectural building renderings indicating building elevation, colors, construction materials, etc. of which the facades and roofs will consist.
    8. Additional information deemed necessary by the Director in order to evaluate a proposed use and its relationship to the surrounding area must be submitted.
    9. A traffic impact analysis when required by Sec. 103-5.2.
B. Special use permits may not be used for securing early zoning for conceptual proposals which may not be undertaken for more than 6 months from the date the application is submitted. A special use permit application will be considered only if it is made by the owner of the property or their authorized agent.

103-10.3. - Review Criteria

In reviewing applications for a special use permit, the following standards and factors must be considered by the Planning Commission and the City Council in place of the matters identified in Sec. 103-9.4.B.10 and/or Sec. 103-9.4.C.11:

A. Applicable use standards of Chapter 200 Article 6 (Use Provisions); and
B. Whether the proposed use would be consistent with the needs of the neighborhood or community as a whole and would not be in conflict with policies and objectives of the Comprehensive Plan; and
C. Whether the proposed use has adverse impacts on the surrounding area, especially with regard to, but not limited to, traffic, storm drainage, land values and compatibility of land use activities; and
D. Whether the proposed use is desired for development and a more intensive zoning district which contains that use as a use by right would not be appropriate for the property; or
E. Whether a proposed use is desired for development and no zoning district contains that use as a use by right; or
F. Whether a unique use not addressed in any zoning district is desired for development and is not likely to be duplicated within the City; or
G. Whether the density of development may be affected by the height of a building.

103-10.4. - Review Process

A. Applications for special use permits must be submitted to the Department no later than noon, 42 days before the meeting date of the Planning Commission.
B. The Department may prepare a study in accordance with Sec. 103-9.5 (Department Study), which must also include how the proposed use conforms to the review criteria in this subsection. The study may recommend conditions of approval which may be deemed advisable so that the purpose of this UDO will be served and the public health, safety, morality, and general welfare secured.
C. The Planning Commission must hear the application for special use permit following the same procedures required for a rezoning in Sec. 103-9.6 (Planning Commission Action), except as follows:
    1. The Planning Commission may not consider the matters set forth in Sec. 103-9.4.B.10 and/or Sec. 103-9.4.C.11 as part of a special use permit.
    2. In lieu of the matters identified in clause C.1 above, the Planning Commission must consider the review criteria in this subsection.
    3. The Planning Commission may propose conditions that will ensure that the use standards identified in that clause are met and the public health, safety, and general welfare are secured.
D. At least 15 days before the date of the public hearing to be held by the City Council, the special use request must be duly advertised and heard, following the same procedure required for a rezoning in Sec. 103-9.7 (City Council Public Hearing) and Sec. 103-9.8 (Public Notification). The City Council may approve conditions that will ensure that the review criteria in this subsection are met and the public health, safety, and general welfare are secured.
E. If the special use permit application is denied by the City Council, no special use application affecting any portion of the same property may be submitted less than 6 months from the date of denial.

103-10.5. - Appeals

Any person aggrieved by a decision or order of the City Council may appeal by certiorari to the Superior Court of Gwinnett County. Any such appeal must be filed within 30 days from the date of the decision of the City Council. Upon failure to file the appeal within 30 days, the decision of the City Council will be final.

103-10.6. - Following Approval

A. If an application is approved and a special use permit is granted, all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property must be in accordance with the approved plan and conditions. All final site plans must be approved by the Director before the issuance of any permits. Once established, the special use must be in continuous operation. Upon discovery that the operation of the special use has or had ceased for a period of 180 days or more and the owner of the property has not requested voluntary termination of the special use permit, the Director must forward a report to City Council through the Planning Commission which may recommend that action be taken to remove the special use permit from the property.
B. Changes to a special use or development of a site for the special use will be treated as an amendment to the special use permit and will be subject to the same application and review process as a new application.
C. The special use for which a special use permit is granted must commence operations or construction within 12 months of the date of approval by the City Council. If, at the end of this 12-month period, the Director determines that active efforts are not proceeding toward operation or construction, a report may be forwarded to the City Council through the Planning Commission which may recommend that action be taken to remove the special use permit from the property.
D. The Director or an officer of the City of Snellville Police Department has the right to periodically examine the operation of the specific use to determine compliance with the requirements of any conditions. If the Director determines that the requirements and conditions are being violated, a written notice will be issued to the owner of the property outlining the nature of the violations and giving the owner of the property a maximum of 30 days to come into compliance. This 30-day maximum will be amendable in the reasonable discretion of the Director. If after 30 days the violations continue to exist, the Director must forward a report to the City Council through the Planning Commission, which may recommend that action be taken to remove the special use permit from the property.
E. Upon approval by the City Council, a special use permit must be identified on the Official Zoning Maps.
F. Upon approval by the City Council of a special use permit, the owner of the property must be issued a notice from the Director, which states the specific use permitted, the requirements of this subsection and any conditions attached to the approval.
G. The Department may not issue a certificate of occupancy for the specific use unless all requirements and conditions of the special use permit have been fulfilled by the owner of the property.

Sec. 103-11. - Nonconformities

103-11.1. - Purpose

A. Within the districts established by this UDO or amendments thereto that may later be adopted there exist lots, structures and uses of land and structures which were lawful before this UDO was passed or amended, but which would be prohibited under the terms of this UDO or any future amendment.
B. It is the intent of this UDO to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this UDO that nonconforming uses may not be enlarged upon, expanded nor extended, nor be used as a basis for additional structures or uses prohibited elsewhere in the same zoning district.
C. To avoid undue hardship, nothing in this UDO may be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun before the effective date of adoption or amendment of this UDO and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner, and demolition, elimination and removal of an existing structure in connection with such construction, provided that actual construction work shall be diligently carried on until the completion of the building involved.

103-11.2. - Nonconforming Lots of Record

In any district in which single-family detached dwellings are permitted, notwithstanding limitations imposed by other provisions of this UDO, a single-family detached dwelling and customary accessory buildings may be erected on any single lot of record, as officially recognized by the City, at the effective date of this UDO. This provision will apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the zoning district, if yard dimensions and other requirements not involving area or width, or both, of the lot must conform to the provisions of this UDO.

103-11.3. - Nonconforming Uses

A. The lawful use of any building or structure or land existing at the time of the enactment or amendment of this UDO may be continued, even though such use does not conform with the provisions of this UDO, except that the nonconforming use may not be:
    1. Extended to occupy a greater area of land.
    2. Extended to occupy a greater area of a building or structure unless such additional area of the building or structure existed at the time of the passage or amendment of this UDO and was clearly designed to house the same use as the nonconforming use occupying the other portion of the building or structure.
    3. No such nonconforming use may be moved in whole or in part to any portion of the lot other than that occupied by such use at the effective date of adoption of this UDO.
    4. Reestablished after discontinuance for 6 months as based on available City records.
    5. Changed to another nonconforming use.

103-11.4. - Nonconforming Buildings and Structures

Where a lawful building or structure (excluding signs) exists at the effective date of adoption or amendment of this UDO that could not be built under the terms of these regulations and standards by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to maintain or improve its condition or to decrease its nonconformity.
B. If such a nonconforming structure or nonconforming portion of a structure is destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it may not be reconstructed except in conformity with the provisions of this UDO.
C. If such a structure is moved for any reason for any distance whatever, it must thereafter conform to the regulations for the district in which it is located after it is moved.
D. Structures that are nonconforming due to front, side or rear yard requirements may be expanded or extended only in conformance with this UDO.
E. Variances to non-conforming buildings and structures may be granted by the Board of Appeals.

103-11.5. - Nonconforming signs

A. The lawful use of a permanent sign existing at the time of the adoption of the UDO may be continued in nonconformance, except that the nonconforming sign may not be enlarged, altered, modified, improved or rebuilt. However:
    1. A nonconforming sign may be repaired to the extent necessary to maintain it in a safe condition and neat and orderly appearance.
    2. A change in the advertising message on the sign shall not constitute an alteration or modification of the sign.

3. Routine maintenance and changing of copy are permitted as long as such maintenance or changing of copy does not result in or shape, size or design.

B. No structural repair or change in shape, size or design, is permitted except to make a nonconforming sign comply with all requirements of this UDO or to render the sign structurally sound.

C. A nonconforming sign may not be removed by an act of the owner and later replaced by another nonconforming sign.

D. No sign variances are allowed.

103-11.6. - Uses Under Prior Special Use Permits and Rezoning with Conditions

Any use for which a conditional use permit, special use permit, or a rezoning with conditions has been issued under a prior zoning code or ordinance will not be deemed a nonconforming use but may be deemed a conforming use in the district under the conditions required for the issuance and validity of the special use permit or rezoning.

103-11.7. - Repairs and Maintenance

A. Work may be done on any nonconforming structure, or portion of a structure, containing a nonconforming use, on ordinary repairs, or on repair or replacement of load-bearing or non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 50% of the current replacement cost of the nonconforming structure or on conforming portion of the structure as the case may be, provided that the square footage or cubic content existing when it became nonconforming may not be increased.

B. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

C. Nothing in this UDO may be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

CHAPTER 200. - ZONING AND LAND USE

ARTICLE 1. - RULES FOR ALL ZONING DISTRICTS

Sec. 201-1. - Measurements and Exceptions

201-1.1. - Sites

A. **Defined**

A site is any lot or group of contiguous lots owned or controlled by the same person or entity, assembled for the purpose of a single development.

B. **Site Area**

Site area is the cumulative area of all contiguous lots that the site is composed of. It excludes existing public rights-of-way but does include planned public or private rights-of-way that will be created in the development.

C. **Site Frontage**

All sites must have at least 25 feet of frontage upon a public street or private street built to public standards.

201-1.2. - Density

A. **Dwelling Units Allowed**

1. The maximum number of dwelling units allowed on a site is calculated by either:
   a. Multiplying the site area by the maximum number of units per acre allowed in the zoning district, when applicable; or
   b. Conforming to minimum lot sizes.

   Minimum lot sizes in some districts may appear to allow additional units to be developed on a site beyond what is allowed by sentence a above; however, the zoning district's allowed density serves as the cap on the maximum number of units on a site.

2. The maximum number of dwelling units allowed on a site or portion of a site located within a floodplain must be further reduced when required by the FH district standards of Sec. 205-3.3.A.

B. **Accessory Dwelling Units**

Accessory dwelling units are not counted in density calculations.

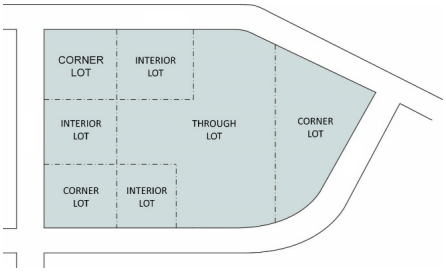
201-1.3. - Lots

A. **Defined**

A parcel of land either vacant or occupied intended as a unit for the purpose, whether immediate or for the future, of transfer of ownership, or possession, or for development.

Lot types include the following:

1. Corner Lot. Any lot with frontage on two streets at their intersection.

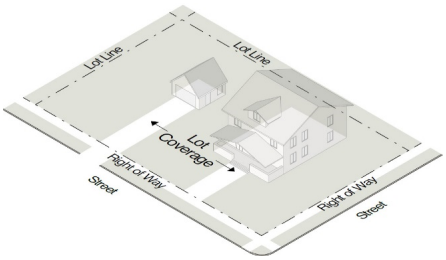


2. Interior Lot. A lot with frontage on only one street.
3. Flag lot. A lot that does not meet the minimum frontage and/or width requirements and where access to the public street is by a narrow right-of-way or driveway.
4. Through Lot. A lot other than a corner lot with frontage on two or more streets.

B. **Lot Area**

The area included within the rear, side, and front lot lines. Lot area does not include existing or proposed rights-of-way, whether dedicated or not dedicated to public use.

C. **Lot Coverage**



The percentage of total lot area, excluding any streetscape easements provided in accordance with Sec. 401-4.2.A.3, that includes:

1. The horizontal area of the building footprint measured within the outside of the exterior walls of the ground floor of all principal and any roofed accessory buildings on the lot; and
2. Any impervious parking areas, driveways, walkways, steps, terraces, uncovered patios and decks, swimming pools, and any similar features. The Director may establish rules for determining the extent to which partially pervious materials are exempt from lot coverage.

D. **Lot Depth**

The distance between midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

E. **Lot Frontage**

1. Defined. The portion of a lot adjacent to a street or specified courtyard for a cottage court.
2. Minimum Frontage.
   a. Every lot must have at least 25 feet of frontage upon either a public street, a private street built to public standards, or a specified courtyard for a cottage court, except when less frontage is allowed by zoning district regulations or when more frontage is required along cul-de-sacs.
   b. Every lot along a cul-de-sac must have at least 35 feet of frontage, measured along a straight line along the chord of the arc at the right-of-way line.

F. **Lot Width**

1. Defined. The distance between side lot lines measured at the minimum required front yard setback, except as provided for cul-de-sacs below.
2. Lot Width along Cul-de-Sacs. For a lot with the majority of its frontage on a cul-de-sac, the lot width may be measured at the minimum required front setback line or at a line parallel to said setback line at no more than twice the minimum front setback distance from the street.

G. **Through Lots**

1. Through lots are required for residential subdivisions along major thoroughfares where internal access can be provided, except as otherwise allowed by clause G.2 below.
2. Interior and corner lots are allowed along major thoroughfares in the TCO, TC, MU, and NR districts when these lots have internal access from an alley or shared driveway."
3. When a through lot is required by clause G.1 above, a no-access landscape strip must also be provided when required by Sec. 207-3.2.C.

H. **Lot Size**

1. New lots must conform to the size requirements of the applicable zoning district, except as otherwise allowed by paragraph I below.
2. No lot, even though it may consist of one or more adjacent lots in the same ownership at the time of passage of this UDO, may be reduced in size so that its width, size of yards, lot area per dwelling unit, or any other requirements of this UDO are not maintained. This does not apply when a portion of a lot is acquired for public use.
3. New lot size is determined by Sec. 401-4.2.A.3.c on existing public streets where there is insufficient right-of-way for the required streetscape improvements and an easement is provided in accordance with Sec. 401-4.2.A.2.

I. **Lot Size Exceptions**

1. No lot served by a septic tank may have a lesser area than that approved by the Environmental Health Section for safe drinking water and septic tank operation.
2. Lots used exclusively for common areas, open spaces, private alleys, or stormwater facilities are exempt from lot size

requirements.

3. Lots used exclusively for subdivision entrance sign or subdivision entrance landscape features are exempt from lot size requirements when:
   a. The lot is located at an entrance to the subdivision as an "island" in the right-of-way of a local or minor collector street; and
   b. The subdivision provides a mandatory homeowner association (or non-residential equivalent) that is responsible for maintaining the lot in perpetuity; and
   c. Right-of-way with a minimum width of 6 feet from the back of the curb is provided adjacent to the perimeter of the lot;
   d. Landscape plantings are not allowed in the right-of-way, except as otherwise provided in this UDO within the streetscape planter by Sec. 401-4.2 (Streetscape Required).

J. **Substandard Lots of Record.**

Any lot of record existing at the time of the adoption or amendment of the UDO, that has an area or width that is less than is required by the UDO, may be used, subject to the following:

1. **Individual Lot Not Meeting Minimum Lot Size Requirements.**
   a. Except as set forth in sentences J.1.b and c below, in any zoning district where single-family detached dwellings are permitted, any lot of record existing at the time of adoption or amendment of the UDO which has an area, width or depth less than that required by the UDO may be used as a building site for one single-family detached dwelling.
   b. In the case of such a lot, when it is not possible to provide the required side setbacks and at the same time build a minimum width single-family detached dwelling, the Board of Appeals is authorized to grant a variance reducing the side setback requirements for such lot the minimum amount necessary for a reasonable dwelling, but in no case may each of the side setbacks be less than 5 feet in width or the new structure located less than 10 feet from an principal structure on an adjacent lot.
   c. In the case of such lot, when the lot was previously approved in a final plat for use as a common area, open space, private alley, stormwater facilities, or similar amenity or infrastructure use, it may not be used as a building site for one single-family detached dwelling.
2. **Adjoining Lots.** When two or more adjoining lots of record with continuous frontage are in one ownership at any time after the adoption or amendment of the UDO and such lots, individually, have an area or width that is less than is required by the UDO, then such contiguous lots are considered as a single lot or several lots of the minimum width and area required by the zoning district in which they are located and must be combined.

201-1.4. - Building Setbacks

A. **Type of Setbacks**
   1. There are four types of setbacks - front, side (street), side (interior), and rear.
   2. Building setbacks apply to both principal and accessory buildings or structures, except where it explicitly states otherwise in this UDO.

B. **Measurement of Building Setbacks**

Building setbacks are measures as follows, except when paragraph C below applies:

1. A front setback is measured at a right angle (perpendicular) to the front lot line, except as otherwise required by clause B.7.
2. A side (street) setback is measured at a right angle (perpendicular) to the side street lot line, except as otherwise required by clause B.7.
3. A rear setback is measured at a right angle (perpendicular) to the rear lot line.

4. Lot lines which are not front, side (street), or rear lot lines are considered side (interior) lot lines for the purpose of measuring se Side (interior) setbacks are measured at a right angle (perpendicular) to the side interior lot line.
5. Setbacks must be drawn using an extension of a line perpendicular to the lot line until they intersect with another setback line.
6. Where street right-of-way dedication occurs, setbacks are measured from the final lot line.
7. Where a streetscape easement is provided in accordance with Sec. 401-4.2.A.3, setbacks must be measured from the easement.

C. **Irregularly Shaped Lots**

The Director will determine how setbacks apply to irregularly shaped lots.

D. **Front Setback Exceptions**

The following applies in all districts except the TCO, TC, MU, and NR districts.

1. Front setback requirements do not apply on lots where the average depth of the front yards of existing buildings on adjoining lots located wholly or partially within 100 feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is either more or less than the minimum required front setback.
2. If the average depth of the front yards is more than the required front setback, then the lot's required front setback is the average depth of the front yards of the above-referenced buildings but not more than 150% of the otherwise required front setback.
3. If the average depth of the front yards is less than the required minimum front setback, then lots required front setback is the average of the front yards of the aforementioned buildings.

201-1.5. - Building Setback Encroachments

All principal buildings and structures must be located at or behind the required zoning district setbacks, except as listed below. Unless specifically stated in this UDO, no building or structure may extend into a required easement or public right-of-way.

A. **Non-Profit Private Clubhouse, Non-Profit Private Recreation**

Zoning district setbacks do not apply to non-profit private clubhouse and non-profit private recreation uses. Both must conform to the setbacks provided in Article 7 for their use.

B. **Principal Building Features**

1. Porches, stoops may not encroach, except as allowed in Sec. 201-2.14 (Building Elements) in zoning districts where building types apply.
2. Balconies and awnings/canopies may encroach up to 6 feet, except where a greater distance is allowed in Sec. 201-2.14 (Building Elements) in zoning districts where building types apply.
3. Building eaves, roof overhangs, gutters, downspouts, and light shelves may encroach up to 4 feet, provided that such extension is at least 2 feet from the vertical plane of any lot line.
4. Bay windows and oriels less than 10 feet wide may encroach up to 4 feet, provided that such extension is at least 2 feet from the vertical plane of any lot line.
5. Chimneys may encroach up to 4 feet, provided such extension is at least 2 feet from the vertical plane of any lot line.
6. Cornices, belt courses, sills, buttresses, or other similar architectural features may encroach up to 2 feet.
7. Unenclosed and uncovered patios, decks, or terraces may encroach up to 4 feet into a side (interior) setback, or up to 8 feet into a required rear setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.
8. Handicap ramps may encroach to the extent necessary to perform their proper function.

9. Structures below and covered by the ground may encroach to any extent.

C. **Accessory Use and Structure Setback Encroachments**

Accessory uses and structures may encroach into building setbacks in accordance with Sec. 201-1.6 (Accessory Uses and Structures - Residential Districts) and Sec. 201-1.7 (Accessory Uses and Structures - Nonresidential Districts).

D. **Buffer Setbacks**

See Sec. 201-1.9 (Buffer Setbacks) for an additional buffer setback that applies even when a lesser setback is otherwise allowed by this subsection.

201-1.6. - Accessory Uses and Structures - Residential District

The following applies in residential and TC-R zoning districts:

A. **General Accessory Use and Structure Locations**

1. No accessory structure except driveways and individual mailboxes may be in a public right-of-way.
2. Landscaping may not be in a public right-of-way of a City street unless approved by the Director.
3. No accessory structure in a public right-of-way may create a sight hazard to the traveling public. See Sec. 201-1.8 (Intersection Visibility).
4. Accessory uses and structures are only allowed in rear yards, except as shown in Table 201-1.6 or otherwise allowed in this UDO.
5. Accessory uses and structures are subject to the additional buffer setback requirements of Sec. 201-1.9 (Buffer Setbacks), which apply even when a lesser setback is otherwise allowed by this subsection.
6. When an accessory use or structure is allowed in a specific yard, it has no setback requirements, except as shown in Table 201-1.6, clause 5 above, or otherwise in this UDO.

Table 201-1.6. Allowed Locations of Residential District Accessory Uses and Structures

Accessory Use or Structure A = Allowed in yard " " = Not allowed in yard	**Front Yard**	**Side Yard (street)**	**Side Yard (interior)**	**Rear Yard**	**Additional Setbacks Standards**	**Additional Standards**
Basketball goal	A	A	A	A		
Canopy and covered entrance	A	A	A	A	See Sec. 201-1.6.C	
Covered mail kiosk	A	A	—	—	See Sec. 201-1.6.B	See Sec. 206-8.26
Decorative landscaping, such as steppingstones, fountains, birdbaths, birdhouses, light posts, statuary, and bridges	A	A	A	A		

Driveway	A	A	A	A	See Sec. 201-1.6.D	
Dumpster	—	—	A	A	See Sec. 201-1.6. B	See Sec. 206-8.10
Fence and wall (includes gate)	A	A	A	A		See Sec. 207-2.3
Flagpole	A	A	A	A		
Gatehouse	A	A	—	—		
Koi pond	A	A	A	A	See Sec. 201-1.6.B	See Sec. 206-8.28
Lamppost	A	A	—	—		
Mailbox	A	A	—	-		
Mechanical equipment	A	A	A	A	See Sec. 201-1.6.F	See Sec. 207-2.2
Modular office/classroom	—	—	A	A	See Sec. 201-1.6.B	See Sec. 206-8.17
On-site parking	A	A	A	A	See Sec. 201-1.6.G	See Sec. 206-8.18
Parking of business vehicles	See Sec. 206-8.21					
Parking of recreational vehicles	See Sec. 206-8.22					
Parking of watercraft	See Sec. 206-8.23					
Portable accessory structure (PAS)	A	A	A	A	See Sec. 201-1.6.B	See Sec. 206-8.24
Roofed accessory structure, except as shown in this table	—	—	A	A	See Sec. 201-1.6.B	See Sec. 206-8.26
Sidewalk	A	A	—	—		

Sign	A	A	—	—		See Sec. 207-6
Stormwater infrastructure	A	A	A	A	See Sec. 201-1.6.H	
Swimming pool, hot tub, spa	—	—	A	A	See Sec. 201-1.6.B	See Sec. 206-8.28
Vegetable garden under 100 sf. in combined area	A	A	A	A	See Sec. 201-1.6.B	
Vegetable garden 100 sf. or more in combined area	—	—	A	A	See Sec. 201-1.6.B	
Walkway	A	A	A	A		

B. **Accessory Use and Structure Setback Requirements**

When shown in Table 201-1.6, accessory uses and structures must observe the following setback requirements adjacent to all lot lines, except when the required building setback is less than the following distances:

1. Up to 100 square feet in area: min. 5-foot setback.
2. 101 to 300 square feet: min. 10-foot setback.
3. 301 to 500 square feet: min. 15-foot setback.
4. Over 500 square feet: min. 20-foot setback.

C. **Canopies and Covered Entrances**

Canopies and covered entrances for adult care centers, day care centers, places of worship, or other similar uses may encroach:

1. Into the required side (interior) or rear yard up to 3 feet; and
2. Into the required front yard or side (street) yard, provided such extensions are not closer than 15 feet from the street right-of-way line or future right-of-way line as designated on the Gwinnett County Long Range Road Classification Map, whichever is greater.

D. **Driveways**

No more than 35% of the front yard area may be used for driveways or authorized on-site parking. See paragraph G below.

E. **Fences and Walls**

1. Fences, walls, and retaining walls are allowed in all yards, except as provided for in Sec. 201-1.9 (Buffer Setbacks) and clause E.2 below.
2. Fences, walls, and retaining walls in a front yard or side (street) yard must be placed within 2 feet of the vertical plane of any lot line unless a greater distance is required by Sec. 201-1.8 (Intersection Visibility).

F. **Mechanical Equipment**

1. Mechanical equipment associated with residential uses, such as HVAC units, swimming pool pumps or filters, and security lighting, may encroach into a side (interior) or rear yard, provided that such extension is at least 3 feet from the vertical plane of any lot line.
2. Mechanical equipment associated with residential uses may only encroach into a front or side (street) yard when less than 30 square feet in footprint.
3. Mechanical equipment not associated with residential uses must conform to Sec. 201-1.7.F.
4. See Sec. 207-2.2 for screening requirements.

G. **On-Site Parking**

1. No parked vehicle or any portion of a parked vehicle, including those in driveways, may be within the public right-of-way, except for authorized on-street parking.
2. When parking is allowed in the front yard, no more than 35% of the front yard area may be used for parking or authorized driveways.
3. When parking is allowed in the rear yard, no more than 20% of the rear yard area may be used for parking, and the parking must be screened from view of adjacent residential uses.

H. **Stormwater Infrastructure**

Stormwater infrastructure may only encroach into a front or side (street) yard when:

1. The infrastructure is completely covered by ground; or
2. The infrastructure consists exclusively of management practices, such as normally dry storage and retention facilities or ponds always maintaining water. These must be designed by a qualified professional as formal or natural amenities with additional uses other than stormwater management, such as an amphitheater, sports field, or a pond or pool as part of the landscape design.

201-1.7. - Accessory Uses and Structures - Nonresidential Districts

The following applies in all nonresidential districts except TC-R.

A. **General Accessory Use and Structure Locations**

1. No accessory structure, except driveways and individual mailboxes, may be in a public right-of-way.
2. Landscaping may not be in a public right-of-way of a City street unless approved by the Director.
3. No accessory structure in a public right-of-way may create a sight hazard to the traveling public. See Sec. 201-1.8 (Intersection Visibility).
4. Accessory uses and structures are only allowed in rear yards, except as shown in Table 201-1.7 or otherwise in this UDO.
5. Accessory uses and structures are subject to the additional buffer setback requirements of Sec. 201-1.9 (Buffer Setbacks), which apply even when a lesser setback is otherwise allowed by this subsection.
6. Accessory uses and structures are subject to the additional landscape strip restrictions of Sec. 207-3.2.D (Structures in Landscape Strip), which apply even when a lesser setback is otherwise allowed by this subsection.
7. When an accessory use or structure is allowed in a specific yard, it has no setback requirements, except as shown in Table 201-1.7, clause A.5 above, or otherwise in this UDO.

Table 201-1.7. Allowed Locations of Nonresidential District Accessory Uses and Structures

Accessory Use or Structure	Front	Side Yard	Side Yard	Rear Yard	Additional	Additional

A = Allowed in yard " " = Not allowed in yard	**Yard**	**(street)**	**(interior)**		**Setbacks Standards**	**Standards**
Basketball goal	A	A	A	A		
Canopy	A	A	A	A	See Sec. 201-1.7.C	
Cart coral	A	A	A	A		
Covered mail kiosk	A	A	—	—	See Sec. 201-1.7.B	See Sec. 206-8.26
Decorative landscaping, such as steppingstones, fountains, birdbaths, birdhouses, light posts, statuary, and bridges	A	A	A	A		
Drive-thru	A	A	A	A		See Sec. 206-8.9
Driveway	A	A	A	A	See Sec. 201-1.7.D	
Dumpster	—	—	A	A	See Sec. 201-1.7.B	See Sec. 206-8.10
Fence and wall (includes gates)	A	A	A	A	See Sec. 201-1.7.E	See Sec. 207-2.3
Flagpole	A	A	A	A		
Gasoline pump	A	A	A	A	See Sec. 201-1.7.B	See Sec. 206-8.26
Gatehouse	A	A	—	—		
Koi pond	A	A	A	A	See Sec. 201-1.7.B	See Sec. 206-8.28
Lamppost	A	A	—	—		

Mailbox	A	A	—	-		
Mechanical equipment	—	—	A	A	See Sec. 201-1.7.F	
Modular office/classroom	—	—	A	A	See Sec. 201-1.7.B	See Sec. 206-8.17
On-site parking	A	A	A	A	See Sec. 201-1.7.G	See Sec. 206-8.18
Parking of business vehicles	See Sec. 206-8.21					
Parking of recreational vehicles	See Sec. 206-8.22					
Parking of watercraft	See Sec. 206-8.23					
Portable accessory structure (PAS)	A	A	A	A	See Sec. 201-1.7.B	See Sec. 206-8.24
Roofed accessory structure, except as shown in this table	—	—	A	A	See Sec. 201-1.7.B	See Sec. 206-8.26
Sidewalk	A	A	—	—		
Sign	A	A	—	—		See Sec. 207-6
Stormwater infrastructure	A	A	A	A	See Sec. 201-1.7.H	
Swimming pool, hot tub, spa,	—	—	A	A	See Sec. 201-1.7.B	See Sec. 206-8.28
Vacuum and tire pressure stand	A	A	A	A		
Vegetable garden under 100 sf. in area	A	A	A	A		
Vegetable garden 100 sf. or more in area	—	—	A	A		
Walkway	A	A	A	A		

B. **Setback Requirements**

When shown in Table 201-1.7, accessory uses and structures must observe the following setback requirements adjacent to all lot lines, except when the required principal building setback is less than the following distance:

1. Up to 100 square feet in area: min. 5?foot setback.
2. 101 to 300 square feet: min. 10?foot setback.
3. 301 to 500 square feet: min. 15?foot setback.
4. Over 500 square feet: min. 20?foot setback.

C. **Canopies**

1. When a canopy not over a pump island is utilized in connection with a commercial or industrial use it may encroach into a required front or side (street) yard, subject to the following:
   a. No portion of a canopy may be closer than 10 feet from the vertical plane of any street right-of-way, nor closer than 20 feet from the vertical plane of the face of the curb of the street.
   b. No canopy may occupy more than 50% of a required yard over which it extends.
   c. Canopies must be completely unenclosed.
2. Canopies over pump islands may extend up to the street right-of-way line or future right-of-way line as designated on the Gwinnett County Long Range Road Classification Map, whichever is more restrictive.

D. **Driveways**

Driveways and alleys providing inter-parcel access are allowed in all required yards but may not exceed 24 feet in width and must be placed generally perpendicular to the yard.

E. **Fences and Walls**

1. Fences, walls, and retaining walls are allowed in all yards, except as provided for in Sec. 201-1.9 (Buffer Setbacks), Sec. 207-2.3 (Fences and Walls), Sec. 207-3.2.D (Structures in Landscape Strip), and clause E.2 below.
2. Fences, walls, and retaining walls in a front yard or side (street) yard must be placed within 2 feet of the vertical plane of any lot line unless where a greater distance is required by Sec. 207-3.2 (Landscape Strips) or Sec. 201-1.8 (Intersection Visibility).

F. **Mechanical Equipment**

1. Mechanical equipment may encroach into a side (interior) or rear yard.
2. Mechanical equipment may only encroach into a front or side (street) yard when less than 30 square feet in footprint.
3. Minor structures accessory to utilities (such as hydrants, manholes, sanitary sewer lift stations, emergency power generators, transformers, and other cabinet structures, and related fences) may encroach into a rear or side (interior) yard but are not allowed in a front of side (street) yard.
4. See Sec. 207-2.2 for screening requirements.

G. **On-Site Parking**

1. No parked vehicle or any portion of a parked vehicle, including those within driveways, may be within the public right-of-way, except for authorized on-street parking.
2. The parking of any vehicle in any yard is allowed, except where specifically not allowed by district regulations, building types, or use standards.

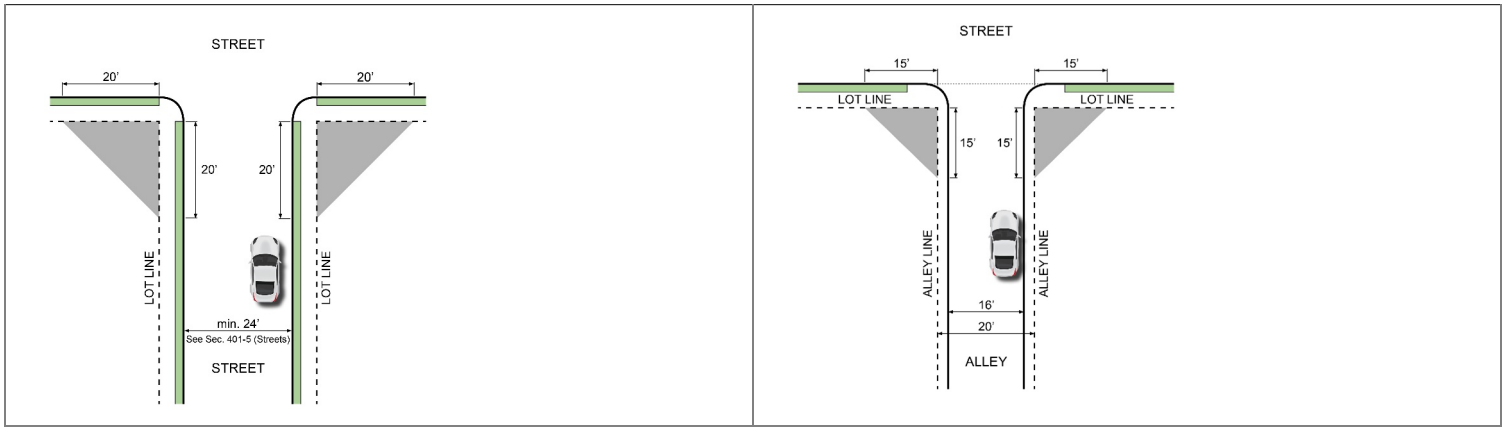
H. **Stormwater Infrastructure**

Stormwater infrastructure may only encroach into a front or side (street) yard when:

1. The infrastructure is completely covered by ground; or
2. The infrastructure consists exclusively of management practices, such as normally dry storage and retention facilities or ponds always maintaining water. These must be designed by a qualified professional as formal or natural amenities with additional uses other than stormwater management, such as an amphitheater, sports field, or a pond or pool as part of the landscape design.

201-1.8. - Intersection Visibility

A. Except in districts allowing the construction of buildings or structures to the lot line, an unobstructed view must be provided across the triangles formed as follows:
   1. By a diagonal line connecting two points located on intersecting lines of the street right-of-way, each point being 20 feet from the intersecting lines.
   2. By a diagonal line connecting two points located on intersecting street right-of-way, alley easement, or alley edge lines, each point being 15 feet from the intersecting lines.
   3. Within these triangles, there may be no sight obscuring wall, fence, entrance sign, marker, or foliage higher than 30 inches above grade, or in the case of trees, foliage lower than 8 feet. Vertical measurements are made at the top of the curb on the street or alley adjacent to the nearest side of the triangle or if no curb exists, from the edge of the nearest traveled way.



B. Heights of fences, hedges, and other continuous foliage are measured from the adjacent top of the street curb, the surface of an alley or the official established grade thereof, whichever is the higher. On interior lot lines, the measurement is from the average grade of the lot line of the property with the lower elevation.

C. The City Council or Board of Appeals may approve, or may direct as a condition of approval, fences or plantings taller than allowed by paragraph A and B above in order to provide screening between different uses or between like uses upon agreement between the affected parties. No such approval may have the effect of reducing visibility required by this subsection.

D. See Sec. 401-5.13.D for additional corner sight distance requirements along minor collectors or major thoroughfares.

201-1.9. - Buffer Setbacks

Structures, including driveways, parking facilities, and retaining walls must be located at least 5 feet from any buffer required by Sec. 207-2.1.B (Buffer Requirements).

201-1.10. - Floor Area

A. **Single-Family Dwelling Floor Area**

Floor area is the sum of finished and conditioned floor area on all floors within surrounding exterior walls of a building. Floor area does not include unenclosed balconies, unenclosed porches, unenclosed stoops, unfinished attics, unfinished basements, garages, or carport.

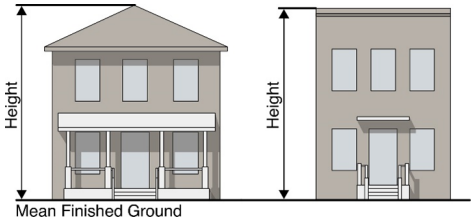
B. **Floor Area of all Other Uses**

Floor area is the sum of floor area on all floors within surrounding exterior walls of a building. Areas of a building not provided with surrounding walls are included in the floor area if such areas are included within the horizontal projection of the roof or floor above. Floor area does not include unenclosed balconies, unenclosed porches, unenclosed stoops, or parking structures.

201-1.11. - Height

A. **General**

1. No building or structure may be erected, converted, enlarged, reconstructed, moved or structurally altered to exceed the height limit established for the zoning district it is located in.
2. The height of buildings and structures is also regulated by the building construction codes, which only apply for building construction code purposes.



B. **Measurement**

Height is measured as the vertical distance from the mean finished ground level at the front of the building to the highest point of a roof or parapet.

C. **Height Variances**

Buildings and structures exceeding the height limitations contained in this UDO, and which have not been granted approval by the City Council through a related zoning action, require variance approval by the Board of Appeals.

D. **Height Encroachments**

The maximum height limits of the district do not apply to:

1. Cupolas, weathervanes, chimneys, parapets and similar architectural features, or satellite dishes or other necessary mechanical rooftop appurtenances provided they do not exceed the height limit by more than 20 feet.
2. Steeples, domes, belfries or ornamental towers, if they are 100 feet in height or less.
3. Barns, silos, and similar agricultural structures, if they are 75 feet in height or less.
4. Water towers, smokestacks, conveyors, derricks, and similar industrial structures, if they are 75 feet in height or less.
5. Flagpoles, if they are 80 feet in height or less.
6. All other structures, except buildings and signs, if they are 50 feet in height or less.
7. The height of transmission towers, radio or television towers and antennas and other telecommunication facilities, which are regulated in Sec. 206-4.3.D (Telecommunications Antenna and Tower).

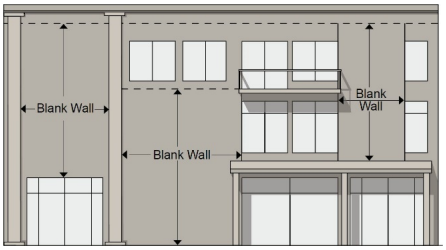
201-1.12. - Street Classification

For purposes of this UDO, all of the streets, roads, and highways are classified in the Gwinnett County 2040 Unified Plan or Long-Range Transportation Plan.

201-1.13. - Fenestration

A. Fenestration is the minimum percentage of window and door glass that must cover a façade.
B. Glass used to satisfy fenestration requirements must be unpainted, must have a transparency (visible light transmission) higher than 70%, and must have an external reflectance of less than 15%. Transparency and external light reflectance must be established using the manufacturer's specifications.
C. Fenestration is measured from the top of the finished floor to the top of the finished floor above.
D. When there is no floor above, fenestration is measured from the top of the finished floor to the top of the wall plate.
E. Window signs must conform to the coverage restrictions of Sec. 207-6 (Signs).
F. Adhesive film, fabric, paper, and other materials that are affixed to the window surface or otherwise installed in a way that prevents visibility into the building interior are prohibited. This prohibition does not apply to curtains, shades, Venetian blinds, interior or exterior shutters, and other window treatments that are in operable condition and capable of being adjusted, opened, or closed daily.

201-1.14. - Blank Wall Area



A. Blank wall area means a portion of the exterior façade of the building that does not include: fenestration, columns, pilasters, or other articulation greater than 12 inches in depth.
B. Blank wall area applies in both a vertical and horizontal direction.
C. Blank wall area applies to ground and upper story street-facing facades only.

201-1.15. - Pedestrian Access

A. A pedestrian entrance and walkway providing ingress and egress, operable to residents at all times and operable to customers, visitors, and employees during business hours, is required to meet any street-facing pedestrian entrance requirements. Additional entrances off another street, pedestrian area, civic space, amenity space, or internal parking area are permitted but must have the same or shorter hours of operability as the street-facing entrance.
B. A street address number must be located above the street-facing pedestrian entrance utilizing numbers that are 6 to 10 inches in height. When multiple entrances exist on a street-facing façade, only one address is required.
C. An angled or mitered pedestrian entrance may be provided at either corner of a building along the street to meet the street-facing pedestrian entrance requirements.
D. These requirements may also apply abutting a civic space in TC Districts, as determined by the Director. In making this determination, the Director must consider the use and design of the civic space, the use of the proposed building, and the public health, safety, and welfare.

E. A front porch or stoop is required to meet the street-facing pedestrian entrance requirements when required by building type.

Sec. 201-2. - Building Types

201-2.1. - General

A. **Applicability**

1. This section only applies in zoning districts where building types are utilized.
2. All principal buildings in zoning districts where building types apply must comply with this section.

B. **Intent**

Building types are used to improve the design of development in certain districts in order to reinforce their character and scale.

C. **Determination of Buildings Type**

Applicants must select which allowed building type corresponds to the building they are proposing to construct or alter, subject to the approval of the Director.

D. **Graphic Depictions are Illustrative Only**

All graphic depictions of building types are for illustrative and zoning purposes only.

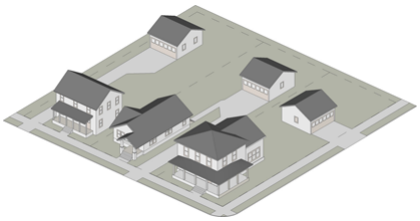
E. **Relationship to Building Codes**

Building types are not linked to building construction codes.

201-2.2. - Detached House

A. **Defined**

A building type that accommodates one single-family detached dwelling unit on an individual lot with yards on all sides. Not for nonresidential use.



B. **Specific Standards**

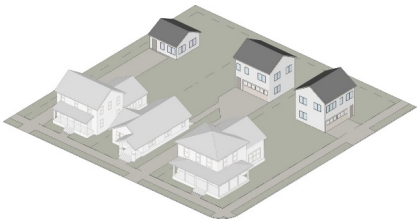
Lot	
Detached house units per lot:	1 max.
Pedestrian Access	
Entrance facing street:	Required
Walkway width:	3 ft. min./ 5 ft. max.

Front porch or stoop:	Required
Parking Location	
No on-site parking is allowed between the building and the street, except in driveways that conform to applicable UDO standards.	
Garage doors facing a street must be located at least 20 feet behind the front wall plane, not including front porches.	

201-2.3. - Carriage House

A. **Defined**

A building type that accommodates an accessory dwelling unit on the same lot as a detached house, semi-detached house, or townhouse but is physically separated from the principal dwelling unit. Carriage houses may also contain garages, workshops, and similar uses. Not for nonresidential use.



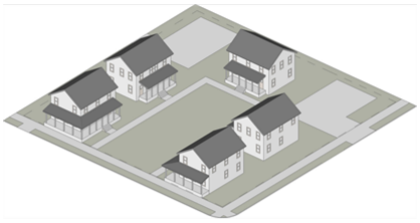
B. **Specific Standards**

Lot	
Carriage house units per lot:	1 max.
Size	
Dwelling Floor Area:	800 sf. max. (excluding garage, workshops, and similar)
Bedrooms:	1 max.
Pedestrian Access	
Entrance facing street:	Not Required
Walkway width:	n/a
Parking Location	
On-site parking located is determined by the principal dwelling unit.	

201-2.4. - Cottage Court

A. **Defined**

A building type that accommodates five to ten detached dwelling units organized around a shared internal courtyard. Units may not be vertically mixed. Not for nonresidential use.



B. **Specific Standards**

Site	
Site area:	20,000 sf. min.
Units per courtyard:	5 min./ 10 max.
Courtyard	
Area:	3,000 sf. min.
Width:	40 ft. min.
Courtyard may not be parked or driven upon, except emergency access and permitted temporary events.	
Pedestrian Access	
Entrance facing street:	Required for units along street
Walkway width:	3 ft. min./ 5 ft. max.
Front porch or stoop:	Required
Parking Location	
No on-site parking is allowed between the building and the street, except in driveways that conform to applicable UDO	

standards.

201-2.5. - Semi-Detached House

A. **Defined**

A building type that accommodates one two-family dwelling. Units may be arranged horizontally or vertically. Not for nonresidential use.

B. **Specific Standards**

Lot	
Semi-detached house units per lot:	2 max.
Pedestrian Access	
Entrance facing street:	Required
Walkway width:	3 ft. min./ 5 ft. max.
Front porch or stoop:	Required
Parking Location	
No on-site parking is allowed between the building and the street, except in driveways that conform to applicable UDO standards.	

201-2.6. - Townhouse

A. **Defined**

A building type that accommodates three or more dwelling units where each unit is separated by a common sidewall. Units may not be vertically mixed. Not for nonresidential use.

B. **Specific Standards**

Site	
Townhouse units per site:	3 min.
Townhouse units in a row:	8 max. [1]
Fenestration	
Ground floor:	10% min.
Upper story:	10% min./ 35% max.
Blank wall area:	20 ft. max.
Pedestrian Access	
Entrance facing street:	Required for units along street
Walkway width:	3 ft. min./ 5 ft. max.
Front porch or stoop:	Required
Parking Location and Access	
No on-site parking is allowed between the building and the street, except in driveways that conform to applicable UDO standards. No garage entrances may face a public street.	
Design	
No more than three adjacent units may have the same front façade designs. Differentiation between adjacent units may be accomplished by a change in materials, building height, color, roof form, or setbacks.	

Table Note:

[1] Units in separate buildings connected by a canopy, pergola, or similar exterior feature are considered separate rows.

201-2.7. - Walk-Up Flat

A. **Defined**

A building type that accommodates three to eight dwelling units vertically and horizontally integrated. Not for nonresidential use.

B. **Specific Standards**

Site	
Walk-up flat units per building:	3 min./8 max.
Floor to Ceiling Height	
All stories:	9 ft. min.
Fenestration	
Ground floor:	15% min.
Upper story:	10% min./ 40% max.
Blank wall area:	20 ft. max.
Pedestrian Access	
Entrance facing street:	Required for lobby (if provided) or ground floor units along street (if no lobby)
Walkway width:	3 ft. min./ 6 ft. max.
Front porch or stoop:	Required
Parking Location	

No on-site parking is allowed between the building and the street, including in driveways.

201-2.8. - Stacked Flat

A. **Defined**

A building type that accommodates nine or more dwelling units vertically and horizontally integrated. Not for nonresidential use.

B. **Specific Standards**

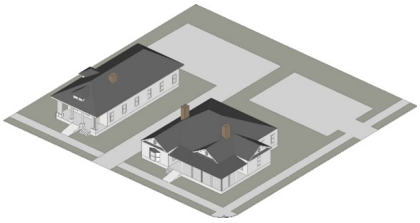
Site	
Stacked flat units per building:	9 min.
Street facing façade length:	200 ft. max.
Floor to Ceiling Height	
All stories:	9 ft. min.
Fenestration	
Ground floor:	15% min.
Upper story:	10% min./ 40% max.
Blank wall area:	20 ft. max.
Pedestrian Access	
Entrance facing street:	Required for lobby and ground floor units along street
Walkway width:	3 ft. min./ 8 ft. max.
Front porch or stoop	Required

Parking Location
No parking lot is allowed between the building and the street, including within driveways.

201-2.9. - Commercial House

A. **Defined**

A building type that accommodates nonresidential uses in a building that resembles a detached house. Not for residential uses.



B. **Specific Standards**

Site	
Street facing façade length:	100 ft. max.
Floor to Ceiling Height	
All stories:	9 ft. min.
Fenestration	
Ground floor:	10% min./ 30% max.
Upper story:	10% min./ 30% max.
Blank wall area:	20 ft. max.
Pedestrian Access	
Entrance facing street:	Required for businesses facing a street
Walkway width:	6 ft. min.
Front porch or stoop	Required

Parking Location
No on-site parking is allowed between the building and the street, including within driveways.

201-2.10. - Shopfront

A. **Defined**

A single-story building type that typically accommodates single-use retail or commercial activity. Not for residential uses.

B. **Specific Standards**

Site	
Street facing façade length:	200 ft. max.
Floor to Ceiling Height	
Ground floor:	14 ft. min.
Other stories:	9 ft. min.
Fenestration	
Ground floor: State route/local street:	30% min./ 70% min.
Blank wall area: State route/local street:	40 ft. max./ 20 ft. max.
Pedestrian Access	
Entrance facing street:	Required every 75 ft. of frontage
Walkway width:	6 ft. min.
Parking Location	

No parking lot is allowed between the building and the street, including within driveways.

201-2.11. - Mixed-use Building

A. **Defined**

A multi-story building type that typically accommodates ground floor retail, office or commercial uses with upper-story residential or office uses. Not for ground floor dwelling units except when such units are not along a street-facing façade.

B. **Specific Standards**

Site	
Street facing façade length:	200 ft. max.
Floor to Ceiling Height	
Ground floor:	14 ft. min.
Other stories:	9 ft. min.
Fenestration	
Ground floor: State route/local street:	30% min./ 70% min.
Blank wall area: State route/local street:	40 ft. max./ 20 ft. max.
Upper story:	10% min./ 40% max.
Pedestrian Access	
Entrance facing street:	Required every 75 ft. of frontage
Walkway width:	6 ft. min.

Parking Location	
No parking lot is allowed between the building and the street, including within driveways.	

201-2.12. - General building

A. **Defined**

A multi-story building type that typically accommodates nonresidential uses such as industrial, hotel or office uses on all stories. Not for residential use.

B. **Specific Standards**

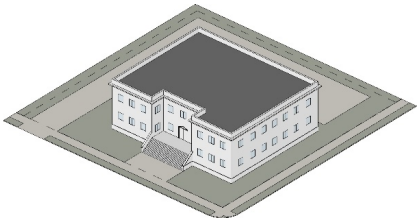
Site	
Street facing façade length:	200 ft. max.
Floor to Ceiling Height	
Ground floor:	11 ft. min.
Other stories:	9 ft. min.
Fenestration	
Ground floor: State route/local street:	20% min./ 50% min.
Blank wall area: State route/local street:	40 ft. max./ 20 ft. max.
Upper story	20% min./ no max.
Pedestrian Access	
Entrance facing street:	Required every 150 ft. of frontage

Walkway width:	6 ft. min.
Parking Location	
No on-site parking is allowed between the building and the street, including within driveways.	

201-2.13. - Civic Building

A. **Defined**

A building type that accommodates civic uses. Not for commercial, retail, office, or residential uses.



B. **Specific Standards**

Fenestration	
Ground floor:	15% min.
Blank wall area:	60 ft. max.
Upper story:	15% min.
Pedestrian Access	
Entrance facing street:	Required
Walkway width:	6 ft. min.
Parking Location	
No on-site parking is allowed between the building and the street, including within driveways.	

201-2.14. - Building Elements

A. **Intent**

The following standards are intended to ensure that certain building elements, when added to a street-facing façade, are of sufficient size to be both usable and functional and be architecturally compatible with the building they are attached to.

B. **Applicability**

1. This subsection applies in all zoning districts where building types are utilized.
2. This subsection also applies in other districts when indicated in district regulations.

C. **Front Porch**

A raised structure attached to a building, forming a covered pedestrian entrance to a doorway.

1. A front porch must be at least 6 feet deep (not including the steps).
2. A front porch must be contiguous, with a width not less than 33% of the building façade from which it projects.
3. A front porch must be roofed and may be screened but may not be fully enclosed.
4. A front porch may extend up to 9 feet, including the steps, into a required front setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.
5. A front porch must not encroach into the public right-of-way or required sidewalk.
6. Steps leading to front porches must have enclosed risers.
7. Round roof support columns must have a minimum diameter of 8 inches.
8. Square roof support columns must have a minimum width of 6 inches.

D. **Stoop**

A small raised platform that serves as a pedestrian entrance to a building.

1. A stoop must be no more than 6 feet deep (not including the steps).
2. A stoop may be covered but may not be fully enclosed.
3. A stoop may extend up to 6 feet, including the steps, into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.
4. A stoop must not encroach into the public right-of-way or required sidewalk.
5. Steps leading to stoops must have enclosed risers.
6. Stoop columns, where provided, must be a minimum width of 8 inches.

E. **Balcony**

A platform projecting from the wall of an upper story of a building with a railing along its outer edge, often with access from a door or window.

1. A balcony must be at least 4 feet deep and may extend up to 6 feet into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.
2. A balcony must have a clear height above the sidewalk of at least 10 feet.
3. A balcony may be covered and screened but may not be fully enclosed.
4. A balcony may encroach up to 6 feet into the public right-of-way or required sidewalk but must be at least 2 feet inside the curb line or edge of the pavement, whichever is greater.
5. No signage may be affixed to a balcony.

F. **Awning/Canopy**

A wall-mounted, cantilevered structure providing shade and cover from the weather for a sidewalk.

1. Awnings must be located on the ground floor.
2. An awning must be a minimum of 10 feet clear height above the sidewalk and must have a minimum depth of 6 feet.
3. An awning may extend into a required setback.
4. An awning may encroach up to 9 feet into the public right-of-way or required sidewalk but must be at least 2 feet inside the curb line or edge of the pavement, whichever is greater.
5. Awnings must be made of canvas or other woven fabric and may not be reflective or shiny.
6. Awnings must have open ends called "shed awnings" to allow views into buildings.
7. Awnings may not be internally lit nor allow light to pass through awning materials.
8. Awnings may only be externally lit from above for below.
9. Awnings may not be narrower than, nor 2 feet wider than, the door or window opening that they serve. Where multiple doors and windows are less than 2 feet apart, multiple awnings may be combined into a single awning.

G. **Gallery**

A covered passage extending along the outside wall of a building supported by arches or columns that is open on three sides.

1. A gallery must have a clear depth from the support columns to the building's façade of at least 8 feet and a clear height above the sidewalk of at least 10 feet.
2. A gallery must be contiguous and extend over at least 75% of the width of the building façade from which it projects.
3. A gallery may extend into a required setback.
4. A gallery may encroach up into the required sidewalk but not the required planter.

Sec. 201-3. - General Architectural Standards

201-3.1. - General

A. **Applicability**

This section applies to buildings and sites in all zoning districts, except the TCO, TC, MU, and NR districts.

B. **Alternative Standards**

The City Council may approve alternative standards to this section as a condition of rezoning.

C. **Intent**

These regulations are intended to:

1. Maintain high quality, long-lasting, and sustainable development in Snellville.
2. Enhance the visual appeal and livability of the city.
3. Foster architectural diversity and interest, yet achieve and maintain a consistent, durable and pleasing aesthetic/visual quality.
4. Ensure that large commercial buildings incorporate designs that reduce their visual mass and create the impression of smaller buildings.

D. **Application Requirements**

1. Building plans submitted as an application for a building permit must clearly indicate the proposed building materials and colors for each facade as described in this section. The plans must also clearly show the location and calculate the percentages of all building materials per facade.
2. Groups of buildings on the same site may be reviewed and permitted as a single application. This is encouraged to minimize the number of reviews required and to allow for originality and design flexibility.

E. **Relief**

1. The Director is authorized to grant administrative variances to the requirements of this section.

2. Administrative variances may only be granted to permit a practice that is not consistent with a specific provision of this section b justified by their intent.
3. Administrative variances relating to a physical element or numeric measurements must be based upon credible submitted evidence demonstrating that:
   a. Approval, if granted, would not offend the intents of paragraph C above;
   b. There are such extraordinary and exceptional situations or conditions pertaining to the particular piece of property that the literal or strict application of the regulations would create an unnecessary hardship due to size, shape or topography or other extraordinary and exceptional situations or conditions not caused by the applicant;
   c. Relief, if granted would not cause a substantial detriment to the public good and surrounding properties; and
   d. That the public safety, health, and welfare are secured, and that substantial justice is done.

201-3.2. - Basic Standards

A. **Applicability**

The following applies to any new building that is not used for a single-family detached, two-family, or attached dwelling.

B. **General**

1. Permanent mounted exterior neon lights are not allowed.
2. Back-lit awnings, roof-mounted lights, and roof-mounted flag poles are not allowed.
3. Satellite dishes must be located and painted to blend with the background as much as practical.

C. **Exterior Wall Finish Materials**

Exterior wall finish materials (excluding foundations, architectural accents, windows, and doors) are limited to the following and Table 201-3.2.C and Table 201-3.2.D:

1. Unpainted full-depth brick where each brick is placed on the exterior wall during construction, but not including half-depth brick, thin brick, or simulated brick veneers;
2. Stone, including unpainted natural stone, unpainted cast stone with the appearance of natural stone, and unpainted terra cotta;
3. True hard coat stucco;
4. Concrete block, which must be painted;
5. Split-face block and painted concrete masonry units (CMU);
6. Wood, including natural wood or cement-based artificial wood siding;
7. Shingles, including wood or cement-based shakes and shingles;
8. Tilt/architectural pre-cast concrete; and
9. Glass.

D. **Exterior Wall Finish Material Combinations**

Exterior wall finish materials may only be combined horizontally, with the visually heavier below the lighter as shown in Table 201-3.2.C. This does not apply to architectural accents or glass.

Table 201-3.2.C. General Architectural Standards Visual Weight Table

This table shows the visual weight of permitted materials. Those at the top are lighter than those at the bottom and must be combined accordingly.

	True Hard Coat Stucco Shingles Wood/Cement-Based Siding Brick, CMU, Pre-Cash Concrete Natural/Manufactured Stone
____	

Table 201-3.2.D. Allowed Building Materials: All Uses

Yes = Material is allowed with no limitations
Percent (%) = Material is allowed but may not exceed the indicated percent of the total façade area (calculated per facade) and may not be combined with another material with a percentage restriction.
No = Material is not allowed

Zoning District	**Brick**	**Stone**	**Glass**	**Tilt/ Pre-Cast**	**True Hard Coat Stucco**		**Concrete Block**		**CMU/Split-Face Block**		**Siding**	
					Front	**Side/Rear**	**Front/ Side**	**Rear**	**Front/ Side**	**Rear**	**Front**	**Side/Rear**
RES SPECIAL USE	Yes	Yes	No	No	Max. 50% per facade	Max. 50% per facade	No	No	No	No	Max. 50% per facade	Max. 50% per facade
R-DU, RM, RX, R0	Yes	Yes	No	No	Max. 50% per facade	Max. 50% per facade	No	No	No	No	Max. 50% per facade	Max. 50% per facade
OP, CI	Yes	Yes	Yes	No	Max.	Max. 50%	No	No	No	No	No [3]	No [3]

					25% per facade	per facade						
MU	Yes	Yes	Yes	No	Max. 25% per facade	Max. 50% per facade	No	Yes [1]	No	Yes [1]	No	25%
BG	Yes	Yes	Yes	No	Max. 25% per facade	Max. 50% per facade	No	Yes [1]	No	Yes [1]	No	25%
HSB	Yes	Yes	Yes	No	Max. 25% per facade	Max. 50% per facade	No	Yes [1]	No	Yes [1]	No	25%
LM[2]	Yes	Yes	Yes	No	Max. 25% per facade	Max. 50% per facade	No	Yes [1]	Max. 25% per facade	Yes [1]	No	No

Table Notes

[1] Allowed only on rear facades of buildings larger than 10,000 square feet floor area. When allowed it must be tinted or painted to blend with the balance of the building. Concrete block and CMU/split-face block are prohibited when the rear building faces a residential property or public street.

[2] For industrial/warehouse buildings less than 30,000 square feet floor area.

[3] Allowed for buildings intended to have a residential appearance. A minimum 4:12 roof pitch is required.

Table 2.5. Allowed Building Materials: Uses over 30,000 square feet Floor Area

Yes = Material is allowed with no limitations
Percent (%) = Material is allowed but may not exceed the indicated percent of the total façade area (calculated per facade) and may not be combined with another material with a percentage restriction.
No = Material is not allowed

Zoning District	**Brick**	**Stone**	**Glass**	**Tilt/ Pre-Cast**	**True Hard Coat Stucco**		**Concrete Block**		**CMU/Split-Face Block [1]**		**Siding**	
					Front	**Side/Rear**	**Front/ Side**	**Rear**	**Front/ Side**	**Rear**	**Front**	**Side/Rear**

BG	Yes	Yes	Yes	Yes [1]	Max. 25% per facade	Max. 50% per facade	No	Yes [1]	No	Yes [1]	No	No
HSB	Yes	Yes	Yes	Yes [1]	Max. 25% per facade	Max. 50% per facade	No	Yes [1]	No	Yes [1]	No	No
LM	Yes	Yes	Yes	Yes [1]	Max. 25% per facade	Max. 50% per facade	No	Yes [1]	Max. 25% per facade	Yes [1]	No	No

Table Notes

[1] Allowed only on rear facades. When allowed it must be tinted or painted to blend with the balance of the building. Concrete block and CMU/split-face block are prohibited when the rear building faces a residential property or public street.

E. **Architectural Accent Materials**

Architectural accents are limited to the following:

1. Any allowed exterior wall finish materials;
2. EIFS, provided the total combined area of EIFS and the other materials identified in clause 3 below may not exceed 15% of total wall area per façade; and
3. Small amounts of other materials, provided the total combined area of these accents may not exceed 10% of the total wall area per facade.

F. **Building Color**

1. All exterior wall finish, foundations, windows, and door material colors must use hues from or equivalent to any historic palettes from any major paint manufacturer, except that primary and fluorescent colors are not allowed.
2. Colors other than those allowed by clause F.1 above may be used for accents but may not exceed 10% of the total façade wall area.

G. **Building Massing**

Variation in the roofline of buildings and offsets in pitched roofs and gables are required. Parapets on individual facades exceeding 125 continuous linear feet must vary in height and projection at least once every 125 feet and must use decorative elements such as crown moldings, dentils, brick soldier courses, or similar details.

201-3.3. - Small Residential Building Standards

A. **Applicability**

The following applies to:

1. New single-family detached dwellings not in subdivisions;
2. New single-family detached dwellings in new subdivisions approved after the effective date of this UDO;

3. New single-family detached dwellings in existing subdivisions where no dwelling units were issued a certificate of occupancy bef effective date of this UDO and where there are no valid approved or pending building permits per the transitional provisions of S 1.4;
4. New two-family dwellings; and
5. New single-family attached dwellings.

B. **Alternative Standards**

The City Council may approve alternative standards to this subsection in a new subdivision.

C. **Prohibited Exterior Wall Finish Materials**

The following exterior wall finish materials (excluding architectural accents, windows, and doors) are not allowed:

1. Vinyl;
2. Concrete;
3. Metal, except that aluminum clapboard siding is allowed;
4. EIFS;
5. Concrete masonry units;
6. Plywood (including T1-11); and
7. Cementitious panels, except that cementitious clapboard is allowed.

D. **Building Colors**

All exterior wall finish, foundations, windows, and door material colors must use hues from or equivalent to any historic palettes from any major paint manufacturer, except that primary and fluorescent colors are not allowed.

E. **Building Facades**

Building facades facing a street must comply with the following:

1. The total combined area of all windows and doors on a front facade may not exceed 40% of the front façade wall area.
2. A front porch or stoop is required and must conform to Sec. 201-2.14.C or Sec. 201-2.14.D, as applicable.
3. All garage doors facing a street must be located at least 10 feet behind the front wall plane, not including front porches.
4. Single-family detached dwelling garage doors facing a street may not comprise more than 50% of the overall width of the front wall plane of the house.
5. All garage doors facing a street must observe a minimum 22-foot front and side (street) setback in all zoning districts.

6. No more than three adjacent single-family attached units may have identical façade designs. Differentiation between adjacent u accomplished by a change in materials, building height, color, or roof form.

F. **Building Massing**

1. Pitched roofs, if provided, must be symmetrically sloped no less than 5:12, except that roofs for front porches and attached sheds may be sloped no less than 2:12.
2. Flat roofs must be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment by Sec. 207-2.2.C (Screening, Roof Mounted Equipment).

G. **Roofs**

All roofs must have a minimum 25-year roof life (per manufacturer's warranty) and must have no visible roll roofing.

Sec. 201-4. - Enhanced Architectural Standards

201-4.1. - General

A. **Applicability**

This section applies in the TCO, TC, MU, and NR districts.

B. **Alternative Standards**

The City Council may approve alternative standards to this section as a condition of rezoning.

C. **Application Requirements**

1. Building plans submitted as an application for a building permit must clearly indicate the proposed building materials and colors for each facade as described in this section. The plans must clearly show the location and calculate the percentages of all building materials per facade.
2. Groups of buildings on the same site may be reviewed and permitted as a single application. This is encouraged to minimize the number of reviews required and to allow for originality and design flexibility.

D. **Relief**

1. The Director is authorized to grant administrative variances to the requirements.
2. Administrative variances may only be granted to permit a practice that is not consistent with a specific provision of these regulations, but is justified by the following:
   a. The purpose of the applicable district;
   b. The policies of the Comprehensive Plan; and
   c. The policies of other officially City plans, programs, and projects.
3. Administrative variances relating to a physical element or numeric measurements must be based upon credible submitted evidence demonstrating that:
   a. Approval, if granted, would not offend the purposes of the applicable district;
   b. There are such extraordinary and exceptional situations or conditions pertaining to the particular piece of property that the literal or strict application of the regulations would create an unnecessary hardship due to size, shape or topography or other extraordinary and exceptional situations or conditions not caused by the applicant;
   c. Relief, if granted would not cause a substantial detriment to the public good and surrounding properties; and
   d. That the public safety, health, and welfare are secured, and that substantial justice is done.

201-4.2. - Basic Standards

A. **Applicability**

1. The following applies to all buildings, except as provided by clauses A.2 and 3 below.
2. Detached houses, carriages houses, cottage courts, semi-detached houses, and townhouses must comply with either the following or Sec. 201-4.3 (Small Residential Building Standards) at the discretion of the applicant.
3. Commercial houses must comply with Sec. 201-4.3 (Small Residential Building Standards).

B. **General**

1. Permanent mounted exterior neon lights are not allowed.
2. Back-lit awnings, roof-mounted lights, and roof-mounted flag poles are not allowed. Satellite dishes must be located and painted to blend with the background as much as practical.

C. **Exterior Wall Finish Materials**

Exterior wall finish materials (excluding foundations, architectural accents, windows, and doors) are limited to the following and Table 201-4.2.D:

1. Unpainted full-depth brick where each brick is placed on the exterior wall during construction, but not including half-depth brick, thin brick, or simulated brick veneers;
2. Stone, including unpainted natural stone, unpainted cast stone with the appearance of natural stone, and unpainted terra cotta;
3. True hard coat stucco;
4. Concrete block, which must be painted;
5. Split-face block and painted concrete masonry units (CMU);
6. Wood, including natural wood or cement-based artificial wood siding;
7. Shingles, including wood or cement-based shakes and shingles; and
8. No more than two identical materials (including color) may be used on a single building unless the façade is designed to give the appearance of many smaller buildings.

D. **Exterior Wall Finish Material Combinations.**

Exterior finish materials must be combined only horizontally, with the visually heavier below the lighter as shown in Table 201-4.2.C. This does not apply to architectural accents.

Table 201-4.2.C. Enhanced General Visual Weight Table

This table shows the visual weight of permitted materials. Those at the top are lighter than those at the bottom and must be combined accordingly.

	True Hard Coat Stucco Shingles Wood/Cement-Based Siding

	Brick Natural/Manufactured Stone
____	

Table. 201-4.2.D. Enhanced Allowed Building Materials Table

Yes = Material is allowed with no limitations
Percent (%) = Material is allowed but may not exceed the indicated percent of the total façade area (including doors and windows, but not foundations), and may not be combined with another material with a percentage restriction.
No = Material is not allowed

Building Type	**Brick**	**Stone**	**True Hard Coat Stucco**		**Concrete Block**		**Split-Face Block, CMU**		**Wood**		**Shingles**	
			Front	**Side, Rear**	**Front**	**Side, Rear**	**Front**	**Side, Rear**	**Front**	**Side, Rear**	**Front**	**Side, Rear**
Shopfront, mixed-use building, general building, civic building	Yes	Yes	Max. 30% per façade [1]	Max. 50% per facade	No	Max. 25% per façade [1]	No	Max. 25% per façade [1]	No	Max. 50% per façade	No	Max. 50% per facade
Detached house, carriage house, semi-detached house, cottage court, walk-up flat, stacked	Yes	Yes	Max. 50% per facade	Max. 50% per facade	No	Max. 25% per façade [1]	No	Max. 25% per façade [1]	Yes	Yes	Yes	Yes

flat												

Table Notes

[1] Along facades that abut an alley and are not visible from a civic space or street (not including the alley), the maximum percentage restriction is 50% per façade.

E. **Architectural Accent Materials**

Architectural accents are limited to the following:

1. Any allowed exterior wall finish materials;
2. EIFS, provided the total combined area of EIFS and the other materials identified under "3" below may not exceed 15% of total wall area per façade; and
3. Small amounts of other materials, provided the total combined area of these accents may not exceed 10% of the total wall area per facade.

F. **Foundation Materials**

Foundations must be constructed as a distinct building element that is finished in a different material or color than the exterior wall. Exposed above-ground foundations must be coated or faced in cement, true hard coat stucco, brick, manufactured stone, or natural stone to contrast with façade materials.

G. **Building Colors**

1. All exterior wall finish, foundations, windows, and door material colors must use hues from or equivalent to any historic palettes from any major paint manufacturer, except that primary and fluorescent colors are not allowed.
2. Colors other than those allowed by clause G.1 above may be used for accents but may not exceed 10% of the total façade wall area.

H. **Building Façades**

Façades facing a street or civic space must comply with the following:

1. Where used, shutters must match one half the width and shape of the window opening to which they are adjacent.
2. Façades must provide visual divisions between the ground floor and second story through architectural means such as courses, awnings, or a change in materials.
3. Façades must delineate all stories above the ground floor with windows, belt courses, balconies, cornice lines, or similar architectural detailing.
4. Windows above the ground floor must be equally sized and equally spaced rectangles with a height greater than width and arranged in a grid pattern.
5. Windowpanes must be recessed as follows:
   a. On ground floors, panes must be recessed a minimum of 3 inches from the adjacent exterior wall.
   b. On floors above the ground floor, panes must be recessed a minimum of 2 inches from either the adjacent exterior wall (when no trim is provided) or from the trim (when trim at least 3.5 inches wide is provided).

Window Recess without Trim	Window Recess with 3.5-inch Trim

I. **Building Massing**

1. Facades over 50 feet in length must incorporate wall projections or recesses a minimum of 12 inches in depth. The combined length of said recesses and projections must constitute at least 20% of the total individual façade length.
2. Variation in the roofline of buildings and offsets in pitched roofs and gables are required. Parapets in individual facades exceeding 100 continuous linear feet must be varied in height and projection at least once every 100 feet and must use decorative elements such as crown moldings, dentils, brick soldier courses, or similar details.

201-4.3. - Small Residential Building Standards

A. **Applicability**

The following applies to detached houses, carriages houses, cottage courts, semi-detached houses, townhouses, walk-up flats, stacked flats, and commercial houses in a TC District.

B. **Exterior Wall Finish Materials**

Exterior wall finish materials (excluding architectural accents, windows, and doors) are limited to the following:

1. Unpainted brick, except that veneers intended to simulate brick is not allowed;
2. Unpainted natural stone and unpainted cast stone with the appearance of natural stone;
3. True hard coat stucco but not EIFS;
4. Natural wood or cement-based artificial wood clapboard siding; or
5. Natural wood or cement-based artificial wood shakes and shingles.

C. **Exterior Wall Finish Material Combinations**

Exterior finish materials must be combined only horizontally, with the visually heavier below the lighter as shown in Table 201-4.3.C. This does not apply to architectural accents.

Table 201-4.3.C. Enhanced Residential Building Visual Weight Table

This table shows the visual weight of permitted materials. Those at the top are lighter than those at the bottom and must be combined accordingly.

	True Hard Coat Stucco Shingles

	Wood/Cement-Based Siding Brick Natural/Manufactured Stone
____	

D. **Architectural Accent Materials**

Architectural accents are limited to the following:

1. Any allowed exterior wall finish materials; and
2. Small amounts of other materials, provided the total combined area of these accents may not exceed 10% of the total wall area per facade.

E. **Foundation Materials**

Foundations must be constructed as a distinct building element that is finished in a different material or color than the exterior wall. Exposed above-ground foundations must be coated or faced in cement, true hard coat stucco, brick, manufactured stone, or natural stone to contrast with façade materials.

F. **Building Colors**

1. All exterior wall finish, foundations, windows, and door material colors must use hues from or equivalent to any historic palettes from any major paint manufacturer, except that primary and fluorescent colors are not allowed.
2. Colors other than those allowed by clause F.1 above may be used for accents but may not exceed 10% of the total façade wall area.

G. **Building Façades**

Façades facing a street or civic space must comply with the following:

1. Doors and windows that operate as sliders are prohibited.
2. Where used, shutters must match one half of the width and shape of the window opening to which they are adjacent.
3. Windows must include sills of wood, masonry, stone, cast stone, or terra cotta.
4. Windowpanes must be recessed a minimum of 2 inches from either the adjacent exterior wall (when no trim is provided) or from the trim (when trim of at least 3.5 inches wide is provided).

Window Recess without Trim	Window Recess with 3.5-inch Trim

5. Awnings are not allowed.
6. Garage doors facing a street must be located at least 10 feet behind the front wall plane, not including front porches.
7. Garage doors facing a street may not comprise more than 50% of the overall width of the front wall plane of the house.

8. Garage doors facing a street must observe a minimum 22-foot front and side (street) setback.

H. **Building Massing**

1. Pitched roofs, when provided, must be symmetrically sloped no less than 5:12, except that front porch roofs and attached shed roofs may be no less than 2:12.
2. Flat roofs must be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment by Sec. 207-2.2.C (Screening, Roof Mounted Equipment).
3. All roofs must have a minimum 25-year roof life (per manufacturer's warranty) and must have no visible roll roofing.
4. Chimneys, where provided, must extend to the ground and must be faced in brick or stacked stone.

I. **Roofs**

All roofs must have a minimum 25-year roof life (per manufacturer's warranty) and must have no visible roll roofing.

ARTICLE 2. - RESIDENTIAL DISTRICTS

Sec. 202-1. - Rules for All Residential Districts

202-1.1. - Applicability

This section applies in all residential districts.

202-1.2. - Design Criteria

A. Before issuance of a site development permit for each phase of a project, if any, the developer must submit architectural elevations in the form of a "Plan Book" for typical structures for review and approval by the Director. At a minimum, the "Plan Book" must include: allowable building elevations; design criteria for entries, porches, doors, windows, dormers, columns, cornices, rakes, garages, roofs, landscaping, fencing, and retaining walls; exterior colors and materials; and other pertinent information. All structures must be constructed in accordance with the approved "Plan Book." This "Plan Book" becomes a binding restriction on all structures within the development and may be amended or supplemented only by approval of the Director.

B. Portions of lots and buildings along external public streets must include the following in areas visible from such streets:

1. Enhanced foundations including either:
   a. A minimum 24-inch high foundation wall faced in brick or stone; or
   b. A minimum 24-inch high water table faced in brick or stone; or
   c. A minimum 24-inch high combination of a foundation wall and water table, both faced in brick or stone.
2. Window treatments, such as trim and shutters, similar to the front façade.
3. Landscaping similar to the grass and planting beds in the front of the house.
4. Facades with an architectural treatment similar to the front façade.

These requirements apply in addition to those of Sec. 201-3 (General Architectural Standards) and are intended to continue the architectural theme that is presented on the front elevation of the house/building to other facades exposed to frequent public view.

C. If alleys are provided, ingress and egress points to them from the public streets must be enhanced with landscaping and decorative pavers, as approved by the Director.

D. All grassed areas must be sodded with a drought-resistant grass, such as Bermuda, Centipede, Zoysia, or other species, as approved by the Director.

202-1.3. - Concept Plan Review Required

All rezoning applications to a residential district must be accompanied by a concept plan in compliance with this subsection. The purpose concept plan review is to encourage logic, imagination, innovation, and variety in the design process and ensure the soundness of the proposed development and its compatibility with the surrounding area. The Director will review plans for compliance with concept plan review criteria and this UDO. The recommendations of both the Director and the Planning Commission will be transmitted to the City Council. Through the rezoning process, the City Council may condition approval of a rezoning request to a specific concept plan or require an additional future site plan review by the Planning Commission and City Council.

The following exhibits must be prepared by registered design professionals, such as engineers, architects or landscape architects, and submitted to the Department. No application for an R-TH district may be accepted for processing without these required exhibits:

A. A location map indicating existing zoning on the site and the adjacent areas;

B. A concept plan drawn no smaller than 1-inch equals 100 feet, including the following information:

1. Lot lines and setbacks;
2. Topography with contour intervals no greater than 4 feet;
3. Lakes, ponds and floodplains and the sources of floodplain data;
4. Stormwater detention areas;

5. Recreational facilities (if applicable);
6. Location of typical off-street parking;
7. Location of new streets;
8. Location of sidewalks and streetscapes;
9. Color elevations of front, sides, and rear of all typical units, including proposed building materials, and any other structures such as recreational buildings;
10. Acreage and proposed density;
11. Lot sizes (typical dimensions and square footage);
12. Unit sizes (typical square footage and number of bedrooms);
13. Amount of common open space in square feet (if applicable);
14. Location of sales or leasing offices; solid waste dumpsters; and mailbox kiosks (if applicable);
15. Such other site design and engineering data as may be required to evaluate the project.

Sec. 202-2. - RS-30 Single-Family Residential

202-2.1. - Purpose

This district is intended to provide stable residential areas of high-quality single-family houses; to protect the residential character of the district; and to encourage a suitable residential environment on lots which are of moderate width but greater depth than other single-family districts.

202-2.2. - Use Provisions

See Sec. 206-2 (Allowed Use Table).

202-2.3. - Building Types

No building type requirements apply in RS-30.

202-2.4. - Architectural Standards

See Sec. 202-1.2 (Design Criteria) and Sec. 201-3 (General Architectural Standards).

202-2.5. - Site Development Standards

See Chapter 200 Article 7 (Site Development) for parking and loading, buffer and screening, landscaping, tree ordinance, lighting, signs, and utility requirements.

202-2.6. - Dimensional Standards

Site Standards		
Open space requirement:	See Sec. 401-2 (Open Space)	
Lot Standards	Ⓐ Area	Ⓑ Width
All lots:	30,000 sf. min.	100 ft. min.
Lot Coverage		
Ⓒ All lots:	35% max.	

202-2.7. - Building Placement

Building Setbacks	
Ⓐ Front:	50 ft. min.

Ⓑ Side (interior):	10 ft. min.
Ⓒ Side (street):	35 ft. min.
Ⓓ Rear:	40 ft. min.

202-2.8. - Bulk and Mass

Building Height	
Ⓐ Height:	35 ft. max.
Building Size	
Unit floor area:	1,700 sf. min.
Garage size per dwelling unit:	2-car min.

Sec. 202-3. - RS-15 Single-Family Residential

202-3.1. - Purpose

This district is intended primarily for moderate-sized single-family detached houses and related uses.

202-3.2. - Use Provisions

See Sec. 206-2 (Allowed Use Table).

202-3.3. - Building Types

No building type requirements apply in RS-15.

202-3.4. - Architectural Standards

See Sec. 202-1.2 (Design Criteria) and Sec. 201-3 (General Architectural Standards).

202-3.5. - Site Development Standards

See Chapter 200 Article 7 (Site Development) for parking and loading, buffer and screening, landscaping, tree ordinance, lighting, signs, and utility requirements.

202-3.6. - Dimensional Standards

Site Standards		
Open space requirement:	See Sec. 401-2 (Open Space)	
Lot Standards	Ⓐ Area	Ⓑ Width
All lots:	15,000 sf. min.	80 ft. min.
Lot Coverage		
Ⓒ All lots:	45% max.	

202-3.7. - Building Placement

Building Setbacks	
Ⓐ Front:	40 ft. min.
Ⓑ Side (interior):	10 ft. min.
Ⓒ Side (street):	35 ft. min.
Ⓓ Rear:	40 ft. min.

202-3.8. - Bulk and Mass

Building Height	
Ⓐ Height:	35 ft. max.
Building Size	

Unit floor area:	1,700 sf. min.
Garage size per dwelling unit:	2-car min.

Sec. 202-4. - RS-5 Single-Family Residential

202-4.1. - Purpose

The district is intended to provide areas for high-quality, small-lot, single-family detached housing in a walkable setting.

202-4.2. - Use Provisions

See Sec. 206-2 (Allowed Use Table).

202-4.3. - Site

202-4.4. - Building Types

Building type requirements apply in the RS-5 district and the following types are allowed:

A. Detached House
B. Civic Building

202-4.5. - Architectural Standards

See Sec. 202-1.2 (Design Criteria) and Sec. 201-3 (General Architectural Standards).

202-4.6. - Development Standards

See Chapter 200 Article 7 (Site Development) for parking and loading, buffer and screening, landscaping, tree ordinance, lighting, signs, and utility requirements.

202-4.7. - Dimensional Standards

Site Standards		
Open space requirement:	20% of site min.	
Lot Standards	Ⓐ Area	Ⓑ Width
Detached house:	5,000 sf. min.	50 ft. min
All other building types:	5,000 sf. min.	50 ft. min.
Lot Coverage		
Ⓒ All building types:	60% max.	

202-4.8. - Building Placement

Building Setbacks	
Ⓐ Front:	20 ft. min.
Ⓑ Side (interior):	5 ft. min.
Ⓒ Side (street):	15 ft. min.
Ⓓ Rear:	15 ft. min.
Building Separation	
Min. separation between principal buildings on the same site:	10 ft. min.

202-4.9. - Bulk and Mass

Building Height	
Ⓐ Height:	35 ft. max.
Building Size	
Unit floor area:	1,000 sf. min.
Garage size per dwelling unit:	1-car min. [1]

Table Note:

[1] See Sec. 207-1.2.B for required vehicular parking spaces.

Sec. 202-5. - R-DU Duplex Residential

202-5.1. - Purpose

This district is intended for existing two-family dwellings with utilities and a residential character. It is also intended for vacant lands where utilities and a residential character are likely to occur. Because these areas are served by public utilities and facilities, a moderate density of development can be supported.

202-5.2. - Use Provisions

See Sec. 206-2 (Allowed Use Table).

202-5.3. - Building Types

No building type requirements apply in R-DU.

202-5.4. - Architectural Standards

See Sec. 202-1.2 (Design Criteria) and Sec. 201-3 (General Architectural Standards).

202-5.5. - Site Development Standards

See Chapter 200 Article 7 (Site Development) for parking and loading, buffer and screening, landscaping, tree ordinance, lighting, signs, and utility requirements.

202-5.6. - Dimensional Standards

Site Standards		
Open space requirement:	See Sec. 401-2 (Open Space)	
Lot Standards	Ⓐ Area	Ⓑ Width
Single-family detached dwellings:	15,000 sf. min.	80 ft. min.
Two-family dwellings:	15,000 sf. min. (7,500 sf. min. per unit)	80 ft. min.
Lot Coverage		
Ⓒ All lots:	45% max.	

202-5.7. - Building Placement

Building Setbacks	
Ⓐ Front:	40 ft. min.
Ⓑ Side (interior):	10 ft. min.
Ⓒ Side (street):	35 ft. min.
Ⓓ Rear:	40 ft. min.

202-5.8. - Bulk and Mass

Building Height	
Ⓐ Height:	40 ft. max.
Building Size	

Unit floor area:	1,000 sf. min.
Garage size per dwelling unit:	2-car min.

Sec. 202-6. - R-TH Townhouse Residential

202-6.1. - Purpose

This district is intended exclusively for single-family attached dwelling units and customary accessory uses and structures. R-TH districts are located where public water supply and sewerage facilities are available and where there is direct access to collector streets, major streets or State routes.

202-6.2. - Use Provisions

See Sec. 206-2 (Allowed Use Table).

202-6.3. - Building Types

No building type requirements apply in R-TH.

202-6.4. - Architectural Standards

A. See Sec. 202-1.2 (Design Criteria) and Sec. 201-3 (General Architectural Standards); and
B. See Sec. 202-6.9 (TH Design Standards).

202-6.5. - Site Development Standards

A. See Chapter 200 Article 7 (Site Development) for parking and loading, buffer and screening, landscaping, tree ordinance, lighting, signs, and utility requirements.
B. See Sec. 202-6.9 (TH Design Standards).

202-6.6. - Dimensional Standards

Site Standards		
Density:	8 u/a max.	
Open space requirement:	20% of site min.	
External street frontage:	50 ft. min.	
Site setback (along streets):	50 ft. min. and planted per Sec. 207-3	
Site setback (not along streets):	40 ft. min.	
Lot Standards	Ⓐ Area	Ⓑ Width
All Lots:	No min.	No. min.

202-6.7. - Building Placement

Building Setbacks	
Ⓐ Front:	10 ft. min.
Ⓑ Side (interior):	0 ft. min.
Ⓒ Side (street):	5 ft. min.
Ⓓ Rear:	30 ft. min.
Building Separation	

Min. separation between principal buildings:	20 ft. min.

202-6.8. - Bulk and Mass

Building Height	
Ⓐ Height:	35 ft. max.
Building Size	
Unit floor Area:	1,200 sf. min.
Garage size per dwelling unit:	1-car min. [1]
Max. single-family attached units per building:	8

Table Note:

[1] See Sec. 207-1.2.B for required vehicular parking spaces.

202-6.9. - TH Design Standards

A. A minimum 2-hour rated firewall is required between each attached dwelling unit. A 4-hour rated firewall is required between every fourth attached dwelling units. The 4-hour rated firewall may be reduced to a 2-hour rated firewall if approved residential sprinkler systems or similar fire prevention measures, as approved by the Gwinnett County Fire Marshal, are installed in each unit. Firewalls must be constructed in accordance with applicable building codes of the City and Gwinnett County.
B. A continuous paved pathway or sidewalk system must be provided to connect on-site open spaces, on-site dwelling units, sidewalks along public streets bordering the site.

C. The site setback along a front and side (street) lot lines may incorporate natural vegetation and must include a decorative fence/wall entrance monument. The fence may be constructed as a solid brick or stacked stone wall, or as a wrought iron-style fence with brick stacked stone columns (max. 30 feet on-center).

D. Exterior wall finish materials are limited to:

1. Unpainted full-depth brick where each brick is placed on the exterior wall during construction, but not including half-depth brick, thin brick, or simulated brick veneers;
2. Stone, including unpainted natural stone, unpainted cast stone with the appearance of natural stone;
3. True hard coat stucco but not EIFS; and
4. Cement-based artificial wood siding; shakes and shingles.

The primary material on the front facade must also be used on all other facades. At least two of the above-listed materials must be used on each facade.

E. No more than three adjacent attached units may have the same façade designs. Differentiation between adjacent units may be accomplished by a change in materials, building height, color, roof form, or setbacks.

F. Garage doors facing an internal or exterior street must use decorative design treatments to enhance their appearance, including, but not limited to, carriage-style doors or window inserts.

G. Buildings with garages abutting an alley must have garage doors facing and accessible from said alley.

H. All units must have a front door providing pedestrian access and a minimum 4-foot wide walkway, constructed of concrete or decorative pavers, must extend from the front door to the pathway or sidewalk system required by paragraph B above.

I. Front doors must have either a glass element in the door, or sidelights and a transom around it.

J. Columns on the front elevation or otherwise visible from the public view shall have a minimum 2-foot base constructed of brick or stone to match the front facade.

Sec. 202-7. - RM Multifamily Residential

202-7.1. - Purpose

This district is intended primarily for multifamily dwellings. The RM districts are located where public water supply and sewerage facilities are available and where there is direct access to collector streets, major streets or State routes.

202-7.2. - Use Provisions

See Sec. 206-2 (Allowed Use Table).

202-7.3. - Building Types

No building type requirements apply in RM.

202-7.4. - Architectural Standards

A. See Sec. 202-1.2 (Design Criteria) and Sec. 201-3 (General Architectural Standards); and

B. See 202-7.10 (RM Design Standards).

202-7.5. - Site Development Standards

A. See Chapter 200 Article 7 (Site Development) for parking and loading, buffer and screening, landscaping, tree ordinance, lighting, signs, and utility requirements.

B. See 202-7.10 (RM Design Standards).

202-7.6. - Inter-parcel Access

See Sec. 401-3.4.H (Inter-parcel Access).

202-7.7. - Dimensional Standards

Site Standards		
Density:	8 u/a max.	
Open space requirement:	See Sec. 401-2 (Open Space)	
Site setback (along streets):	Min. 50 ft. and planted per Sec. 207-3	
Site setback (not along streets):	40 ft. min.	
Lot Standards	Ⓐ Area	Ⓑ Width
Single-family detached:	15,000 sf. min.	100 ft. min.
Multifamily:	20,000 sf. min. [1]	100 ft. min.
Lot Coverage		
Ⓒ All lots:	50% max.	

Table Note

[1] At least 12,000 sf. of lot area must be provided for the first unit and at least 4,000 sf. for each additional unit, but in no event

may the site density exceed 8 units per acre.

202-7.8. - Building Placement

Building Setbacks [1]	
Ⓐ Front:	30 ft. min.
Ⓑ Side (interior):	20 ft. min.
Ⓒ Side (street):	35 ft. min.
Ⓓ Rear:	40 ft. min.

Table Note

[1] Greater site setbacks also apply per Sec. 202-7.7.

202-7.9. - Bulk and Mass

Building Height	
Ⓐ Height:	40 ft. max.
Building Size	
Unit Floor Area:	600 sf. min.
Garage size per single-family attached or two-family dwelling unit:	1-car min. [1]

Table Note

[1] See Sec. 207-1.2.B for required vehicular parking spaces.

202-7.10. - RM Design Standards

A. A minimum 2-hour rated firewall is required between each attached dwelling unit. A 4-hour rated firewall is required between every fourth attached dwelling unit. The 4-hour rated firewall may be reduced to a 2-hour rated firewall if approved residential sprinkler systems or similar fire prevention measures, as approved by the Gwinnett County Fire Marshal, are installed in each unit. Firewalls must be constructed in accordance with applicable building codes of the City and Gwinnett County.
B. A continuous paved pathway or sidewalk system must be provided to connect on-site open spaces, on-site dwelling units, sidewalks along public streets bordering the site.
C. All units must have a minimum 4-foot wide walkway, constructed of concrete or decorative pavers, extending from the unit or building pedestrian entrance to the pathway or sidewalk system required by B above.
D. The site setback along a front lot line may incorporate natural vegetation and must include a decorative fence/wall and entrance monument. The fence may be constructed as a solid brick or stacked stone wall, or as a wrought iron-style fence with brick or stacked stone columns (max. 30 feet on-center).
E. Exterior wall finish materials are limited to:
    1. Unpainted full-depth brick where each brick is placed on the exterior wall during construction, but not including half-depth brick, thin brick, or simulated brick veneers;
    2. Stone, including unpainted natural stone, unpainted cast stone with the appearance of natural stone;
    3. True hard coat stucco but not EIFS; and
    4. Cement-based artificial wood siding, shakes, and shingles.

    The primary material on the front facade must also be used on all other facades. At least two of the above-listed materials must be used on each facade.

Sec. 202-8. - RX Mixed Residential

202-8.1. - Purpose

This district is intended to provide a mix of housing types in areas where public water supply and sewerage facilities are available and where there is direct access to collector streets, major streets or State routes.

202-8.2. - Use Provisions

See Sec. 206-2 (Allowed Use Table).

202-8.3. - Building Types

Building type requirements apply in the RX district and the following types are allowed:

A. Detached House
B. Carriage House
C. Semi-Detached House
D. Townhouses
E. Cottage Court
F. Walk-up flat
G. Stacked flat
H. Civic Building

202-8.4. - Architectural Standards

See Sec. 202-1.2 (Design Criteria) and Sec. 201-3 (General Architectural Standards).

202-8.5. - Site Development Standards

See Chapter 200 Article 7 (Site Development) for parking and loading, buffer and screening, landscaping, tree ordinance, lighting, signs, and utility requirements.

202-8.6. - Inter-parcel Access

See Sec. 401-3.4.H (Inter-parcel Access).

202-8.7. - Dimensional Standards

Site Standards	
Density:	8 u/a max.

Open space requirement:	20% of site min.	
Lot Standards	Ⓐ Area	Ⓑ Width
Detached house:	2,500 sf. min.	25 ft. min.
Carriage house:	Same as principal structure	
Semi-detached house:	2,500 sf. min.	25 ft. min.
Townhouse:	800 sf. min.	20 ft. min.
Cottage court:	1,200 sf. min.	20 ft. min.
All other building types:	1,600 sf. min.	30 ft. min.
Lot Coverage		
Ⓒ All building types:	70% max.	

202-8.8. - Building Placement

Building Setbacks	
Ⓐ Front:	10 ft. min.
Ⓑ Side (interior):	5 ft. min.
Ⓒ Side (street):	10 ft. min.

Ⓓ Rear:	20 ft. min.

202-8.9. - Bulk and Mass

Building Height	
Ⓐ Height:	40 ft. max.
Building Size	
Unit floor area:	800 sf. min.
Garage size per single-family attached or two-family dwelling unit:	1-car min. [1]

Table Note:

[1] See Sec. 207-1.2.B for required vehicular parking spaces.

Sec. 202-9. - RO Residential for Older Persons

202-9.1. - Purpose

This district is intended to serve the housing needs of persons who are 55 years of age or older by allowing a mix of age-restricted housing types and requiring community open spaces. The district must be in areas of the city that facilitate pedestrian access to nearby goods and services, and/or amenities/cultural facilities. A rezoning to RO will not serve as a precedent for medium density zoning in an otherwise low-density residential area.

202-9.2. - Use Provisions

A. See Sec. 206-2 (Allowed Use Table).

B. All dwelling units must be occupied by at least one person who is 55 years of age or older.

C. Accessory uses also mean any accessory use necessary for the operation of the facility or for the benefit or convenience of the residents and their guests including, but not limited to: cooking and eating facilities; restaurants; places of worship; indoor and outdoor recreation; retail sales; and banks; beauty, hair, or nail salons; classrooms; conference rooms; social rooms; common areas; guest rooms; medical uses; wellness center; craft and music rooms; various craft, health, exercise and vocational activities; classrooms; swimming pools; facilities related to the operation of the facility, such as but not limited to, administrative offices, food and record storage areas, property maintenance facilities, adult care center, day care center for children of employees, and security operations. Any accessory uses must be for the primary benefit of the district.

202-9.3. - Building Types

Building type requirements apply in the RO district and the following types are allowed:

A. Detached House

B. Cottage Court

C. Semi-Detached House

D. Townhouses

E. Walk-up flat

F. Stacked flat

G. Civic buildings

202-9.4. - Architectural Standards

A. See Sec. 202-1.2 (Design Criteria) and Sec. 201-3 (General Architectural Standards); and

B. See 202-9.10 (RO Design Standards).

202-9.5. - Site Development Standards

See Chapter 200 Article 7 (Site Development) for parking and loading, buffer and screening, landscaping, tree ordinance, lighting, signs, and utility requirements.

202-9.6. - Dimensional Standards

Site Standards

Density (except retirement community, see Sec. 202-9.9)		
Site with one or more arterial or major collector access point:		8 u/a max.
Site with no arterial or major collector access point:		6 u/a max.
Open space requirement:		20% of site min.
External street frontage:		50 ft. min.
Landscape strip (all streets):		10 ft. min.
Site setback (abutting a low-density residential land use designation, excludes single-family detached dwellings):		15 ft. min. and planted per Sec. 207-3
Site setback (single-family detached dwellings abutting low density residential land use designation):		15 ft. min.
Lot Standards	Ⓐ Area	Ⓑ Width
Detached house:	5,000 sf. min. sf	50 ft. min.
All other building types:	No min.	No. min.
Lot Coverage		
Ⓒ Percent of total site:		50%

202-9.7. - Building Placement

Building Setbacks [1]	
Ⓐ Front:	12 ft. min.
Ⓑ Side (interior):	5 ft. min.
Ⓒ Side (street):	12 ft. min.
Ⓓ Rear:	10 ft. min.
Building Separation	
Min. separation between principal buildings on the same site (retirement communities):	25 ft. min.
Min. separation between principal buildings on the same site (other uses):	15 ft. min.

Table Note:

[1] Greater site setbacks also apply per Sec. 202-9.6.

202-9.8. - Bulk and Mass

Building Height	
Ⓐ Height (retirement communities):	5 stories max. [1]
Ⓐ Height (other uses):	35 ft. max.
Building Size	

Unit floor area:	Min. 600 sf

Note

[1] No building may exceed 3 stories when abutting a residential district unless a 100-foot buffer is provided and planted per Sec. 207-3.

202-9.9. - Retirement Community Density

The number of retirement community (continuing care) independent living units may not exceed 35 units per acre.

202-9.10. - RO Design Standards

A. A landscape strip planted in accordance with Article 7 of Chapter 200 must be provided around the entire site perimeter, including along rights-of-way. The landscape strip may incorporate natural vegetation and must be supplemented with a minimum of one of the following:
   1. A landscaped berm (minimum of 4 feet as measured from the elevation of the public right-of-way); or
   2. Wrought-iron style fence with brick or stone columns (30 feet on-center); or
   3. A decorative brick wall.

   Alternate decorative fence materials may be utilized, subject to review and approval of the Director.

B. Garage doors facing an internal or exterior street must use decorative design treatments to enhance their appearance, including, but not limited to, carriage-style doors or window inserts.
C. A continuous paved pathway or sidewalk system must be provided to connect on-site open spaces, on-site dwelling units, sidewalks along public streets bordering the site.
D. All units must have a minimum 4-foot wide walkway, constructed of concrete or decorative pavers, extending from the unit or building pedestrian entrance to the pathway or sidewalk system required by paragraph C above.
E. Streetlights within the development must be located 75 feet apart on average.

202-9.11. - Accessibility Standards

All dwelling units must incorporate the following accessibility standards:

A. At least one step-free entrance.
B. 36-inch wide, clear passage doorways throughout the unit.
C. Wheelchair, step-free access to the following areas, at a minimum: kitchen; dining area; entertainment area (e.g., living room/den, great room, etc.); at least one bedroom; at least one full bathroom; and laundry room with washer/dryer connection.
D. The installation of full sheets of ¾-inch plywood, blocking, or its equivalent, in all bathrooms to allow for future installation, if necessary, of grab bars. The Director may approve alternative designs when in conformance with the reinforced walls for grab bars standards of the Fair Housing Act.

202-9.12. - Mandatory Homeowner Association

A mandatory homeowner association which provides for building and grounds maintenance and repair, insurance, and working capital is required for developments. This association must publish and adhere to policies and procedures that demonstrate that the community is intended to provide housing for persons 55 years of age and older including maintaining surveys or affidavits verifying compliance with 55 years of age and older occupancy requirements as permitted by 42 U.S.C. Section 3607, (b)(2)(c) of the Federal Fair Housing Act and implementing regulations. Said association must provide an affirmative declaration to be governed by the "Georgia Property Owners' Association Act" (POA) and the applicable provisions of O.C.G.A. § 44-3-220 et seq. This association must also include declarations and bylaws including rules and regulations, which must at a minimum regulate and control the following:

A. Restriction on homes being occupied, with at 100% of the occupied units occupied by at least one resident who is age 55 years of age or older.
B. Restrictions on persons under 18 years of age permanently residing in the community. Permanently residing in the community means more than 90 days in any 180-day period or establishing residency as defined by State or local law. However, the HOA must provide for a hardship provision allowing for an owner/occupant to house and care for a child less than 18 years of age in situations where the owner/occupant assumes responsibility for caring for the child due to urgent circumstances stemming from actions not under the owner/occupant's control. The association may, but is not required to, allow for hardship exceptions to this requirement.
C. Restrictions on single-family dwellings and leasing of units. Except in CCRC units, no more than 10% of the total units may be leased by individual owners at any one time.
D. Except for a central amenity package, prohibit playground equipment, trampolines, or like fixtures.
E. The association must also provide that the covenants automatically renew at the end of the 20-year term, unless 100% of the owners at that time vote that the covenants should not renew.
F. The association or its property manager must give written notice to any grantee of the restrictions covered in this subsection at or before any sale or transfer of any property.

202-9.13. - Covenants and Restrictions

Legally binding covenants and/or deed restrictions that run with the land must apply to all RO housing units; this legal instrument must bind the applicant, any assignee, mortgagee, or buyer, and all other parties that receive title to the property. The grantor must state in any deed or instrument conveying title to an RO dwelling unit, that the property conveyed is intended to be housing for older persons and is subject to the restrictions contained in this section. No covenant referencing any of the regulations or restrictions herein for a housing for older persons housing unit may be recorded until and unless said covenant contains restrictions approved by the Director that are consistent with the requirements of this section. This review and response must be completed within 30 days following the date of submission of such documents to the Director.

202-9.14. - Additional Requirement Authority

A. Where the provisions of this section do not provide sufficient specificity in terms of administration, the Director is authorized to prepare and apply additional standards and qualifications for administering the requirements of this section. If prepared, said standards and requirements will be titled "Housing for Older Persons Zoning Implementation Standards and Procedures" and will be public record. The Director must seek approval by resolution of said administrative procedures and standards from the City Council.
B. The Director is responsible for adopting and implementing policies for the monitoring and enforcement of mandatory homeowner association requirements.
C. The Director must publish, and the City must adhere to, policies and procedures that demonstrate that communities in RO Districts are intended to provide housing for persons 55 years of age and older including maintaining surveys or affidavits

verifying compliance with 55 years of age and older occupancy requirements as permitted by 42 U.S.C. Section 3607, (b)(2)(c) of the Federal Fair Housing Act and implementing regulations.

Sec. 202-10. - PRC Planned Residential-Conservation

202-10.1. - Purpose

This district is intended to provide quality medium density residential uses through building and site design criteria and by requiring the conservation of open space owned in common and accessible, at a minimum, to all residents of the development. PRC districts are generally located wherever opportunities are found for open space conservation or where existing natural or historic features require conservation. The district may be located as a transitional use, generally from commercial uses into low density residential.

202-10.2. - Rezoning to PRC Prohibited

No additional land may be zoned to the PRC district.

202-10.3. - Use Provisions

See Sec. 206-2 (Allowed Use Table).

202-10.4. - Building Types

No building type requirements apply in PRC.

202-10.5. - Architectural Standards

A. See Sec. 202-1.2 (Design Criteria) and Sec. 201-3 (General Architectural Standards); and
B. See 202-10.10 (PRC Design Standards).

202-10.6. - Site Development Standards

See Chapter 200 Article 7 (Site Development) for parking and loading, buffer and screening, landscaping, tree ordinance, lighting, signs, and utility requirements.

202-10.7. - Dimensional Standards

Site Standards	

Density:		5 u/a max.
Ⓐ External road frontage:		50 ft. min.
Ⓑ Site setback (abutting a PRC district):		20 ft. min. and planted per Sec. 207-3
Ⓑ Site setback (streets or abutting a low density residential land use designation):		40 ft. min. and planted per Sec. 207-3
Ⓒ Open space requirement:		25% of site min.
Lot Standards	Ⓓ Area	Ⓔ Width
All lots:	No min.	55 ft. min.
Lot Coverage		
Ⓕ All lots:		75% max.

202-10.8. - Building Placement

Building Setbacks [1]	
Ⓐ Front:	10 ft. min.
Ⓑ Side (interior):	5 ft. min.
Ⓒ Side (street):	10 ft. min.
Ⓓ Rear:	20 ft. min.

Table Note:

[1] Greater site setbacks also apply per Sec. 202-10.7.

202-10.9. - Bulk and Mass

Building Height	
Ⓐ Height:	35 ft. max.
Building Size	
Unit Floor Area (one story):	1,700 sf. min.
Unit Floor Area (two stories):	1,800 sf. min.
Garage or carport size per dwelling unit:	2-car min.

202-10.10. - PRC Design Standards

A. The minimum roof pitch is 6:12 and the maximum roof pitch is 10:12.
B. Exterior wall finish materials are limited:
    1. Unpainted full-depth brick where each brick is placed on the exterior wall during construction, but not including half-depth brick, thin brick, or simulated brick veneers;
    2. Stone, including unpainted natural stone, unpainted cast stone with the appearance of natural stone;
    3. True hard coat stucco; and
    4. Cement-based artificial wood siding.
C. Front facades must be finished in the above brick, stone, or true hard coat stucco on at least 50% of the site's dwelling units. These materials must constitute at least 60% of each front façade wall area and must include a minimum 12-inch return on side

elevations.

D. Porches must conform to Sec. 201-2.14.C and no two adjacent units may have identical porch designs.

E. One decorative yard light fixture must be placed 1 foot outside of the right-of-way. The fixture type must be approved by the Director.

ARTICLE 3. - MIXED-USE AND BUSINESS DISTRICTS

Sec. 203-1. - OP Office Professional District

203-1.1. - Purpose

The office professional district is intended to accommodate the location of a mixture of office, clerical, research, professional enterprises, medical and dental facilities, and closely related service businesses.

203-1.2. - Use Provisions

See Sec. 206-2 (Allowed Use Table).

203-1.3. - Building Types

No building type requirements apply in OP.

203-1.4. - Architectural Standards

See Sec. 201-3 (General Architectural Standards).

203-1.5. - Site Development Standards

See Chapter 200 Article 7 (Site Development) for parking and loading, buffer and screening, landscaping, tree ordinance, lighting, signs, and utility requirements.

203-1.6. - Inter-parcel Access

See Sec. 401-3.4.H (Inter-parcel Access).

203-1.7. - Dimensional Standards

Site Standards		
Open space requirement:	See Sec. 401-2 (Open Space)	
Lot Standards	Ⓐ Area	Ⓑ Width
All lots:	1,600 sf. min.	40 ft. min.
Lot Coverage		
Ⓒ All lots:	70% max.	

203-1.8. - Building Placement

Building Setbacks	
Ⓐ Front:	10 ft. min.

Ⓑ Side (interior):	10 ft. min.
Ⓒ Side (street):	10 ft. min.
Ⓓ Rear:	20 ft. min.

203-1.9. - Bulk and Mass

Building Height	
Ⓐ Height (within 200 feet of a residential district): [1]	40 ft. max.
Ⓐ Height (not within 200 feet of a residential district):	80 ft. max.

Table Note:

[1] Measured in a straight line from the residential district boundary. The reduced height limit applies to all portions of buildings and structures within the indicated distance.

Sec. 203-2. - BG General Business District

203-2.1. - Purpose

This district provides for a wide range of retail and service establishments requiring a location accessible to large sectors of the community population.

203-2.2. - Use Provisions

See Sec. 206-2 (Allowed Use Table).

203-2.3. - Building Types

No building type requirements apply in BG.

203-2.4. - Architectural Standards

See Sec. 201-3 (General Architectural Standards).

203-2.5. - Site Development Standards

See Chapter 200 Article 7 (Site Development) for parking and loading, buffer and screening, landscaping, tree ordinance, lighting, signs, and utility requirements.

203-2.6. - Inter-parcel Access

See Sec. 401-3.4.H (Inter-parcel Access).

203-2.7. - Dimensional Standards

Site Standards		
Open space requirement:	See Sec. 401-2 (Open Space)	
Lot Standards	Ⓐ Area	Ⓑ Width
All lots:	No min.	No min.
Lot Coverage		
Ⓒ All lots:	90% max.	

203-2.8. - Building Placement

Building Setbacks	
Ⓐ Front:	10 ft. min.
Ⓑ Side (interior):	10 ft. min.
Ⓒ Side (street):	10 ft. min.
Ⓓ Rear:	20 ft. min.

203-2.9. - Bulk and Mass

Building Height	
Ⓐ Height:	80 ft. max.

Sec. 203-3. - HSB Highway Service Business District

203-3.1. - Purpose

This district is designed to provide for the effective use of land situated in relationship to major highways and highway interchanges so efficient grouping of activities can develop to serve the traveling public. Front yard requirements are designed to provide for the safety of the traveling public by provision for adequate off-highway maneuvering and parking space.

203-3.2. - Use Provisions

See Sec. 206-2 (Allowed Use Table).

203-3.3. - Building Types

No building type requirements apply in HSB.

203-3.4. - Architectural Standards

See Sec. 201-3 (General Architectural Standards).

203-3.5. - Site Development Standards

See Article 7 (Site Development) for parking and loading, buffer and screening, landscaping, tree ordinance, lighting, signs, and utility requirements.

203-3.6. - Inter-parcel Access

See Sec. 401-3.4.H (Inter-parcel Access).

203-3.7. - Dimensional Standards

Site Standards		
Open space requirement:	See Sec. 401-2 (Open Space)	
Lot Standards	Ⓐ Area	Ⓑ Width

All lots:	1,600 sf. min.	40 ft. min.
Lot Coverage		
Ⓒ All lots:	90% max.	

203-3.8. - Building Placement

Building Setbacks	
Ⓐ Front:	50 ft. min.
Ⓑ Side (interior):	10 ft. min.
Ⓒ Side (street):	35 ft. min.
Ⓓ Rear:	15 ft. min.

203-3.9. - Bulk and Mass

Building Height	
Ⓐ Height:	80 ft. max.

Sec. 203-4. - MU Mixed-Use District

203-4.1. - Purpose

The purpose of this district is to provide for compact, mixed-use development in Snellville's activity centers, in conformance with the Comprehensive Plan.

203-4.2. - Use Provisions

A. **Allowed Uses**

See Sec. 206-2 (Allowed Use Table).

B. **Mixed-Use Requirement**

1. At least 25% of the total floor area of every development must be residential uses and at least 25% of the total floor area of every development must be nonresidential uses.
2. No certificates of occupancy may be issued for more than 100 dwelling units in a development until certificates of occupancy have also been issued for at least 10,000 square feet of nonresidential floor area on the same development.
3. No certificates of occupancy may be issued for more than 10,000 square feet of nonresidential floor area on a development until certificates of occupancy have been issued for at least 100 dwelling units on the same development.

203-4.3. - Building Types

Building type requirements apply in the MU district and the following types are allowed:

A. Detached house
B. Carriage house
C. Cottage court

D. Semi-detached house
E. Townhouse
F. Walk-up flat
G. Stacked flat
H. Commercial house
I. Shopfront
J. Mixed-use building
K. General building
L. Civic building

203-4.4. - Architectural Standards

See Sec. 201-4 (Enhanced Architectural Standards).

203-4.5. - Site Development Standards

See Article 7 (Site Development) for parking and loading, buffer and screening, landscaping, tree ordinance, lighting, signs, and utility requirements.

203-4.6. - Blocks

See Sec. 401-3.2 for block standards.

203-4.7. - Inter-parcel Access

See Sec. 401-3.4.H (Inter-parcel Access).

203-4.8. - Dimensional Standards

Site Standards	
Density:	12 u/a max.
Amenity Space Requirement:	5% of site min. (all sites)

Civic Space Requirements:	10% of site min. (sites over 5 acres)	
Site setback (along rights-of-way):	15 ft. min. and planted per Sec. 207-3	
Site setback (not along rights-of-way):	10 ft. min. and planted per Sec. 207-3	
Lot Standards	Ⓐ Area	Ⓑ Width
Detached House:	2,500 sf. min.	25 ft. min.
Carriage House:	Same as principal structure	
Cottage court	1,200 sf. min.	20 ft. min.
Semi-Detached House:	2,500 sf. min.	25 ft. min.
Townhouse:	800 sf. min.	20 ft. min.
All other building types:	2,500 sf. min.	25 ft. min.
Lot Coverage		
Ⓒ All building types:	90% max.	

203-4.9. - Building Placement

Building Setbacks [1]	

Ⓐ Front and side (street) (State route):	15 ft. min.
Ⓐ Front and side (street) (other):	5 ft. min.
Ⓑ Side (interior):	0 ft. min.
Ⓒ Rear (no alley):	6 ft. min.
Ⓒ Rear (alley):	3 ft. min.
Greater side setbacks, greater rear setbacks, and greater building separation may be required as established by the applicable building or fire codes.	

Table Note:

[1] Greater site setbacks also apply per Sec. 203-4.8.

203-4.10. - Bulk and Mass

Building Height	
Ⓐ Min. Height:	2 stories or 24 ft., whichever is greater.
Ⓐ Max. height:	5 stories or 75 feet, whichever is less

Sec. 203-5. - NR North Road District

203-5.1. - Purpose

This district is intended to support the incremental redevelopment of the Comprehensive Plan's North Road Transitional Corridor Character Area from single-family residential uses into a residential-scaled mix of residential, office, and complementary commercial uses, in accordance with the recommendations of the such plan. In doing so, the district will support the creation of a transitional area between the Towne Center, Highway 124, and residential neighborhoods.

203-5.2. - Rezoning to NR

No site smaller than the minimum site areas in Sec. 203-5.8 (Dimensional Standards) may be zoned to the NR district, unless such rezoning is initiated by the City Council.

203-5.3. - Use Provisions

A. **Allowed Use Table**

See Sec. 206-2 (Allowed Use Table), subject to the additional restrictions in paragraph B below.

B. **Commercial Uses**

Commercial uses may only occupy either:

1. Any existing structure built before the effective date of this UDO; or
2. A new building on a site of at least 3 acres in size.

203-5.4. - Building Types

Building type requirements apply in the NR district and the following types are allowed:

A. Detached house
B. Carriage house
C. Cottage court
D. Semi-detached house
E. Townhouse
F. Walk-up flat
G. Commercial house
H. Civic building

203-5.5. - Architectural Standards

See Sec. 201-4 (Enhanced Architectural Standards).

203-5.6. - Site Development Standards

A. **General**

See Article 7 (Site Development) for parking and loading, buffer and screening, landscaping, tree ordinance, lighting, signs, and utility requirements.

B. **Residential District**

Where the standards referenced in paragraph A above include specific standards for "residential districts," those standards will also apply in the NR district.

203-5.7. - Inter-parcel Access

See Sec. 401-3.4.H (Inter-parcel Access).

203-5.8. - Dimensional Standards

Site Standards		
Sites (without commercial uses in new buildings)		2 ac. min
Sites (with commercial uses in new buildings)		3 ac. min.
Density:		8 u/a max.
Amenity Space Requirement:		5% of site min. (all sites)
Civic Space Requirement:		10% of site min. (sites over 5 acres)
Site setback (along rights-of-way):		20 ft. min. and planted per Sec. 207-3
Site setback (not along rights-of-way):		10 ft. min. and planted per Sec. 207-3
Lot Standards [1]	Ⓐ Area	Ⓑ Width
Carriage House:	Same as principal structure	
Cottage court	1,200 sf. min.	20 ft. min.
Townhouse:	1,000 sf. min.	20 ft. min.

All other building types:	2,500 sf. min.	25 ft. min.
Lot Coverage [1]		
Ⓒ All lots:	75% max.	

;sz=9;Table note:

[1] Lot standards only apply to sites that meet the minimum area requirements. When minimum site area is not met, no subdivision is allowed.

203-5.9. - Building Placement

Building Setbacks	
Ⓐ Front and side (street):	10 ft. min.
Ⓑ Side (interior):	0 ft. min.
Ⓒ Rear (no alley):	6 ft. min.
Ⓒ Rear (alley):	3 ft. min.
Greater side setbacks, greater rear setbacks, and greater building separation may be required as established by the applicable building or fire codes.	

Table Note:

[1] Greater site setbacks also apply per Sec. 203-5.8.

203-5.10. - Bulk and Mass

Building Height	
Ⓐ Height:	35 ft. max.

203-5.11. - Driveways

The following applies to driveways, including those serving as alleys, but not to required new streets.

A. **Number**

The maximum number of driveways allowed on a site may not exceed an amount equal to one driveway for every 300 feet of total street frontage or fraction thereof.

B. **Sidewalks and Driveways**

All sidewalk materials must continue across driveways.

Sec. 203-6. - LM Light Manufacturing District

203-6.1. - Purpose

This district provides for a wide range of light industrial uses and compatible commercial uses, all of which must meet comparatively rigid specifications for nuisance-free performance. The district is comprised of lands that are located on or have ready access to a major street or State route and are well adapted to industrial development, but whose proximity to residential or commercial districts makes it desirable to limit industrial operations and processes to those that are not objectionable by reason of the emission of noise, vibration, smoke, dust, gas, by fumes, odors, or radiation, and that do not create fire or explosion hazards or other objectionable conditions.

203-6.2. - Use Provisions

See Sec. 206-2 (Allowed Use Table).

203-6.3. - Building Types

No building type requirements apply in LM.

203-6.4. - Architectural Standards

See Sec. 201-3 (General Architectural Standards).

203-6.5. - Site Development Standards

See Article 7 (Site Development) for parking and loading, buffer and screening, landscaping, tree ordinance, lighting, signs, and utility requirements.

203-6.6. - Inter-parcel Access

See Sec. 401-3.4.H (Inter-parcel Access).

203-6.7. - Dimensional Standards

Site Standards		
Open space requirement:	See Sec. 401-2 (Open Space)	
Lot Standards	Ⓐ Area	Ⓑ Width
All lots:	1 acre min.	100 ft. min.
Lot Coverage		
Ⓒ All lots:	90% max.	

203-6.8. - Building Placement

Building Setbacks	
Ⓐ Front:	50 ft. min.
Ⓑ Side (interior):	20 ft. min.
Ⓒ Side (street):	35 ft. min.
Ⓓ Rear:	15 ft. min.

203-6.9. - Bulk and Mass

Building Height	
Ⓐ Height:	80 ft. max.

ARTICLE 4. - TOWNE CENTER DISTRICTS

Sec. 204-1. - TC-MU Towne Center Mixed-Use

204-1.1. - Purpose

The purpose of this district is to provide for compact, mixed-use development in Snellville's core that supports the Towne Center's role as a focal point for the city. See Sec. 205-1.1 (TCO) for additional purposes.

204-1.2. - Use Provisions

See Sec. 206-2 (Allowed Use Table).

204-1.3. - Site Development Standards

See Chapter 200 Article 7 (Site Development) for parking and loading, buffer and screening, landscaping, tree ordinance, lighting, signs, and utility requirements.

204-1.4. - Building Types

Building type requirements apply in the TC-MU district and the following types are allowed:

A. Detached house
B. Carriage house
C. Cottage court
D. Semi-detached house
E. Townhouse
F. Walk-up flat
G. Stacked flat
H. Commercial house
I. Shopfront
J. Mixed-use building
K. General building
L. Civic building

204-1.5. - Architectural Standards

See Sec. 201-4 (Enhanced Architectural Standards).

204-1.6. - Dimensional standards

Site Standards		
Residential Density (by Special Use Permit):		As approved by City Council
Min. Amenity Space Requirement:		5% of site min. (all sites)
Min. Civic Space Requirement:		10% of site min. (sites over 5 acres)
Lot Standards	Ⓐ Area	Ⓑ Width
Detached House:	2,500 sf. min.	25 ft. min.
Carriage House:	Same as principal structure	
Semi-Detached House:	2,500 sf. min.	25 ft. min.
Townhouse:	800 sf. min.	20 ft. min.
Cottage Court:	1,200 sf. min.	20 ft. min.
All other Building Types:	1,600 sf. min.	30 ft. min.
Lot Coverage		
Ⓒ All Building Types:	100% max.	

204-1.7. - Building Placement

Building Setbacks	
Ⓐ Front Yard, Side (Street) (State route):	10 ft. min.
Ⓐ Front Yard, Side (Street) (other):	5 ft. min.
Ⓑ Side Yard:	0 ft. min.
Ⓒ Rear Yard (no alley)	6 ft. min.
Ⓒ Rear Yard (alley):	3 ft. min.
Greater side setbacks, greater rear setbacks, and greater building separation may be required as established by the applicable building or fire codes.	

204-1.8. - Bulk and Mass

Building Height	
Ⓐ Min. Height:	2 stories or 24 ft., whichever is greater

Ⓐ Max. Height in Stories:	5 stories or 75 ft., whichever is less

204-1.9. - TCO Standards

The Towne Center Overlay applies in the TC-MU District. See Sec. 205-1 (Towne Center Overlay).

Sec. 204-2. - TC-R Towne Center Residential

204-2.1. - Purpose.

The purpose of this district is to provide for a variety of housing options near the Towne Center's mixed-use core. See Sec. 205-1.1 (TCO Purpose) for additional purposes.

204-2.2. - Use Provisions

See Sec. 206-2 (Allowed Use Table).

204-2.3. - Site Development Standards

See Chapter 200 Article 7 (Site Development) for parking and loading, buffer and screening, landscaping, tree ordinance, lighting, signs, and utility requirements.

204-2.4. - Building Types

Building type requirements apply in the TC-R district and the following types are allowed:

A. Detached house
B. Carriage house
C. Cottage court
D. Semi-detached house
E. Townhouse
F. Walk-up flat
G. Stacked flat
H. Civic building

204-2.5. - Architectural Standards

See Sec. 201-4 (Enhanced Architectural Standards).

204-2.6. - Dimensional Standards

Site Standards		
Residential Density (by Special Use Permit):	As approved by City Council	
Amenity Space Requirement:	5% of site min. (all sites)	
Civic Space Requirement:	10% of site min. (sites over 5 acres)	
Lot Standards	Ⓐ Area	Ⓑ Width
Detached House:	2,500 sf	25 ft.
Carriage House:	Same as principal structure	
Semi-Detached House:	2,500 sf	25 ft.
Townhouse:	800 sf	20 ft.
Cottage Court:	1,200 sf	20 ft.
All other Building Types	1,600 sf	30 ft.
Lot Coverage		
Ⓒ All Building Types:	70% max.	

204-2.7. - Building Placement

Building Setbacks	
Ⓐ Front, Side (Street):	5 ft. min.
Ⓑ Side (Interior):	0 ft. min.
Ⓒ Rear (no alley):	3 ft. min.
Ⓒ Rear (alley):	10 ft. min.
Greater side setbacks, greater rear setbacks, and greater building separation may be required as established by the applicable building or fire codes.	

204-2.8. - Bulk and Mass

Building Height	
Ⓐ Max. Height in Stories:	5 stories or 75 ft., whichever is less

204-2.9. - TCO Standards

The Towne Center Overlay applies in the TC-R District. See Sec. 205-1 (Towne Center Overlay).

ARTICLE 5. - SPECIAL AND OVERLAY DISTRICTS

Sec. 205-1. - Towne Center Overlay

205-1.1. - Purpose

The intent and purpose of this overlay and the TC Districts is to enable and support the implementation of the following policies:

A. That the Towne Center is the focal point for the City of Snellville as established in the City's Livable Centers Initiative Town Center Plan, The Towne Center @ Snellville master plan, and the Comprehensive Plan.
B. That growth in the Towne Center will occur through the redevelopment of existing commercial properties and that this requires different regulations from development on vacant land.
C. That the Towne Center should support economic growth and vitality in the City of Snellville.
D. That the Towne Center should have a distinct physical design and sense of place.
E. That the design of buildings, landscaping, streets, and public spaces should be coordinated in order to contribute to the Towne Center's sense of place.
F. That the Towne Center should serve people of all ages and allow residents to remain in the community as they age.
G. That interconnected networks of streets should be designed to disperse traffic, reduce the length and number of car trips, and create a pedestrian-friendly area where alternatives to driving are viable transportation options.
H. That high-quality and aesthetically compatible housing should be provided to accommodate different needs in the community.
I. That the quality-of-life in existing nearby neighborhoods should be preserved and protected.
J. That a range of useable civic spaces including parks, squares, playgrounds, and preserved environmentally sensitive areas, should be distributed throughout the Towne Center.
K. That the harmonious and orderly redevelopment of the Towne Center should be secured through these regulations.

205-1.2. - Applicability

A. **Towne Center Districts**

   This section applies to all TC Districts (TC-MU and TC-R).

B. **Other Districts**

   This section applies to all other zoning districts within the Towne Center Overlay.

C. **Relationship to Underlying Zoning**

   When this overlay's requirements differ from those of the underlying zoning district or elsewhere in this UDO, the requirements of this overlay will apply.

(UDO 21-01, § 2, 10-25-2021)

205-1.3. - Administrative Variances

A. The Director is authorized to grant administrative variances to the requirements of the Towne Center Overlay and any TC Districts within it.

B. Administrative variances may only be granted to permit a practice that is not consistent with a specific provision of these regulations but is justified by their purpose.

C. Administrative variances may not be used to:

1. Increase the permitted site density;
2. Increase the maximum permitted number of stories in a building; or
3. Permit a use that is not allowed.

D. Administrative variances relating to a physical element or numeric measurements must be based upon credible submitted evidence demonstrating that:

1. Approval, if granted, would not offend the purposes as indicated in Sec. 205-1.1 (Purpose) and in the TC District, when applicable;
2. There are such extraordinary and exceptional situations or conditions pertaining to the particular piece of property that the literal or strict application of the regulations would create an unnecessary hardship due to size, shape, topography, or other extraordinary and exceptional situations or conditions not caused by the applicant;
3. Relief, if granted would not cause a substantial detriment to the public good and surrounding properties; and
4. That the public safety, health, and welfare are secured, and that substantial justice is done.

205-1.4. - Use Provisions

A. **Allowed Use**

See Sec. 206-2 (Allowed Use Table) for allowed uses, except as otherwise required by paragraph B below.

B. **Exception**

On all sites, except those zoned TC-R or TC-MU, all commercial sales and service must be conducted within enclosed permanent structures and there may be no unenclosed displays of merchandise except for outdoor dining or temporary Towne Center Outdoor Sales.

205-1.5. - Building Standards

A. **Architectural Standards**

See Sec. 201-4 (Enhanced Architectural Standards).

B. **Building Types**

Building type requirements apply in this overlay and the following types are allowed, except in a TC Districts, where the building type standards of the TC District apply:

1. Detached house
2. Cottage court
3. Semi-detached house
4. Townhouse
5. Cottage court
6. Walk-up flat

7. Stacked flat
8. Commercial house
9. Shopfront
10. Mixed-use building
11. General building
12. Civic building

C. **Building Size**

No building with a single use, tenant, or occupant may exceed 10,000 square feet without first obtaining a special use permit from the City Council and in accordance with Sec. 103-10.

1. **Exception:** For properties zoned TC-MU as of 10-26-2021, no building with a single use, tenant, or occupant may exceed 45,000 square feet without first obtaining a special use permit from the City Council.

(UDO 21-01, § 2, 10-25-2021)

205-1.6. - Space limits

A. **Applicability**

This subsection applies to all sites, except sites zoned a TC District.

B. **Space Limit Standards**

The following standards apply:

1. Lot area: 1,600 sf. min.
2. Lot width: 32 ft. min.
3. Minimum building height: For properties with any portion within one-half mile radius from the intersection of Oak Road and Clower Street, two stories or 24 feet, whichever is greater.
4. Maximum building height: Five floors or 80 feet, whichever is less.
5. Minimum front yard, street (side) yard: Zero ft.
6. Maximum front yard: 10 ft.
7. Maximum side (street) yard: No maximum.
8. Minimum rear yard: 15 ft., but 30 ft. if abutting a residential district not within the overlay.
9. Minimum side (interior) yard: Zero ft., but 40 ft. if abutting a residential district not within the overlay
10. Lot coverage: 100% max: Front yards may exceed maximum distances listed above upon request of GDOT or the Gwinnett County DOT and with approval of the Director.

C. **Front and Side (Street) Yards Elevations**

Front and side (street) yards may not be higher than 24 inches above the adjacent public sidewalk for a minimum distance of 15 feet from the nearest edge said sidewalk, unless existing topographical considerations render this requirement unreasonable.

(UDO 21-01, § 2, 10-25-2021)

205-1.7. - Blocks

See Sec. 401-3.2 for block standards.

205-1.8. - Driveways

A. **Applicability**

This subsection applies to driveways, including those serving as alleys, but not to required new streets.

B. **Number**

The maximum number of driveways allowed on a site may not exceed an amount equal to one driveway for every 300 feet of total street frontage or fraction thereof.

C. **Sidewalks and Driveways**

All sidewalk materials must continue across driveways.

205-1.9. - Design of Parking Structures

A. **Applicability**

This subsection applies to all parking structures as either principal or accessory uses.

B. **General Requirements**

1. Internal lighting fixtures may not be visible from a public or private street (not including an alley).
2. Parking structure facades must be designed so cars and ramps are not visible from ground level view from an adjacent lot or adjacent public or private street (not including an alley).
3. Parking structure facades must have the appearance of a horizontal storied building when adjacent to or visible from a public or private street (not including an alley).

C. **Storefront Street Requirements**

When a parking structure abuts a storefront street, it must conform to one or more of the following along such street (except at pedestrian or vehicle access points):

1. **Active Uses.** The ground floor must provide conditioned interior space for active uses (such as, but not limited to, residential, commercial, office, or civic uses) along said street. The space must have a minimum depth of 20 feet and must provide a minimum of 65% fenestration.
2. **Display Cases and Landscaping.** The ground floor must provide display cases with a minimum depth of 5 feet and a minimum 65% fenestration. A minimum 10 feet wide landscape strip must also be provided between the sidewalk and the parking structure. The landscape strip must be planted in accordance with Sec. 207-3.2.G and Sec. 207-3.2.H of the Landscape Ordinance.
3. **Outdoor Vending and Landscaping.** An outdoor vending or market area with a minimum depth of 10 feet must be provided between the sidewalk and the parking structure.
4. **Landscaping.** When the existing average grade, before construction of a parking structure, is more than 5 feet above or below the average grade of the adjacent required sidewalk (measured at a line 5 feet from the back of the required sidewalk), a

minimum 15 feet wide landscape strip must be provided between the sidewalk and the parking structure. The landscape strip must be planted in accordance with Sec. 207-3.2.G and Sec. 207-3.2.H of the Landscape Ordinance.

D. **Non-Storefront Street Requirements**

When a parking structure abuts a street that is not a storefront street, it must conform to one of the following along such street (except at pedestrian or vehicle access points):

1. **Storefront Street Requirements.** Conformance with paragraph C above; or
2. **Landscaping.** A minimum 10 feet wide landscape strip must be provided between the sidewalk and the parking structure. The landscape strip must be planted in accordance with Sec. 207-3.2.G and Sec. 207-3.2.H of the Landscape Ordinance.

205-1.10. - Inter-parcel Access

See Sec. 401-3.4.H (Inter-parcel Access).

205-1.11. - Vehicle Access and Parking Locations

A. Off-street parking for the following building types must be accessed from alleys:
   1. Townhouses on lots of any width; and
   2. Other building types on lots less than 50 feet in width.
B. Permitted parking locations are determined by the building type standards of Sec. 201-2 (Building Types). When multiple buildings exist on a site, the standards apply to each building independently. When a building is located on the interior of a block and does not abut a public or private street and is screened from view by an intervening conforming building, the Director may grant an administrative variance to the parking location restrictions.
C. No off-street parking lot fronting a required storefront street sidewalk may exceed 120 feet in width (measured at the back of the required sidewalk) without an intervening building. The required intervening building must have a minimum width of and depth of 30 feet.

205-1.12. - Fences and Walls

A. **Applicability of Citywide Wall and Fence Standards**
   1. Fences/walls must conform to Sec. 207-2.3 (Fences and Walls), except as specifically provided by this subsection.
   2. As used in Sec. 207-2.3 (Fences and Walls), "residential district" means "residential use" when applied to this overlay and "nonresidential district" means "nonresidential use" when applied to this overlay.
B. **Retaining Walls**

Retaining walls must made of be finished poured concrete and must be faced with stone, brick or smooth true hard coat stucco.

C. **Commercial Uses**

Commercial uses must conform to the following additional requirements:

1. No fixed fences/walls or retaining walls are allowed in front or side (street) yards unless an administrative variance is granted for topographic hardship, except for those surrounding authorized outdoor storage, or screening required by Sec. 207-2.2 (Screening).
2. Movable fences/walls up to a maximum height 30 inches are allowed in front or side (street) yards surrounding outdoor dining, but may not occupy the required sidewalk.

205-1.13. - Landscaping and Screening

A. **Applicability**

1. **New Construction.** New building or site improvements must comply with the following landscaping and screening requirements.
2. **Maintenance and Repair.** Existing buildings or sites may be renovated or repaired without providing additional landscaping or screening when all of the following conditions are met:
   a. There is no increase in floor area;
   b. There is no increase in the improved site area; and
   c. The activity is not considered a substantial building permit.
3. **Additions.**
   a. An existing building, use, or site may be increased in floor area or improved site area cumulatively by less than 25% without providing additional landscaping or screening, provided said activity is not considered a substantial building permit.
   b. When an existing building, use, or site is increased in floor area or improved site area by 25% or more than cumulatively, both the existing building, use, or site and the additional floor or site area must conform to the landscaping and screening requirements of this Section.
4. **Change of Use.** A change in use does not trigger the application of these requirements, except when there is a specific use standard requiring landscaping or screening for the new use.
5. **Conformance with the Landscape Ordinance.** Except when specifically stated to the contrary in this Section, all landscaping must conform to the Landscape Ordinance.

B. **Yard Landscaping**

1. Yards between a parking lot and a street must comply with paragraph C below and the applicable provisions of the Landscape Ordinance.
2. Yards between a building and a street must comply with Sec. 207-3.2 (Landscape Strips) except areas used for:
   a. Front porches and stoops;
   b. Outdoor dining or display;
   c. Pedestrian walkways used to access a street-facing pedestrian entrance; and
   d. Amenity space or civic space.

C. **Parking Lot Landscape Strips**

1. **Applicability.** Surface parking areas (of any size) abutting a public or private street (not including an alley) must be screened using one of the following options. All options must include wheel stops to prevent vehicles from overhanging the landscaped area.

2. **Landscape Strip with Shrubs.** A minimum 8 feet wide landscape strip planted with a minimum of 10 shrubs per 35 linear feet of street frontage, excluding driveway openings. Shrubs must be provided to screen paved areas and parking lots from the street. Shrubs must be 2 feet tall at the time of planting. They must be planted two rows deep and must provide a screen within 3 years of planting.
3. **Landscape Strip with Wall.**
   a. A 2.5-foot high wall in a minimum 4-foot landscape strip.
   b. Walls must be close to the parking lot in order to provide a minimum 2-foot landscaped strip facing the street.
   c. Walls must be opaque and constructed of one or a combination of the following: decorative blocks; brick; stone; cast-stone; split-faced block; or true hard coat stucco over standard concrete masonry blocks.
4. **Landscape Strip with Grade Change.** A 6-foot landscaped strip with a minimum 3-foot grade drop from the street to the parking lot.
5. **Location.** A required landscape strip must be located at the outer perimeter of the parking lot and must be provided along the entire parking lot abutting the street, excluding breaks for pedestrians, bicycles, and driveways.
6. **Plant Material.** Plantings must conform to Sec. 207-3.2.G of the Landscape Ordinance.

205-1.14. - Storefront Street Requirements

A. The following additional requirements apply to the portions of lots abutting storefront streets (see Sec. 102-2. Defined Terms of Article 2. Definitions for a list of "storefront streets").
B. Except as provided in paragraph C below, curb cuts and driveways are not permitted along any storefront street when vehicular access may be provided from an alternative street located immediately adjacent to a contiguous property.

C. Two curb cuts are permitted along a storefront street for motel/hotel/extended stay hotel patron access.

D. Buildings abutting a storefront street are limited to:

1. Mixed-use buildings where a minimum of 80 percent of the ground level/first floor building area is devoted to retail, restaurant, and/or entertainment uses open to the general public, or ground floor dwelling units except when such units are not along a street-facing façade.
2. Shopfronts.
3. Additional building types may be provided to the rear of a conforming mixed-use building or shopfront.

(UDO 21-01, § 2, 10-25-2021)

205-1.15. - Miscellaneous Provisions

A. **Alcoholic Beverage Licensing**

The distance and measurement requirements for alcoholic beverages, which are either sold or offered for sale by licensed establishments as set forth in subsections 6-5(a) through (e) of the City of Snellville Alcoholic Beverage Ordinance (Ordinance No. 2004-04, adopted Jan. 10, 2005) do not apply in this overlay.

Sec. 205-2. - CI Civic/Institutional

205-2.1. - Purpose

This district is intended to provide a location for important buildings and services that are essentially non-commercial or not primarily profit-motivated in nature and that often serve as community landmarks. Examples of the uses and buildings included in this district are community meeting halls, libraries, post offices, schools, child care centers, religious buildings, significant medical facilities serving the city, public buildings and uses, museums, and cultural facilities.

205-2.2. - Use Provisions

See Sec. 206-2 (Allowed Use Table).

205-2.3. - Site Development Standards

See Chapter 200 Article 7 (Site Development) for parking and loading, buffer and screening, landscaping, tree ordinance, lighting, signs, and utility requirements.

205-2.4. - Building Types

No building type requirements apply in CI.

205-2.5. - Architectural Standards

See Sec. 201-3 (General Architectural Standards).

205-2.6. - Inter-parcel Access

See Sec. 401-3.4.H (Inter-parcel Access).

205-2.7. - Dimensional Standards

Lot Standards	Ⓐ Area	Ⓑ Width
All lots:	5,000 sf. min.	50 ft. min.
Lot Coverage		
Ⓒ All lots:	90% max.	

205-2.8. - Building Placement

Building Setbacks	
Ⓐ Front:	0 ft. min.
Ⓑ Side (interior):	5 ft. min.
Ⓒ Side (street):	0 ft. min.
Ⓓ Rear:	10 ft. min.

205-2.9. - Bulk and Mass

Building Height	
Ⓐ Height:	5 stories max. [1]

Note

[1] No building may exceed 3 stories when a lot abuts a residential district.

205-2.10. - District Application

CI districts may only be applied in three general situations:

A. Larger public or institutional uses that need sites greater than 1 acre and are intended to serve the city and its surrounding areas should have convenient access to State routes or other major thoroughfares (except for elementary and middle schools).
B. Smaller civic uses (less than 1 acre) or those with less impact or intended to serve neighborhoods may be designated at prominent places and intersections intentionally planned for such uses within neighborhoods and otherwise at the entrance or edges of neighborhoods.
C. At locations generally indicated on maps in the Comprehensive Plan or recommended in its narrative.

205-2.11. - Application Requirements

Each application of a CI district to a site must adopt a site plan as a condition of zoning. Substantial variation from the approved plan, as determined by the Director, require City Council approval. The City Council may allow a phased plan of compliance for existing nonconforming sites.

Sec. 205-3. - FH Flood Hazard District

205-3.1. - Purpose

The purpose of this appended district is to apply to properties which are subject to occasional flooding or inundation by floodwaters, and which require special regulations for the protection of such properties and their improvements from hazards and damage which may result from floodwaters, and for the protection of public health and safety. Provisions Sec. 403-4 (Floodplain Protection) also apply.

205-3.2. - Use Provisions

A. **Principal Permitted Uses**

Any use permitted in the primary district to which this district is appended, subject to provisions of Sec. 403-4 (Floodplain Protection). The intent of the regulations within this section is to limit the use of land contained within a floodplain. Notwithstanding the uses permitted for any applicable zoning district which apply to the property, no building or structure or land may be used or occupied other than in conformance with this section, and no building or structure or part thereof may be erected, constructed, reconstructed, moved or altered except in conformity with this section when such lands fall within or are affected by a floodplain.

B. **Uses Permitted in the Floodplain**

Within a floodplain, only the following uses are allowed:

1. Agriculture, including forestry and livestock raising, requiring no structure within the floodway except structures for temporary shelter and including agriculture and forestry access roads.
2. Dams, provided they are designed and constructed in accordance with specifications of the State Safe Dam Act, latest revision and this UDO.
3. Public parks and recreation areas and facilities requiring no structures within the floodplain, except structures for temporary shelter, including but not limited to, boat ramps, docks, parking areas, and recreation facilities; private and commercial recreation developments and campgrounds.
4. Bridges, culverts, and the roadway fill related to these structures.
5. Parking areas. All required parking areas must be located at an elevation higher than the calculated 5-year storm, and may not be located within any floodway.
6. Outdoor storage and/or accessory buildings not exceeding 500 square feet.
7. Fences with sufficient open area to permit the free flow of water and debris.
8. Public utility poles, towers, pipelines, sewer, and other similar public and semi-public utilities and facilities.
9. Signs and sign structures, provided they permit the free flow of water and debris.
10. Swimming pools and tennis courts, provided that fences around such structures have sufficient open area to permit the free flow of water and debris.

205-3.3. - Site and Lot Standards

All of the site and lot standards of the primary district to which this district is appended must be complied with except as otherwise specified below, subject to any modifications or changes provided for in Sec. 403-4 (Floodplain Protection).

A. **Lot Area Restrictions**

All concept plans, site plans, preliminary plats, and final subdivision plats with all or portions of the land area contained within the floodplain, or contiguous to the floodplain, must comply with the following, as applicable:

1. In all residential districts, up to 25% of the area located at or below the base flood elevation may be counted towards the site area for density purposes.
2. In residential districts, no lot may contain less than 8,000 square feet of land area above the flood elevation.

3. No subdivision lot will be approved which has less than 50% of the minimum area required by the applicable zoning district located above the base flood elevation.
4. Each plat or site plan submitted for rezoning or special use permit must contain a readily identifiable line indicating the limits of the base flood elevation if any portion of the property lies within the floodplain. This line must be clearly labeled and the base flood elevation above the mean sea level stated. The plat or site plan must indicate where the base flood elevation has been established by the FEMA or where the base flood elevation has been calculated by a registered professional engineer using the best available information.

205-3.4. - Federal Flood Insurance Program

Flood studies and maps depicting flood-prone areas have been prepared as part of the flood insurance study prepared for the City of Snellville as conducted by FEMA and Federal Insurance Administration arm of the Department of Housing and Urban Development. The Flood Damage Protection Ordinance was adopted as a result of these studies.

The floodway boundary and floodway maps published as a result of these studies are adopted by reference as part of this UDO and must be used to determine the boundaries of flood hazard areas described in this section.

ARTICLE 6. - USE PROVISIONS

Sec. 206-1. - Use Classification

206-1.1. - General

No land, building, or structure may be used except in accordance with this section and for a purpose permitted in the zoning district in which it is located.

206-1.2. - Classification of Uses

A. **Principal Uses**
   1. In order to regulate a variety of similar uses, use categories have been established for principal uses. Use categories provide a systematic basis for assigning uses to appropriate categories with other, similar uses. Use categories classify principal uses and activities based on common functional, product or physical characteristics.
   2. Where a use category contains a list of included uses, the list is to be considered example uses, and not all-inclusive. The Director has the responsibility for categorizing all uses.
   3. The allowed use table in Sec. 206-2. establishes permitted uses by zoning district.
   4. Permitted uses shall be further restricted as specified in the FH Flood Hazard District.
   5. Use definitions and use standards for uses are specified in Sec. 206-3 (Residential Uses) through Sec. 206-6 (Industrial Uses).
B. **Accessory Uses**
   1. An accessory use is any use that is subordinate in both purpose and size, incidental to and customarily associated with a permitted principal use located on the same lot.
   2. The allowed use table in Sec. 206-2 establishes permitted accessory uses by district, except as further restricted as specified in the FH Flood Hazard District. Use definitions and use standards for accessory uses are specified in Sec. 206-8.
C. **Temporary Uses**
   1. A temporary use is a use that is in place for a limited period of time only.
   2. Temporary uses are allowed in the zoning districts specified in Sec. 206-9.

206-1.3. - Principal Uses Not Listed

A principal use not specifically listed is prohibited unless the Director determines the use to be part of a use category as described below.

A. The Director is responsible for categorizing all principal uses. If a proposed use is not listed but is similar to a listed use, the Director may consider the proposed use part of that use category. When determining whether a proposed use is similar to a listed use, the Director must consider the following criteria:
   1. The actual or projected characteristics of the proposed use;
   2. The relative amount of site area or floor area and equipment devoted to the proposed use;
   3. Relative amounts of sales;
   4. The customer type;
   5. The relative number of employees;
   6. Hours of operation;
   7. Building and site arrangement;
   8. Types of vehicles used and their parking requirements;
   9. The number of vehicle trips generated;
   10. How the proposed use is advertised;
   11. The likely impact on surrounding properties; and
   12. Whether the activity is likely to be found independent of the other activities on the site.

   Where a use not listed is found by the Director not to be similar to any other permitted use, the use is only permitted following a text amendment to the UDO (See Sec. 103-9.).

206-1.4. - Accessory Uses Not Listed

An accessory use not specifically listed is prohibited unless the Director determines the accessory use:

A. Is clearly incidental to and customarily found in connection with an allowed principal use;
B. Is subordinate to and serving an allowed principal use;
C. Is subordinate in area, extent, and purpose to the principal use served;
D. Contributes to the comfort, convenience or needs of occupants, business or industry in the principal use served; and
E. Is located on the same lot as the principal use served.

206-1.5. - Use Table Key

A. **Permitted Use (P).** Indicates a use is permitted in the respective district. The use is also subject to all other applicable requirements of this UDO.
B. **Limited Use (L).** Indicates a use is permitted in the respective district, subject to a use standard found in the right-hand column of the use table. The use is also subject to all other applicable requirements of this UDO.
C. **Special Use (SP).** Indicates a use may be permitted in the respective district only where approved by the City Council in accordance with Sec. 103-10. Special uses are subject to all other applicable requirements of this UDO, including any applicable use standards, except where the use standards are expressly modified by the City Council as part of the special use permit approval.
D. **Use Not Permitted.** A "—" in a cell indicates that a use is not permitted in the respective district.

Sec. 206-2. - Allowed Use Table

Key: P = Permitted Use L = Limited Use SP = Special Use "—" = Uses Not Permitted

	Residential									Mixed-Use & Business						Towne Center				
Use Category Specific Use	**RS-30**	**RS-15**	**RS-5**	**R-DU**	**R-TH**	**RM**	**RX**	**RO**	**PRC**	**OP**	**BG**	**HSB**	**MU**	**NR**	**LM**	**TCO[1]**	**TC-MU**	**TC-R**	**CI**	**Definition/ Standards**
Residential Uses																				
All household Living, as listed below:																				Sec. 206-3.1.A
Single-family detached dwelling	P	P	P	P	P	P	P	P	P	—	—	—	P	P	—	—	SP	SP	—	Sec. 206-3.1.B
Two-family dwelling	—	—	—	P	P	P	P	—	—	—	—	—	P	P	—	—	SP	SP	—	Sec. 206-3.1.C
Single-family attached dwelling	—	—	—	—	L	L	L	L	—	—	—	—	L	L	—	—	SP	SP	—	Sec. 206-3.1.D
Multiple-family dwelling	—	—	—	—	—	P	P	—	—	—	—	—	SP	SP	—	—	—	—	—	Sec. 206-3.1.E
Towne Center loft	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	SP	SP	—	Sec. 206-3.1.F
Towne Center flat	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	Sec. 206-3.1.G
Mobile home	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-3.1.H
Live-work	—	—	—	—	—	—	SP	—	—	—	—	—	P	P	—	—	SP	SP	—	Sec. 206-3.1.I
All group living, as listed below:																				Sec. 206-3.2.A

Addiction treatment facility	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-3.2.B
Assisted living facility	—	—	—	—	—	—	—	—	—	SP	P	P	SP	SP	—	SP	SP	SP	P	Sec. 206-3.2.C
Boarding and rooming house	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	SP	SP	—	Sec. 206-3.2.D
Collective residence	SP	SP	SP	SP	SP	SP	SP	—	SP	—	—	—	SP	SP	—	—	SP	SP	SP	Sec. 206-3.2.E
Community living arrangement	SP	SP	SP	SP	SP	SP	SP	—	SP	—	—	—	SP	SP	—	—	SP	SP	SP	Sec. 206-3.2.E
Group home	SP	SP	SP	SP	SP	SP	SP	—	SP	—	—	—	SP	SP	—	—	SP	SP	SP	Sec. 206-3.2.E
Hospice	—	—	—	—	—	—	—	SP	—	—	SP	SP	SP	—	—	—	SP	SP	P	Sec. 206-3.2.G
Monastery or convent	—	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	—	SP	SP	P	Sec. 206-3.2.H
Nursing facility (skilled)	—	—	—	—	—	—	—	—	—	SP	P	P	SP	SP	—	SP	SP	SP	P	Sec. 206-3.2.A
Nursing home	—	—	—	—	—	—	—	—	—	SP	P	P	SP	SP	—	SP	SP	SP	P	Sec. 206-3.2.A
Personal care home	SP	SP	SP	SP	SP	SP	SP	—	SP	—	—	—	SP	SP	—	—	SP	SP	SP	Sec. 206-3.2.E
Retirement community (continuing care)	—	—	—	—	—	—	SP	SP	—	—	—	—	SP	—	—	—	SP	SP	SP	Sec. 206-3.2.F
Shelter	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-3.2.I
Public/Institutional Uses																				

All civic, as listed below:																				Sec. 206-4.1.A
Colleges, public or private	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	P	Sec. 206-4.1.B
Community center	—	—	—	—	—	—	—	—	—	—	P	P	P	P	—	P	P	P	P	Sec. 206-4.1.C
Fraternal organization and club, non-profit	—	—	—	—	—	—	—	—	—	P	P	P	P	—	—	P	P	—	P	Sec. 206-4.1.D
Museum, library	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	P	—	P	Sec. 206-4.1.E
Non-profit private clubhouse	L	L	L	L	L	L	L	—	L	—	—	—	—	—	—	—	L	L	—	Sec. 206-4.1.F
Non-profit private outdoor recreation	SP	SP	SP	SP	SP	SP	SP	—	SP	—	—	—	—	—	—	—	SP	SP	—	Sec. 206-4.1.G
Place of worship	SP	SP	SP	SP	SP	SP	SP	—	SP	—	SP	SP	SP	SP	—	SP	SP	SP	L	Sec. 206-4.1.H
Public buildings and use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 206-4.1.I
School, public or private	SP	SP	SP	SP	SP	SP	SP	—	SP	SP	SP	SP	—	—	—	—	SP	—	SP	Sec. 206-4.1.J
All park and open space, as listed below:																				Sec. 206-4.2.A
Cemetery	SP	SP	SP	SP	SP	SP	SP	—	SP	—	—	—	—	—	—	—	—	—	SP	Sec. 206-4.2.B
Community garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 206-4.2.C
Country club, golf	P	—	—	—	—	—	—	—	—	—	P	P	P	—	—	—	—	—	—	Sec. 206-

course																				4.2.D
Park, plaza, square	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 206-4.2.E
Playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 206-4.2.F
All utility, as listed below:																				Sec. 206-4.3.A
Minor utility	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Sec. 206-4.3.B
Small cell facility	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	l	Sec. 206-4.3.C
Telecommunication antenna and tower	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Sec. 206-4.3.D
Utility substation	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Sec. 206-4.3.E
Commercial Uses																				
Adult entertainment establishment	—	—	—	—	—	—	—	—	—	—	L	L	—	—	—	—	—	—	—	Sec. 206-5.1
All day care, as listed below:																				Sec. 206-5.2.A
Adult care center	—	—	—	—	—	—	—	—	—	P	P	P	SP	—	—	P	SP	—	P	Sec. 206-5.2.B
Day care center	—	—	—	—	—	—	—	—	—	P	P	P	SP	—	—	P	SP	—	P	Sec. 206-5.2.C
Family day care home	P	P	P	P	P	P	P	—	P	—	—	—	SP	P	—	—	SP	SP	—	Sec. 206-5.2.D

All event facility	—	—	—	—	—	—	—	—	—	P	P	P	P	—	—	P	P	—	—	Sec. 206-5.3
All hotels, motels, extended stay hotels	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	—	SP	SP	—	—	Sec. 206-5.4
All indoor recreation, except as listed below:	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	P	Sec. 206-5.5.A
Amusement center, game/video arcade	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	P	Sec. 206-5.5.A
Assembly hall, auditorium, meeting hall	—	—	—	—	—	SP	—	SP	—	—	SP	SP	SP	—	—	SP	—	—	SP	Sec. 206-5.5.A
Billiard hall, pool hall	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	P	Sec. 206-5.5.A
Bowling alley	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	P	Sec. 206-5.5.A
Convention center, arena, indoor stadium	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	—	SP	SP	—	SP	Sec. 206-5.5.A
Electric or gas powered vehicle tracks	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	SP	SP	—	P	Sec. 206-5.5.A
Extreme sports facility such as BMX, skateboarding or rollerblading	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	SP	SP	—	P	Sec. 206-5.5.A
Gym, health spa, or yoga studio	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	—	—	—	Sec. 206-5.5.B
Ice or roller skating	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	SP	SP	—	P	Sec. 206-

rink																				5.5.A
Indoor sports facility	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	SP	SP	—	P	Sec. 206-5.5.A
Inflatable playground	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	SP	SP	—	P	Sec. 206-5.5.A
Meditation center	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	P	Sec. 206-5.5.A
Miniature golf facility	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	SP	SP	—	P	Sec. 206-5.5.A
School for the arts	—	—	—	—	—	—	—	—	—	—	P	P	P	P	—	P	P	—	—	Sec. 206-5.5.C
Indoor shooting range	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	SP	SP	—	P	Sec. 206-5.5.A
Theaters	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	—	SP	SP	—	—	Sec. 206-5.5.D
All medical, except as listed below:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	Sec. 206-5.6.A
Ambulatory surgical center	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	L	—	P	Sec. 206-5.6.B
Blood plasma donation center	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	Sec. 206-5.6.A
Chiropractor	—	—	—	—	—	—	—	—	—	P	P	P	P	P	—	P	P	—	P	Sec. 206-5.6.A
Dental office	—	—	—	—	—	—	—	—	—	P	P	P	P	P	—	P	P	—	P	Sec. 206-5.6.A
Emergency medical office	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	P	Sec. 206-5.6.A
Hospital	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	Sec. 206-

																				5.6.A
Kidney dialysis center	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	—	—	—	P	Sec. 206-5.6.A
Medical clinic	—	—	—	—	—	—	—	—	—	P	P	P	P	P	—	P	P	—	P	Sec. 206-5.6.A
Medical or dental laboratory	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	Sec. 206-5.6.A
Medical office	—	—	—	—	—	—	—	—	—	P	P	P	P	P	—	P	P	—	P	Sec. 206-5.6.A
Medical practitioner	—	—	—	—	—	—	—	—	—	P	P	P	P	P	—	P	P	—	P	Sec. 206-5.6.A
Osteopath	—	—	—	—	—	—	—	—	—	P	P	P	P	P	—	P	P	—	P	Sec. 206-5.6.A
Physician's office	—	—	—	—	—	—	—	—	—	P	P	P	P	P	—	P	P	—	P	Sec. 206-5.6.A
Urgent care	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	P	Sec. 206-5.6.A
All office, except as listed below:	—	—	—	—	—	—	—	—	—	P	P	P	P	P	L	P	P	—	—	Sec. 206-5.7.A, Sec. 206-5.7.H
Accountant, bookkeeper, auditor office	—	—	—	—	—	—	—	—	—	P	P	P	P	P	L	P	P	—	—	Sec. 206-5.7.A
Advertising office	—	—	—	—	—	—	—	—	—	P	P	P	P	P	L	P	P	—	—	Sec. 206-5.7.A
Architect office	—	—	—	—	—	—	—	—	—	P	P	P	P	P	L	P	P	—	—	Sec. 206-5.7.A
Attorney's office	—	—	—	—	—	—	—	—	—	P	P	P	P	P	L	P	P	—	—	Sec. 206-

																				5.7.A
Banks	—	—	—	—	—	—	—	—	—	P	P	P	P	—	—	P	P	—	—	Sec. 206-5.7.B
Business management consulting	—	—	—	—	—	—	—	—	—	P	P	P	P	P	L	P	P	—	—	Sec. 206-5.7.A
Business school	—	—	—	—	—	—	—	—	—	P	P	P	P	—	—	P	P	—	—	Sec. 206-5.7.G
Business services	—	—	—	—	—	—	—	—	—	P	P	P	P	P	L	P	P	—	—	Sec. 206-5.7.A
Call center	—	—	—	—	—	—	—	—	—	P	P	P	P	P	L	P	P	—	—	Sec. 206-5.7.A
Collection agency	—	—	—	—	—	—	—	—	—	P	P	P	P	P	L	P	P	—	—	Sec. 206-5.7.A
Commercial art	—	—	—	—	—	—	—	—	—	P	P	P	P	P	L	P	P	—	—	Sec. 206-5.7.A
Computer or data processing	—	—	—	—	—	—	—	—	—	P	P	P	P	P	L	P	P	—	—	Sec. 206-5.7.A
Counseling in office setting	—	—	—	—	—	—	—	—	—	P	P	P	P	P	L	P	P	—	—	Sec. 206-5.7.A
Employment center	—	—	—	—	—	—	—	—	—	P	P	P	P	P	L	P	P	—	—	Sec. 206-5.7.A
Engineer office	—	—	—	—	—	—	—	—	—	P	P	P	P	P	L	P	P	—	—	Sec. 206-5.7.A
Finance company	—	—	—	—	—	—	—	—	—	P	P	P	P	—	—	P	P	—	—	Sec. 206-5.7.C
Financial services	—	—	—	—	—	—	—	—	—	P	P	P	P	P	L	P	P	—	—	Sec. 206-5.7.A

Graphic design	—	—	—	—	—	—	—	—	—	P	P	P	P	P	L	P	P	—	—	Sec. 206-5.7.A
Insurance adjuster	—	—	—	—	—	—	—	—	—	P	P	P	P	P	L	P	P	—	—	Sec. 206-5.7.A
Insurance agent	—	—	—	—	—	—	—	—	—	P	P	P	P	P	L	P	P	—	—	Sec. 206-5.7.A
Interior decorator	—	—	—	—	—	—	—	—	—	P	P	P	P	P	L	P	P	—	—	Sec. 206-5.7.A
Investment or brokerage house	—	—	—	—	—	—	—	—	—	P	P	P	P	P	L	P	P	—	—	Sec. 206-5.7.A
Lawyer's office	—	—	—	—	—	—	—	—	—	P	P	P	P	P	L	P	P	—	—	Sec. 206-5.7.A
Lender office	—	—	—	—	—	—	—	—	—	P	P	P	P	P	L	P	P	—	—	Sec. 206-5.7.A
Loan office	—	—	—	—	—	—	—	—	—	L	L	L	L	—	—	L	L	—	—	Sec. 206-5.7.D
Mortgage agent	—	—	—	—	—	—	—	—	—	P	P	P	P	P	L	P	P	—	—	Sec. 206-5.7.A
Office showroom	—	—	—	—	—	—	—	—	—	P	P	P	P	P	L	P	P	—	—	Sec. 206-5.7.E
Professional services	—	—	—	—	—	—	—	—	—	P	P	P	P	P	L	P	P	—	—	Sec. 206-5.7.A
Radio, film, recording, and television studios and stations	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.7.F
Real estate agent	—	—	—	—	—	—	—	—	—	P	P	P	P	P	L	P	P	—	—	Sec. 206-5.7.A
Sales office	—	—	—	—	—	—	—	—	—	P	P	P	P	P	L	P	P	—	—	Sec. 206-

																				5.7.A
Savings and loan institution	—	—	—	—	—	—	—	—	—	P	P	P	P	—	—	P	P	—	—	Sec. 206-5.7.B
Security system services	—	—	—	—	—	—	—	—	—	P	P	P	P	P	L	P	P	—	—	Sec. 206-5.7.A
Trade school	—	—	—	—	—	—	—	—	—	P	P	P	P	—	—	P	P	—	—	Sec. 206-5.7.G
Travel agency	—	—	—	—	—	—	—	—	—	P	P	P	P	P	L	P	P	—	—	Sec. 206-5.7.A
Vocational school	—	—	—	—	—	—	—	—	—	P	P	P	P	—	—	P	P	—	—	Sec. 206-5.7.G
All outdoor recreation, including:	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	—	SP	SP	—	SP	Sec. 206-5.8
Amusement park	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	—	SP	SP	—	SP	Sec. 206-5.8
Batting cage	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	—	SP	SP	—	SP	Sec. 206-5.8
Drive-in theater	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	—	SP	SP	—	SP	Sec. 206-5.8
Electric or gas powered vehicle tracks	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	—	SP	SP	—	SP	Sec. 206-5.8
Extreme sports facility (BMX, skateboarding or rollerblading)	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	—	SP	SP	—	SP	Sec. 206-5.8
Golf driving range	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	—	SP	SP	—	SP	Sec. 206-5.8

Miniature golf	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	—	SP	SP	—	SP	Sec. 206-5.8
Outdoor amusements	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	—	SP	SP	—	SP	Sec. 206-5.8
Outdoor shooting range	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	—	SP	SP	—	SP	Sec. 206-5.8
Outdoor sports field/court	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	—	SP	SP	—	SP	Sec. 206-5.8
Outdoor stadium, arena	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	—	SP	SP	—	SP	Sec. 206-5.8
Outdoor theater	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	—	SP	SP	—	SP	Sec. 206-5.8
Water park	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	—	SP	SP	—	SP	Sec. 206-5.8
All passenger terminal (no on-site storage or parking of vehicles), including:	—	—	—	—	—	—	P	—	—	—	P	P	P	—	—	P	P	—	P	Sec. 206-5.9
Bus terminal	—	—	—	—	—	—	P	—	—	—	P	P	P	—	—	P	P	—	P	Sec. 206-5.9
Limousine service	—	—	—	—	—	—	P	—	—	—	P	P	P	—	—	P	P	—	P	Sec. 206-5.9
Non-emergency transport	—	—	—	—	—	—	P	—	—	—	P	P	P	—	—	P	P	—	P	Sec. 206-5.9
Taxicab service	—	—	—	—	—	—	P	—	—	—	P	P	P	—	—	P	P	—	P	Sec. 206-5.9
All personal	—	—	—	—	—	—	—	—	—	—	P	P	P	P	—	P	P	—	—	Sec. 206-

services, except the following:																				5.10.A
Animal care (indoor)	—	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	—	—	Sec. 206-5.10.B
Animal boarding	—	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	—	—	Sec. 206-5.10.B
Animal grooming	—	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	—	—	Sec. 206-5.10.B
Animal hospital	—	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	—	—	Sec. 206-5.10.B
Animal shelter	—	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	—	—	Sec. 206-5.10.B
Animal care (outdoor)	—	—	—	—	—	—	—	—	—	—	P	P	P	—	P	SP	—	—	—	Sec. 206-5.10.C
Beauty salon	—	—	—	—	—	—	—	—	—	P	P	P	P	P	—	P	P	—	—	Sec. 206-5.10.A
Body piercing	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	—	SP	SP	—	—	Sec. 206-5.10.H
Doggy day care (indoor)	—	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	—	—	Sec. 206-5.10.B
Dry cleaning	—	—	—	—	—	—	—	—	—	—	P	P	P	—	P	P	L	—	—	Sec. 206-5.10.D
Eyeglass shop	—	—	—	—	—	—	—	—	—	—	P	P	P	P	—	P	P	—	—	Sec. 206-5.10.A
Food catering	—	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	—	—	Sec. 206-5.10.A
Fortune teller	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	—	SP	—	—	—	Sec. 206-5.10.G

Funeral home, mortuary (without crematorium)	—	—	—	—	—	—	—	—	—	—	P	P	P	—	P	—	—	—	—	Sec. 206-5.10.A
Funeral, mortuary (with crematorium)	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	SP	—	—	—	—	Sec. 206-5.10.A
Hair salon	—	—	—	—	—	—	—	—	—	P	P	P	P	P	—	P	P	—	—	Sec. 206-5.10.A
Kennel (indoor)	—	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	—	—	Sec. 206-5.10.B
Laundry, coin-operating or full-service	—	—	—	—	—	—	—	—	—	—	P	P	P	—	P	P	L	—	—	Sec. 206-5.10.D
Locksmith shop	—	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	—	—	Sec. 206-5.10.A
Massage therapy	—	—	—	—	—	—	—	—	—	L	L	L	L	L	—	L	—	—	—	Sec. 206-5.10.E
Nail salon	—	—	—	—	—	—	—	—	—	P	P	P	P	P	—	P	P	—	—	Sec. 206-5.10.A
Personal Repair	—	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	—	—	Sec. 206-5.10.F
Pet clinic	—	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	—	—	Sec. 206-5.10.B
Pet grooming	—	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	—	—	Sec. 206-5.10.B
Photocopying, printing and reproduction service	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	P	P	—	Sec. 206-5.10.A
Psychic, fortune teller	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	—	SP	—	—	—	Sec. 206-5.10.G

Tailor or milliner	—	—	—	—	—	—	—	—	—	—	P	P	P	P	—	P	P	—	—	Sec. 206-5.10.A
Tanning salon	—	—	—	—	—	—	—	—	—	—	P	P	P	P	—	P	P	—	—	Sec. 206-5.10.A
Tattoo parlor or body piercing	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	—	SP	SP	—	—	Sec. 206-5.10.H
Taxidermist	—	—	—	—	—	—	—	—	—	—	P	P	P	—	P	P	P	—	—	Sec. 206-5.10.A
Tutoring service	—	—	—	—	—	—	—	—	—	—	P	P	P	P	—	P	P	—	—	Sec. 206-5.10.A
Upholster, non-vehicle	—	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	—	—	Sec. 206-5.10.F
Veterinary clinic	—	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	—	—	Sec. 206-5.10.B
All restaurants, except as listed below:	—	—	—	—	—	—	—	—	—	L	L	L	L	—	—	L	—	—	L	Sec. 206-5.11.A, Sec. 206-5.11.E
Bar	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-5.11.B
Brewpub	—	—	—	—	—	—	—	—	—	—	L	L	L	—	L	L	L	—	—	Sec. 206-5.11.A, Sec. 206-5.11.E
Coffee shop	—	—	—	—	—	—	—	—	—	L	L	L	L	—	—	L	—	—	L	Sec. 206-5.11.A, Sec. 206-5.11.E
Drive-in restaurant	—	—	—	—	—	—	—	—	—	—	—	L	—	—	—	—	—	—	—	Sec. 206-5.11.D,

																				Sec. 206-5.11.E
Drive-thru facility (as an accessory use)	—	—	—	—	—	—	—	—	—	L	L	L	L	—	L	L	L	—	L	Sec. 206-8.9
Ice cream shop	—	—	—	—	—	—	—	—	—	L	L	L	L	—	—	L	—	—	L	Sec. 206-5.11.A, Sec. 206-5.11.E
Juice shop	—	—	—	—	—	—	—	—	—	L	L	L	L	—	—	L	—	—	L	Sec. 206-5.11.A, Sec. 206-5.11.E
Lounge	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-5.11.B
Nightclub	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-5.11.B
Pizza delivery	—	—	—	—	—	—	—	—	—	L	L	L	L	—	—	L	—	—	L	Sec. 206-5.11.A, Sec. 206-5.11.E
Restaurant	—	—	—	—	—	—	—	—	—	L	L	L	L	—	—	L	—	—	L	Sec. 206-5.11.A, Sec. 206-5.11.E
Restaurant, take-out	—	—	—	—	—	—	—	—	—	L	L	L	L	—	—	L	—	—	L	Sec. 206-5.11.A, Sec. 206-5.11.E
Tavern	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-5.11.B

Tea shop	—	—	—	—	—	—	—	—	—	L	L	L	L	—	—	L	—	—	L	Sec. 206-5.11.A, Sec. 206-5.11.E
Yogurt shop	—	—	—	—	—	—	—	—	—	L	L	L	L	—	—	L	—	—	L	Sec. 206-5.11.A, Sec. 206-5.11.E
All retail, except as listed below:	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.A
Animal supplies	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Antique shop	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Appliance store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.A
Art and school supplies	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Art gallery	—	—	—	—	—	—	—	—	—	—	P	P	P	P	—	P	P	—	—	Sec. 206-5.12.A
Art studio	—	—	—	—	—	—	—	—	—	—	P	P	P	P	—	P	P	—	—	Sec. 206-5.12.A
Artisan shop	—	—	—	—	—	—	—	—	—	L	L	L	L	L	L	L	L	—	—	Sec. 206-5.12.C
Baked goods	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Bakery	—	—	—	—	—	—	—	—	—	—	P	P	P	—	P	P	P	—	—	Sec. 206-5.12.D
Beverage store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-

																				5.12.B
Bicycle shop	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.A
Book store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Bottle shop	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.E
Building supply (no outdoor storage)	—	—	—	—	—	—	—	—	—	—	P	P	P	—	P	P	P	—	—	Sec. 206-5.12.F
Building supply (with outdoor storage)	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	P	—	—	—	—	Sec. 206-5.12.F
Camera store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Check cashing	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	—	SP	—	—	—	Sec. 206-5.12.K
Clothing store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Consumer fireworks retail sales facility	—	—	—	—	—	—	—	—	—	—	L	L	L	—	—	—	—	—	—	Sec. 206-5.12.G
Convenience food store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Convenience goods	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Craft store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Department store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-

																				5.12.A
Drug store	—	—	—	—	—	—	—	—	—	L	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.H
Dry goods store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Electronics store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.A
Fabric store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Flower shop	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Food store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Furniture store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Garden supplies	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
General retail	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Gift and cards	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Grocery store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Growler shop	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.E
Guns and ammunition	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.A
Hardware store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-

																				5.12.B
Hobby store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Home building supply store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	—	—	—	—	Sec. 206-5.12.A
Home improvement supplies	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	—	—	—	—	Sec. 206-5.12.B
Household products	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Jewelry store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Lawnmower shop and other small engine (sales, rental, repair)	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	P	—	—	—	—	Sec. 206-5.12.I
Meat market	—	—	—	—	—	—	—	—	—	—	L	L	L	—	L	L	L	—	—	Sec. 206-5.12.J
Medical supply store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Music and musical instruments store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
News store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Office supplies	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Package shipping (UPS)	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Pawn broker	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	—	SP	—	—	—	Sec. 206-

																				5.12.K
Pawn shop	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	—	SP	—	—	—	Sec. 206-5.12.K
Pet store and supplies	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Pharmacy	—	—	—	—	—	—	—	—	—	L	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.H
Phone store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Photo finishing	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Picture frames	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Plant nursery	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	—	—	—	—	Sec. 206-5.12.L
Pottery store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Printed materials store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Produce store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Seafood store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Shoe store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Smoke shop	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-5.12.M
Souvenir shop	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-

																				5.12.B
Sporting goods store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Stationery store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Swimming pool supply store (indoor)	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.A
Swimming pool supply store (outdoor)	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	P	—	—	—	—	Sec. 206-5.12.F
Title pawn	—	—	—	—	—	—	—	—	—	—	SP	SP	SP	—	—	-	—	—	—	Sec. 206-5.12.K
Toy store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Trophies store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.B
Vape shop	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-5.12.M
Video game store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.A
Video store	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	—	—	Sec. 206-5.12.A
All vehicular, as listed below:																				Sec. 206-5.13.A
Automobile parts store (no repair or installation)	—	—	—	—	—	—	—	—	—	—	P	P	P	—	P	—	—	—	—	Sec. 206-5.13.B

Boat and recreational vehicle sales, rental, or service	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	SP	—	—	—	—	Sec. 206-5.13.C
Car wash, self-serve, full-service, detailing	—	—	—	—	—	—	—	—	—	—	SP	P	SP	—	P	P	—	—	—	Sec. 206-5.13.D
Gas station (with convenience store). No vehicle repair or service	—	—	—	—	—	—	—	—	—	—	SP	SP	—	—	SP	—	—	—	—	Sec. 206-5.13.E
Internet vehicles sales	—	—	—	—	—	—	—	—	—	L	L	L	—	—	L	L	—	—	—	Sec. 206-5.13.F
Public parking (for off-site uses)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	SP	SP	—	—	Sec. 206-5.13.G
Remote parking (for off-site uses)	—	—	—	—	—	—	—	—	—	SP	SP	SP	SP	—	—	SP	SP	—	SP	Sec. 206-5.13.H
Vehicle rental	—	—	—	—	—	—	—	—	—	—	SP	SP	—	—	SP	—	—	—	—	Sec. 206-5.13.I
Vehicle sales, rental, or auction	—	—	—	—	—	—	—	—	—	—	SP	SP	—	—	SP	—	—	—	—	Sec. 206-5.13.J
Vehicle repair (minor), including the following:	—	—	—	—	—	—	—	—	—	—	SP	SP	—	—	SP	SP	—	—	—	Sec. 206-5.13.K
Audio and alarm installation	—	—	—	—	—	—	—	—	—	—	SP	SP	—	—	SP	SP	—	—	—	Sec. 206-5.13.K
Bed-liner installation	—	—	—	—	—	—	—	—	—	—	SP	SP	—	—	SP	SP	—	—	—	Sec. 206-5.13.K
Custom accessories	—	—	—	—	—	—	—	—	—	—	SP	SP	—	—	SP	SP	—	—	—	Sec. 206-5.13.K

Emissions testing	—	—	—	—	—	—	—	—	—	—	SP	SP	—	—	SP	—	—	—	—	Sec. 206-5.13.K
Glass repair and replacement	—	—	—	—	—	—	—	—	—	—	SP	SP	—	—	SP	SP	—	—	—	Sec. 206-5.13.K
Minor scratch and dent repair	—	—	—	—	—	—	—	—	—	—	SP	SP	—	—	SP	SP	—	—	—	Sec. 206-5.13.K
Quick lubrication facility	—	—	—	—	—	—	—	—	—	—	SP	SP	—	—	SP	SP	—	—	—	Sec. 206-5.13.K
Vehicle repair (major), including the following:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	—	—	Sec. 206-5.13.L
Body and paint shop	—	—	—	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	—	—	Sec. 206-5.13.L
Brake repair and replacement	—	—	—	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	—	—	Sec. 206-5.13.L
Muffler shop	—	—	—	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	—	—	Sec. 206-5.13.L
Tire repair and replacement	—	—	—	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	—	—	Sec. 206-5.13.L
Transmission repair and replacement	—	—	—	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	—	—	Sec. 206-5.13.L
Industrial Uses																				
All craft manufacturing, including:	—	—	—	—	—	—	—	—	—	—	L	L	L	—	P	L	L	—	—	Sec. 206-6.1
Ceramic products	—	—	—	—	—	—	—	—	—	—	L	L	L	—	P	L	L	—	—	Sec. 206-6.1

Clothing products	—	—	—	—	—	—	—	—	—	—	L	L	L	—	P	L	L	—	—	Sec. 206-6.1
Electronic goods	—	—	—	—	—	—	—	—	—	—	L	L	L	—	P	L	L	—	—	Sec. 206-6.1
Food and bakery products	—	—	—	—	—	—	—	—	—	—	L	L	L	—	P	L	L	—	—	Sec. 206-6.1
Furniture products	—	—	—	—	—	—	—	—	—	—	L	L	L	—	P	L	L	—	—	Sec. 206-6.1
Glass products	—	—	—	—	—	—	—	—	—	—	L	L	L	—	P	L	L	—	—	Sec. 206-6.1
Household appliances	—	—	—	—	—	—	—	—	—	—	L	L	L	—	P	L	L	—	—	Sec. 206-6.1
Jewelry products	—	—	—	—	—	—	—	—	—	—	L	L	L	—	P	L	L	—	—	Sec. 206-6.1
Leather products	—	—	—	—	—	—	—	—	—	—	L	L	L	—	P	L	L	—	—	Sec. 206-6.1
Metalwork	—	—	—	—	—	—	—	—	—	—	L	L	L	—	P	L	L	—	—	Sec. 206-6.1
Non-alcoholic beverages	—	—	—	—	—	—	—	—	—	—	L	L	L	—	P	L	L	—	—	Sec. 206-6.1
Paper products	—	—	—	—	—	—	—	—	—	—	L	L	L	—	P	L	L	—	—	Sec. 206-6.1
Printmaking	—	—	—	—	—	—	—	—	—	—	L	L	L	—	P	L	L	—	—	Sec. 206-6.1
All heavy industrial, including:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.2
Animal processing, packing, treating	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.2

and storage																				
Bone materials or products	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.2
Bottling plant	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.2
Bulk fuel sales	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.2
Bulk storage of flammable liquids, chemicals, cosmetics, drugs, soap, paints, fertilizers, and abrasive products	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.2
Chemical materials or products	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.2
Chemical, cosmetics, drug, soap, paints, fertilizers and abrasive products	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.2
Clay materials or products	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.2
Concrete batch plant	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.2
Explosives materials or products	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.2
Fireworks materials or products	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.2

Food processing, and related products	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.2
Glass materials or products	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.2
Leather materials or products	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.2
Livestock or poultry slaughtering	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.2
Lumber production	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.2
Lumberyard	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.2
Metal products, including enameling and galvanizing	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.2
Paper materials or products	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.2
Petroleum, liquefied petroleum gas and coal products and refining	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.2
Plastic materials or products	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.2
Prefabricated building manufacturing	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.2

Pulp materials or products	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.2
Rubber and plastic products, rubber manufacturing	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.2
Rubber materials or products	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.2
Sawmill, log production facility	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.2
Stone materials or product	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.2
Tobacco materials or products	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.2
All light industrial uses, as listed below:																				Sec. 206-6.3.A
Ambulance service (with on-site storage or parking)	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	SP	—	—	—	—	Sec. 206-6.3.B
Baking plants	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	Sec. 206-6.3.A
Brewery	—	—	—	—	—	—	—	—	—	—	P	P	P	—	P	SP	SP	—	—	Sec. 206-6.3.C
Carpet cleaning plant	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	Sec. 206-6.3.A
Contractors storage	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	P	—	—	—	—	Sec. 206-6.3.D
Distillery	—	—	—	—	—	—	—	—	—	—	P	P	P	—	P	SP	SP	—	—	Sec. 206-6.3.C

Dry cleaning plant	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	Sec. 206-6.3.A
Food and beverage production	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	Sec. 206-6.3.A
Land-intensive outdoor sales and services	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	Sec. 206-6.3.A
Laundry cleaning plant	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	Sec. 206-6.3.A
Limousine service (with on-site storage or parking)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	Sec. 206-6.3.A
Manufactured building sales	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	Sec. 206-6.3.A
Mobile home sales	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	Sec. 206-6.3.A
Non-emergency transport service (with on-site storage or parking)	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	SP	—	—	—	—	Sec. 206-6.3.A
Repair or services of business, industrial, machinery, equipment or products by providing centralized services for separate retail outlets	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	SP	—	—	—	—	Sec. 206-6.3.A
Sale, rental, or repair of	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	SP	—	—	—	—	Sec. 206-6.3.E

machinery, heavy equipment, or special trade tools																				
Taxicab service (with on-site storage or parking)	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	SP	—	—	—	—	Sec. 206-6.3.A
Winery	—	—	—	—	—	—	—	—	—	—	P	P	P	—	P	P	P	—	—	Sec. 206-6.3.C
All light manufacturing, except as listed below:	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	Sec. 206-6.4.A
Bookbinding plant	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	Sec. 206-6.4.A
Cabinet makers	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	Sec. 206-6.4.A
Clothing, textile or apparel manufacturing	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	Sec. 206-6.4.A
Facilities that assemble or manufacture scientific instruments, semiconductor and related devices	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	Sec. 206-6.4.A
Furniture manufacturing	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	Sec. 206-6.4.A
Machine shop	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	Sec. 206-6.4.A
Medical supply	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	Sec. 206-

manufacturing																				6.4.A
Mini-warehouse	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	Sec. 206-6.7.A
Pharmaceutical manufacturing	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	Sec. 206-6.4.A
Printing plant	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	Sec. 206-6.4.A
Publishing plant	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	Sec. 206-6.4.A
Sheet metal shop	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	P	—	—	—	—	Sec. 206-6.4.A
Stone, clay, glass or concrete products	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	Sec. 206-6.4.A
Tool repair	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	P	—	—	—	—	Sec. 206-6.4.A
Welding shop	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	P	—	—	—	—	Sec. 206-6.4.A
Woodworking shop	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	P	—	—	—	—	Sec. 206-6.4.A
Storage Uses																				
Contractors equipment storage	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	P	—	—	—	—	Sec. 206-6.5.A
Equipment storage	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	P	—	—	—	—	Sec. 206-6.5.A
Fleet storage	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	P	—	—	—	—	Sec. 206-6.5.A
New and operable	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	P	—	—	—	—	Sec. 206-

used vehicle, boat, or other similar operable vehicle storage																				6.5.A
Trailer storage, drop-off lot	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	P	—	—	—	—	Sec. 206-6.5.A
Storage of soil, mulch, stone, lumber, pipe, steel, and other similar material equipment	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	P	—	—	—	—	Sec. 206-6.5.A
Storage and splitting of logs	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	P	—	—	—	—	Sec. 206-6.5.A
Towing/impounding of vehicles	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	P	—	—	—	—	Sec. 206-6.5.A
Tractor trailers storage	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	P	—	—	—	—	Sec. 206-6.5.A
All self-storage, as listed below:	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	P	—	—	—	—	Sec. 206-6.7
Indoor multi-story storage	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	P	—	—	—	—	Sec. 206-6.7.A
Mini-warehouse	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	P	—	—	—	—	Sec. 206-6.7.A
Warehouse, self-storage	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	P	—	—	—	—	Sec. 206-6.7.A
Research and Development																				
Laboratories, offices and other facilities used for research and development	—	—	—	—	—	—	—	—	—	SP	—	—	—	—	P	—	SP	—	—	Sec. 206-6.6.A

Pilot plants used to test manufacturing processes	—	—	—	—	—	—	—	—	—	SP	—	—	—	—	P	—	SP	—	—	Sec. 206-6.6.A
Prototype production facilities	—	—	—	—	—	—	—	—	—	SP	—	—	—	—	P	—	SP	—	—	Sec. 206-6.6.A
Warehouse and Distribution																				
Building materials storage yard	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	Sec. 206-6.8.A
Bulk storage, cold storage, frozen food lockers	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	Sec. 206-6.8.A
Distribution of products and merchandise	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	Sec. 206-6.8.A
Household moving and general freight storage	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	Sec. 206-6.8.A
Parcel service	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	Sec. 206-6.8.A
Transfer and storage business	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	Sec. 206-6.8.A
Waste Related																				
Hazardous household materials collection center	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.9.A
Hazardous waste facility	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.9.A
Junk yard	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-

																				6.9.A
Salvage yard	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.9.A
Landfill	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.9.A
Recycling processing center	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.9.A
Scrap metal processor	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.9.A
Waste incinerator	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.9.A
Waste transfer station	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-6.9.A
Wholesale, all	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	P	—	—	—	—	Sec. 206-6.10.A
Railroad spur tracks	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
Agricultural																				
All crop and tree farming	P	P	P	P	P	P	P	—	P	—	—	—	—	—	—	—	—	—	—	Sec. 206-7.1
Accessory Uses																				
Accessory uses not otherwise listed below, as determined by the Director:	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 206-8.2
Accessory cemetery	SP	SP	SP	SP	SP	SP	SP	—	SP	—	SP	SP	SP	SP	—	—	—	—	SP	Sec. 206-8.3
Accessory dwelling	—	—	—	—	—	—	L	—	—	—	—	—	L	L	—	—	L	L	—	Sec. 206-

unit (ADU)																				8.4
Automated retail structure	—	—	—	—	—	—	—	—	—	L	L	L	L	—	—	L	L	L	—	Sec. 206-8.5
Bee keeping	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	—	—	—	L	Sec. 206-8.6
Caretaker's residence	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	P	P	P	Sec. 206-8.7
Donation bin	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-8.8
Drive-thru facility	—	—	—	—	—	—	—	—	—	L	L	L	L	—	L	L	L	—	L	Sec. 206-8.9
Dumpster	—	—	—	—	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Sec. 206-8.10
Heliport	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	SP	Sec. 206-8.11
Home occupation	L	L	L	L	L	L	L	L	L	—	—	—	L	L	—	—	L	L	—	Sec. 206-8.12
In-law suite	L	L	L	L	L	L	L	L	L	—	—	—	L	L	—	—	L	L	—	Sec. 206-8.13
Institutional accessory uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 206-8.14
Keeping of pets	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Sec. 206-8.15
Keeping of livestock	L	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Sec. 206-8.16
Modular offices/ classroom	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	SP	Sec. 206-8.17
On-site parking	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 206-

																				8.18
Outdoor storage, minor	—	—	—	—	—	—	—	—	—	—	L	L	L	—	L	—	L	—	—	Sec. 206-8.19
Outdoor storage, major	—	—	—	—	—	—	—	—	—	—	—	SP	—	—	SP	—	—	—	—	Sec. 206-8.20
Parking of business vehicles	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		Sec. 206-8.21
Parking of recreational vehicles	L	L	L	L	L	L	L	L	L	—	—	—	—	L	—	—	—	—	—	Sec. 206-8.22
Parking and storage of watercraft	L	L	L	L	L	L	L	L	L	—	—	—	—	L	—	—	—	L	—	Sec. 206-8.23
Portable accessory structure (PAS)	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Sec. 206-8.24
Religious accessory uses	L	L	L	L	L	L	L	—	L	—	L	L	L	L	—	L	L	L	L	Sec. 206-8.25
Roofed accessory structure	L	L	L	L	L	L	L	L	L	P	P	P	P	P	P	P	P	L	P	Sec. 206-8.26
Satellite dish antenna	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Sec. 206-8.27
Swimming pool, hot tub, spa, koi pond	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Sec. 206-8.28
Unroofed accessory structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 206-8.29

Table Note

[1] TCO use standards do not apply to properties zoned TC-MU or TC-R.

(UDO 21-01, § 2(Exh. A), 10-25-2021)

Sec. 206-3. - Residential Uses

206-3.1. - Household Living

A. **Defined**

Residential occupancy of a dwelling unit by a household. Household living includes the following:

1. Single-family detached dwelling.
2. Two-family dwelling.
3. Single-family attached dwelling.
4. Multiple-family dwelling.
5. Towne Center loft.
6. Towne Center flat.
7. Mobile home.
8. Live-work.

B. **Single-Family Detached Dwelling**

1. **Defined**

A detached residential unit other than a mobile home, designed for and occupied by one family only.

C. **Two-family dwelling**

1. **Defined**

A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

D. **Single-Family Attached Dwelling**

1. **Defined**

A structure subdivided by a coincidental lot line and wall which separates the structure into two or more dwelling units, each occupying its own lot.

2. **Use Standards**

Where a single-family attached dwelling is allowed as a special or limited use, it is subject to the following:

a. Units may not be vertically mixed.
b. The lots created by the coincidental lot line and the wall must each contain at least the following in zoning districts where building types do not apply:
   i. An equal percentage of the minimum lot area of the zoning district in which they are located; and
   ii. An equal percentage of the minimum lot width of the zoning district in which they are located.
c. Attached single-family structures must meet all setback requirements of the zoning district in which it is located, except for the coincidental lot line and wall.
d. Each unit must be separately metered for all utilities and the coincidental property wall must be fire-rated and extend from the foundation to the roof decking of the structure. Otherwise, an attached single-family structure must meet all standards that would be required for two-family dwellings in the zoning districts in which it is located.

E. **Multiple-Family Dwelling**

1. **Defined**

   Three or more dwelling units in a single building (that does not meet the definition of single-family attached dwelling) not within a TC District.

F. **Towne Center Flat**

1. **Defined**

   Three or more dwelling units in a single building (that does not meet the definition of single-family attached dwelling) within a TC District and where the ground floor of the building contains no nonresidential uses.

2. **Use Standards**

   Where a Towne Center flat is allowed as a limited or special use, it is subject to the following:

   a. Towne Center flats must be in a conforming walk-up flat or stacked flat building type.
   b. Ground floor dwelling units may be accessed from the outside or through a conditioned interior hallway, as permitted by building type.
   c. Dwelling units located above the ground floor must be accessed through a conditioned interior hallway.
   d. Each dwelling unit must have at least 750 square feet of floor area.
   e. Sites containing 30 or more Towne Center flat dwelling units must provide a minimum of 5,000 square feet of commercial floor area for each additional 30 Towne Center flats, or fraction thereof, unless a variance is granted by the Board of Appeals in conformance with sentence F.2.f below.
   f. Variance requests may only be approved when the applicant demonstrates that all Towne Center flat buildings are located within 1,000 feet of at least 15,000 square feet of existing commercial space. This distance is measured by the most direct route of travel on ground in the following manner:
      i. From the lobby entrance of each proposed building housing a Towne Center flat;
      ii. In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
      iii. Along such public sidewalk, walkway, street, road or highway by the nearest route;
      iv. To the main entrance of the existing commercial floor area.
   g. When multiple commercial establishments are required to attain 15,000 square feet, this requirement applies to all establishments.

G. **Towne Center Loft**

1. **Defined**

   Three or more dwelling units in a single building (that does not meet the definition of single-family attached dwelling) within a TC District and where the ground floor of the building contains exclusively commercial uses, except for lobbies to access upper-story residential uses.

2. **Use Standards**

   Where a Towne Center loft is allowed as a limited or special use, it is subject to the following:

   a. Towne Center lofts must be located in a mixed-use building type.
   b. At least 50% of the ground floor area of each building containing a Towne Center loft must be leasable commercial space. Lobbies, atriums, service corridors, and similar shared common areas may not be counted towards this requirement.
   c. Each dwelling unit must be accessed through a conditioned interior hallway.

H. **Mobile Home**

1. **Defined**

A detached single-family dwelling unit with the following characteristics:

a. Designed for long-term occupancy as opposed to transient location, containing sleeping accommodations, toilet facilities, with plumbing and electrical connections provided;
b. Designed to be transported after fabrication on its own wheels or flatbed or other trailer or on detachable wheels;
c. Built to arrive at the site where it is to be occupied as a dwelling unit complete, or all units built since June 15, 1976, documentation of compliance with the National Mobile Home Construction and Safety Standard Act (department of housing and urban development certification); and
d. For all units built before June 15, 1976, documentation of compliance with specifications prescribed by the American National Standards Institute.

I. **Live-Work**

1. **Defined**

Nonresidential activity conducted wholly within a dwelling unit that allows employees, customers, clients or patrons to visit.

2. **Use Standards**

Where live-work is allowed as a special or limited use, it is subject to the following:

a. Live-work is only permitted on the ground floor of a dwelling unit.
b. A minimum of one person must occupy the dwelling containing the live-work use as their primary place of residence.
c. The live-work use may employ no more than two persons not living on the premises at any one time.
d. No business storage or warehousing of material, supplies or equipment is permitted outside of the dwelling containing the live-work use.
e. The nonresidential use of the live-work use is limited to a permitted or special use allowed in the zoning district.
f. No equipment or process may be used that creates, without limitation, noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal human senses, off the premises.
g. No more than five customers are permitted on the premises at any one time.

206-3.2. - Group Living

A. **Defined**

Residential occupancy of a structure by a group of people that does not meet the definition of household living. Generally, group living facilities have a common eating area for residents, and residents may receive care or training.

The Fair Housing Act (42 U.S.C. Section 3604(f)(3)) makes it unlawful to make a dwelling unavailable to a person because of race, color, national origin, sex, familial status, handicap or disability. No policy or practice of this UDO is intended to have a disparate impact on a protected class. Further, in order to avoid prohibited discrimination, if a person or persons identified as a protected class believes a reasonable accommodation can be made to any use restriction, that person or persons must make an application for a special use or zoning text or map change.

Group living includes the following:

1. Addiction treatment facility.
2. Assisted living facility.
3. Boarding or rooming house.
4. Collective residence.
5. Nursing facility (skilled).

6. Nursing home.
7. Retirement community (continuing care).
8. Hospice.
9. Monastery or convent.
10. Shelter.

B. **Addiction Treatment Facility**

1. **Defined**

   An inpatient facility for treatment and recovery for substance abuse and addiction.

C. **Assisted Living Facility**

1. **Defined**

   A facility for the frail elderly that provides rooms, meals, personal care, and supervision for self-administered medication. Facility may also provide specialized memory care.

D. **Boarding or Rooming House**

1. **Defined**

   A dwelling in which meals, lodging, or both are furnished for compensation to more than two, but not more than ten non-transient persons.

E. **Collective Residence**

1. **Defined**

   Any residence, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food, one or more personal services, support, care, or treatment exclusively for two or more persons who are not related to the owner or administrator of the residence by blood or marriage and which is licensed as a group home, personal care home, or community living arrangement pursuant to O.C.G.A. § 31- 2-4(d)(8). Any residence that Georgia law requires to be licensed as a Community Living Arrangement, Group Home, Personal Care Residence, or any other facility permitted by the State of Georgia to house two or more unrelated persons, is considered to be a collective residence.

2. **Use Standards**

   Where a collective residence is allowed by a special use permit, it is subject to the following:

   a. The facility must be licensed by the Department of Human Resources of the State of Georgia. Before applying for a special use permit, the applicant must seek a specific permit from the State of Georgia for operating the collective residence. All details of the State application must be attached to the special use permit application and must be incorporated by reference as a condition of said permit. If the applicant changes the operation of the collective residence from the type disclosed in the State application, the special use permit will be automatically revoked, and the applicant must apply for a new special use permit for the new type of community residence. The new application must be judged by the City on its own merits and subject to the full review for a new special use permit, which may be denied based on the required criteria of these use standards. The fact that a different type of community residence has been operated at this same site has no bearing on the new application.
   b. The facility must apply for and receive an occupation tax certificate/business license from the City before operation. The certificate and license must be revoked if any condition of the special use permit is violated.
   c. The facility must apply for, earn, and maintain nonprofit corporation status in accordance with the requirements of O.C.G.A. § 14-3-120 et seq., unless otherwise stated in these use standards.

d. The facility must submit annual reports to the City Manager, just as the community residence would for a member under O.C.G.A. § 14-3-1620 et seq.

e. The facility must comply with all parking requirements, except that no more than six parking spaces are allowed at any community residence unless otherwise allowed or required by the special use permit.

f. Every bedroom in the residences must contain at least 80 square feet of floor area for each person who sleeps in that room.

g. Community living arrangements and family personal care homes are subject to the following:

(i) Special use permits may only be granted for the care of up to six persons without a variance from the City Council.

(ii) Except as otherwise stated in E.2.g(i) above, operations are subject to Sec. 206-8.12 (Home Occupation).

h. Group homes are subject to the following:

(i) The dwelling unit must be licensed by the Department of Human Resources of the State of Georgia as a child care institution.

(ii) Group homes are exempt from the requirements of article XVIII, subsection 18.4G. to the extent they require that the owner of the group home live on-premises, and to the extent that subsection 18.4.G.requires that only two or fewer employees occupy the premises. At least one employee must occupy the premises. Two is the minimum number of employees that must work on the premises.

i. Family personal care homes are subject to the following:

(i) The dwelling unit must be the primary and legal place of residence for the owner of the family personal care home.

(ii) For purposes of this these use standards, "owner" of the family personal care home means an individual, not a partnership or corporation, who is an officer in the nonprofit corporation that owns the place of residence at which the personal care home is located. Dwelling and premises must maintain a residential character.

j. If the use fails to comply with any threshold requirement under these use standards, its special use permit is subject to revocation by the Director pursuant to Sec. 103-10 (Special Use Permits).

k. Collective residences may not be located within 1,500 feet of each other. This distance is measured by the most direct route of travel on the ground in the following manner: i. From the main entrance of the collective residence; ii. In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route; iii. Along such public sidewalk, walkway, street, road or highway by the nearest route; iv. To the main entrance of the next closest collective residence.

l. The application for a special use permit must include the following:

(i) A full review of fire code compliance and fire access requirements must be made and to the extent that special needs are demonstrated, the special use permit can be conditioned by including additional conditions.

(ii) All environmental health requirements must be disclosed and modifications to the facility may be required as a condition of the special use permit.

(iii) A parking plan to accommodate all residents, staff, visitors, and professionals caring for residents, and the granting of a special use permit may be conditioned on compliance with parking requirements of this UDO. Parking in the public right-of-way is prohibited.

(iv) The real estate that is the subject of the special use permit must be owned at the time of application and during the term of the special use permit by the nonprofit organization operating the facility.

(v) The application for the special use permit must be in a form prepared by the Director and must incorporate disclosure of all the following:

a. All information required to demonstrate compliance with the requirements of these use standards.

b. A full and complete financial disclosure by the applicant to include financial statements that reveal how trust funds o maintained, a balance sheet showing the overall capital structure of the nonprofit organization, and a full capital disc financial condition of the specific facility to be operated at the site of the special use permit.

F. **Retirement Community (Continuing Care)**

1. **Defined**

A managed residential facility for elderly adults that allows residents to age in one community, with on-site access to healthcare services and a transition to greater levels of care over time. These facilities provide distinct levels of care: independent living in which residents live on their own and have access to a wide array of amenities; assisted living, which provides help with daily tasks such as bathing and dressing; and, 24-hour nursing home-style care. As a resident's health needs increase, they transition from one level to the next, all within the same community.

G. **Hospice**

1. **Defined**

A health care facility for the terminally ill that emphasizes pain control and emotional support for the patient and family, typically refraining from taking extraordinary measures to prolong life.

H. **Monastery or Convent**

1. **Defined**

A place of residence providing group living accommodations to a community of persons living in seclusion under religious vows.

I. **Shelter**

1. **Defined**

A facility providing temporary sleeping facilities for displaced persons.

(UDO 21-01, § 2, 10-25-2021)

Sec. 206-4. - Public/Institutional Uses

206-4.1. - Civic

A. **Defined**

Places of public assembly that provide ongoing governmental, life safety, educational, and cultural services to the general public, as well as meeting areas for religious practice. Civic includes the following:

1. College, public or private.
2. Community center.
3. Fraternal organization and club, non-profit.
4. Museum, library.
5. Non-profit private clubhouse.
6. Non-profit private recreation.
7. Place of worship.
8. Public buildings and uses.
9. School, public or private.

B. **College, Public or Private**

1. **Defined**

   A public or private institution of higher education with the authority to award bachelor's and higher degrees.

C. **Community Center**

1. **Defined**

   A non-commercial building, structure, or use that provides indoor community meeting rooms and may also provide outdoor facilities such as swimming pools, tennis courts, and playgrounds.

D. **Fraternal Organization and Club, Non-profit**

1. **Defined**

   A facility used for associations or organizations of an educational, fraternal, or social character, not operated or maintained for profit. Representative organizations include Elks, Veterans of Foreign Wars, and Lions.

E. **Museum, Library**

1. **Defined**

   A facility with public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of books, 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 goods to the public as gifts or for their own use.

F. **Non-Profit Private Clubhouse**

1. **Defined**

   A non-commercial building, structure, or use exclusively used by residents of a development or their nonpaying guests that may include indoor meeting rooms or indoor recreation areas.

2. **Use Standards**

   a. Where a non-profit private clubhouse is allowed as a limited use, the total building floor area may not exceed 4,000 square feet.

   b. Where non-profit private recreation is allowed as a limited use, it is subject to the following building setbacks, even if greater setbacks are required by district regulations:

      i. Front setback: 25 ft. min.

      ii. Rear setback: 10 ft. min.

      iii. Side interior setback: 10 ft. min.

      iv. Side street setback: 15 ft. min.

G. **Non-Profit Private Outdoor Recreation**

1. **Defined**

   A non-commercial outdoor facility exclusively used by residents of a residential development or their nonpaying guests that includes outdoor recreation facilities such as swimming pools, tennis courts, or playgrounds.

2. **Use Standards**

   Where non-profit private recreation is allowed as a special use, it is subject to the following building setbacks, even if greater setbacks are required by district regulations:

   a. Front setback: 25 ft. min.

   b. Rear setback: 10 ft. min.

c. Side interior setback: 10 ft. min.

d. Side street setback: 15 ft. min.

H. **Place of Worship**

1. **Defined**

A specially designed structure or consecrated space where individuals or a group of people such as a congregation come to perform acts of devotion, veneration, or religious study. Temples, churches, synagogues, and mosques are examples of structures created for worship.

2. **Use Standards**

Where a place of worship is allowed as a special or limited use, it is subject to the following:

a. Facilities must have at least 100 feet of frontage on a street with a minimum classification of major collector.

b. The minimum lot size is 1 acre.

c. The maximum lot size is 3 acres.

d. All buildings must be set back at least 50 feet from the front lot line, 40 feet from the rear lot line, 20 feet from the side (interior) lot line, and 35 feet from the side (street) lot line.

e. A minimum 10 feet wide buffer, at least 6 feet high, is required along side (interior) and rear lot lines that are adjacent to residential districts or residential uses.

I. **Public Buildings and Uses**

1. **Defined**

Any building, structure, or use owned or operated by the federal government, State of Georgia, Gwinnett County or other county, the City or other municipality, or any authority, agency, board, or commission of the above governments, that is necessary to serve a public purpose, including but not limited to, government administrative buildings, post offices, police, fire and EMS stations, public health facilities, public works facilities, community centers, and jails and correctional facilities.

J. **School, Public or Private**

1. **Defined**

An educational facility for students in grades pre-kindergarten through 12 that is either:

a. Operated by the Gwinnett County Board of Education; or

b. Operated by a private entity and 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.

2. **Use Standards**

Where a public or private school is allowed as a special use, it is subject to the following:

a. The minimum lot size is 5 acres.

b. Facilities must have at least 100 feet of frontage on a street with a minimum classification of major collector.

c. A minimum 10 feet wide buffer is required along side (interior) and rear lot lines.

206-4.2. - Park and Open Space

A. **Defined**

A use focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, and with few structures. Park and open space includes the following:

1. Cemetery.
2. Community garden.
3. Golf course.
4. Parks, plaza, square.
5. Playground.

B. **Cemetery**

1. **Defined**

   The use of property as a burial place.

2. **Use Standards**

   Where a cemetery is allowed as a special use, it is subject to the following:

   a. The cemetery must have at least 100 feet of frontage on a street with a minimum classification of major collector.
   b. The minimum lot size is 2 acres.
   c. A minimum 10 feet wide buffer is required along side (interior) and rear lot lines. It must also be surrounded by a fence or wall made of brick, stone, true hard coat stucco, and/or painted metal, as approved by the Director.

C. **Community Garden**

1. **Defined**

   A tract of land managed and maintained by a group of individuals to grow and harvest food crops and non-food ornamental crops, for personal or group use, consumption or donation. On-site sales may be permitted upon approval of a special use permit. It may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by the group.

D. **Country Club, Golf Course**

1. **Defined**

   A tract of land laid out with at least nine holes for playing golf and improved with tees, greens, fairways, and hazards. A country club, golf course may include a clubhouse and shelters as accessory uses.

E. **Park, Plaza, Square**

1. **Defined**

   An area used for noncommercial outdoor assembly, enjoyment, play, recreation, or natural resource protection, often containing seating, walking paths, trails, recreational equipment, ball fields, soccer fields, basketball courts, swimming pools, and tennis courts.

F. **Playground**

1. **Defined**

   An area used for children to play often containing recreational equipment such as slides, swings, climbing frames, but not recreational fields.

206-4.3. - Utilities

A. **Defined**

Public or private infrastructure, including but not limited to water, sewer, gas, and electric, telephone, Internet, cable and other similar services serving the general community and possibly with on-site personnel. Utilities includes the following:

1. Minor utility.
2. Small cell facility.
3. Telecommunication antenna and tower.
4. Utility substation.

B. **Minor Utility**

1. **Defined**

   Public or private infrastructure, including but not limited to water, sewer, gas, electric, telephone, Internet, cable and other similar services serving a limited area with no on-site personnel. Minor utility includes the following.

   a. On-site stormwater retention or detention facility.
   b. Neighborhood-serving cable, telephone, gas or electric facility.
   c. Water or wastewater pump or lift station.

2. **Use Standards**

   Where a minor utility is allowed as a limited use, it is subject to the following:

   a. Minor utility facilities must be essential to serve the immediate area;
   b. Materials storage is not permitted; and
   c. Vehicles may not access the site except for maintenance, repair, and inspection purposes.

C. **Small Cell Facility**

1. **Defined**

   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 6 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: electric meters; concealment elements; telecommunications demarcation boxes; grounding equipment; power transfer switches; cut-off switches; and vertical cable runs for the connection of power and other services. Such terms do 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 do 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.

2. **Applicability**

   a. This paragraph C (Small Cell Facility) only applies when small cell facilities are attached to an existing structure.
   b. Small cell facilities that are not attached to an existing structure are subject to Sec. 206-4.3.D (Telecommunication Antennas and Towers).

3. **Permit Required**

   A permit is required to install a small wireless facility in the City, except no permit is required to perform the activities described in O.C.G.A. § 36-66C-6(e) or (f).

4. **Use Standards**

   a. Small cell facilities may only be installed:

i. On streetlight or mast arms mounted on pre-existing poles, including utility and street light poles or other pre-existing exterior support structures;

ii. On the wall of a building facing the rear lot line at a height of at least 20 feet in a residential district or when mounted on a residential building, or 15 feet in a nonresidential or when mounted to a commercial building; and

iii. On the roof of a building.

b. No portion of the facility may exceed the building height limits of the zoning district.

c. Antennas located at the top of poles and support structures must be incorporated into the pole or support structure or placed within shrouds of a size such that the antenna appears to be part of the pole or support structure.

d. Antennas placed elsewhere on a pole or support structure must be integrated into the pole or support structure or be designed and placed to minimize visual impacts.

e. Radio units or equipment cabinets holding radio units and mounted on a pole must be placed as high as possible, located to avoid interfering with or creating any hazard to any other use of the public right-of-way, and located on one side of the pole. Unless the radio units or equipment cabinets can be concealed by appropriate traffic signage, radio units, or equipment cabinets mounted below the communications space on poles, they must be designed so that the largest dimension is vertical, and the width is such that the radio units or equipment cabinets are minimally visible from the opposite side of the pole on which they are placed.

f. Wiring and cabling must be neat and concealed within or flush to the pole or support structure, ensuring concealment of these components to the greatest extent possible.

g. Public property.

i. *City property.* A private small cell facility may be located on the exterior of public property or attached to an existing support structure owned or operated by the City. The use of any property owned or operated by the City will be at the discretion of the City Council and will not be subject to the same conditions and requirements as are applicable to such facilities on privately owned property. The City Council may, but is not required to, hold a public hearing before its decision to allow the use of property owned or under the control of the City.

ii. *Non-city right-of-way.* A private small cell facility may be located in a right-of-way that is owned or operated by Gwinnett County, the State of Georgia, or the federal government, subject approval of the applicable government.

iii. *Other public property.* A private small cell facility may be located in public property, other than a right-of-way, that is owned or operated by a county, state, federal, or other governmental agency subject to the same conditions and requirements as are applicable to such facilities on privately owned property.

h. No lights are permitted on any antenna unless required by the Federal Communications Commission, the FAA, or the City.

i. Every small cell facility must be removed at the cost of the owner when it is no longer in use or when it has not been operated for a continuous period of 6 months. Such a facility must be removed within 90 days after receiving a removal notice from the City.

5. **Procedures**

a. The applicant must provide proof that it is a licensed provider and will comply with all applicable federal, State, and City laws and regulations, including those regarding wireless communications services.

b. Within 30 days of the date an application is filed with the City, the Director must notify the applicant in writing of any information required to complete the application. If additional information is required, the time required by the applicant to provide such information will not be counted toward the 90-day review period set forth in this clause.

c. In determining whether to issue an administrative permit allowing the installation of a small cell facility on an existing structure, the Director will consider the following factors and decide if it is appropriate:

i. Demonstrated need for the small cell technologies within the geographic area requested in order to deliver adequate

service.

ii. Proof that all co-location sites in the area of need are/were pursued and have been denied; or that there does not exist the ability to co-locate using existing structures. The applicant must demonstrate all actions taken to achieve co-location.

iii. The character of the area in which the small cell technology wireless support structure is requested, including evidence of surrounding properties and uses.

iv. Stealth technology, if any, proposed to be utilized by the applicant, or proof that stealth technology is either unnecessary or cannot be used.

v. Proof that the proposed small cell technology wireless support structure is the minimal physical installation that will achieve the applicant's goals.

vi. The safety and aesthetic impact of: any proposed small cell technology wireless support structure; related accessory equipment; and/or equipment compound.

d. The City has 90 days from receipt of a completed application for a small cell system to make a final decision of approval or disapproval. If the application is incomplete, the Director must notify the applicant within 10 days of application submission. At that time, the 90-day clock stops and is reset to zero. Upon submittal of a completed application, the 90-day clock will start. Within 90 days of the date a completed application is filed with the City, the City must:

i. Complete the review;

ii. Make a final decision of approval or disapproval; and

iii. Advise the applicant in writing of the final decision, including the specific reason for said decision based on the applicable factors in this subsection.

e. Within 60 days of the date of a complete application is filed with the City for attaching equipment to a structure which is part of an existing small cell system, the City must:

i. Complete the review;

ii. Make a final decision of approval or disapproval; and

iii. Advise the applicant in writing of the final decision, including the specific reason for said decision based on the applicable factors in this paragraph C (Small Cell Facilities).

D. **Telecommunications Antenna and Tower**

1. **Purpose and intent**

The purpose of these regulations is to establish general guidelines for the siting of telecommunication towers and antennas. The goals of these regulations are to:

a. Encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the community;

b. Encourage collocation of new antenna arrays onto existing towers, if possible;

c. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

d. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and

e. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

2. **Applicability**

a. *District height limitations.* Except as set forth in sentence c below (Amateur radio; receive-only antennas), this paragraph

D (Telecommunications Antennas and Towers) governs the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district in which towers and antennas are permitted.

b. *Governmental exception.* This paragraph D (Telecommunications Antennas and Towers) does not apply to governmental facilities and structures. Private facilities and structures may be permitted on City-owned property with the recommendation of the City Manager and approval of the City Council with no special use permit required.

c. *Amateur radio; receive-only antennas.* This paragraph D (Telecommunications Antennas and Towers) does not govern any tower, or the installation of any antenna, that is under 75 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively as a receiver-only antenna. Amateur radio towers 75 or more feet in height may be located in any zoning district by special use permit.

d. *Grandfathered towers and antennas.* Any tower or antenna existing before January 1, 2008, is not required to meet the requirements of this paragraph D (Telecommunications Antennas and Towers), other than the requirements of clause 4 below (Federal requirements) and clause 5 below (Building codes; safety standards). Any such existing towers or antennas that fail to meet the requirements of this paragraph D (Telecommunications Antennas and Towers) is referred to in this paragraph as grandfathered towers or grandfathered antennas. The nonconforming use provisions of this UDO apply to grandfathered towers and grandfathered antennas.

3. **General Requirements**

a. *Principal or accessory use.* Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot does not preclude the installation of an antenna or tower on such a lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to, setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot will control, even though the antennas or towers may be located on leased areas within such lots. Towers that are constructed, and antennas that are installed, in accordance with this paragraph D (Telecommunications Antennas and Towers), will not be deemed to constitute the expansion of a nonconforming use or structure.

b. *Inventory of existing sites.* Each applicant for an antenna and or tower, except for amateur radio towers in excess of 75 feet, must provide to the Director an inventory of its existing towers that are within the city and within 3 miles of it, including specific information about the location, height, and design of each tower. The Director may share such information with other applicants for special use permits under this paragraph D (Telecommunications Antennas and Towers) or other organizations seeking to locate antennas within the city; provided, however, that the Director is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

c. *Aesthetics; lighting.* The following guidelines govern the location of all towers, and the installation of all antennas, governed by this paragraph D (Telecommunications Antennas and Towers); provided, however, that the City may waive these requirements if it determines that the goals of this paragraph are better served thereby.

i. Towers must either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.

ii. At a tower site, the design of the buildings and related structures must, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.

iii. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure to make the antenna and related equipment as visually unobtrusive as possible.

iv. Towers may not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the City may review the available lighting alternatives and approve the design that would cause the least disturbance

to the surrounding views.

4. **Federal Requirements**

   All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this paragraph D (Telecommunications Antennas and Towers) must bring such towers and antennas into compliance with such revised standards and regulations within 6 months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations will constitute grounds for the removal of the tower or antenna at the owner's expense. Any such removal by the City must be in the manner provided in O.C.G.A. §§ 41-2-8—41-2-17.

   A review and final decision for new towers must be completed with 150 days of the application date. A 30-day completeness review is allowed and tolls the final decision deadline.

5. **Building Codes; Safety Standards**

   To ensure the structural integrity of towers, the owner of a tower must ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner has 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said 30 days, the City may remove such tower at the owner's expense. Any such removal by the City must be in the manner provided in O.C.G.A. §§ 41-2-8—41-2-17.

6. **Security Fencing**

   Towers must be enclosed by an opaque security fencing not less than 8 feet in height and must be equipped with an appropriate anti-climbing device; provided, however, that the City may waive such requirements, as it deems appropriate.

7. **Landscaping**

   The following guidelines govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the City may waive such requirements if the goals of this paragraph D (Telecommunications Antennas and Towers) would be better served thereby.

   a. Tower facilities must be landscaped with a buffer of evergreen plant materials that effectively screens the view of the tower compound from adjacent residential property.
      i. A minimum 5 feet wide buffer is required outside the perimeter of the compound.
      ii. The buffer and all landscaping must be planted per Sec. 207-3 (Landscaping).
   b. Existing mature tree growth and natural landforms on the site must be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

8. **Administrative approvals**

   The Director may administratively approve the installation of an antenna on any existing tower whether or not the structure or tower is grandfathered, so long as the additional structure does not make a "substantial change" to the tower or base station as defined by the FCC. A "substantial change" per FCC regulations occurs when the proposed change:

   a. Adds more than 10% of the tower height or 20 feet to the height of the existing tower or structure, whichever is greater;
   b. Extends outward more than 20 feet from the existing tower;

c. Involves installation of more than the standard number of cabinets, not to exceed four;

d. Involves excavation outside the current lease area;

e. Defeats existing facility concealment elements; or

f. Violates conditions of approval, provide such conditions do not contradict the "substantial change" thresholds.

This administrative approval process may include any related equipment structures.

9. **Special Use Permit Standards**

When this UDO requires a special use permit for a telecommunication antenna and tower, it is subject to the following:

a. In granting a special use permit, the City Council may impose conditions to the extent necessary to minimize any adverse effect of the proposed tower on adjoining properties.

b. Any information of an engineering nature submitted by the applicant, whether civil, mechanical, or electrical, must be certified by a licensed professional engineer.

c. *Information required.* Each applicant requesting a special use permit must submit a scaled site plan, scaled elevation view and other supporting drawings, calculations, and/or other documentation, signed and sealed by licensed professional engineers, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the City to be necessary to assess compliance with these requirements.

d. *Factors considered in granting special use permits.* The City Council must consider the following factors in determining whether to issue a special use permit, although the City may waive or reduce the burden on the applicant of these criteria, if the City, concludes that the goals of this paragraph D are better served thereby:

i. Height of the proposed tower.

ii. Proximity of the tower to residential structures and residential district boundaries.

iii. Nature of uses on adjacent and nearby properties.

iv. Surrounding topography.

v. Surrounding tree coverage and foliage.

vi. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

vii. Availability of suitable existing towers and other structures per sentence D.9.e below.

e. *Availability of suitable existing towers or other structures.* No new tower may be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

i. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.

ii. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.

iii. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.

iv. The fees, or costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed unreasonable.

v. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

f. *Setbacks and separation.* The following setbacks and separation requirements apply to all towers and antennas for which a s permit is required:

i. Towers must be set back at least 125% of the total height of the tower from the lot line of a residential zoning district.

ii. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.

iii. In zoning districts other than light manufacturing (LM), towers over 90 feet in height may not be located within 0.25 mile from any existing tower that is over 90 feet high.

10. **Removal of abandoned antennas and towers**

Any antenna or tower that ceases to operate for a period of 12 months is considered abandoned, and the owner of such antenna or tower must remove the same within 90 days of receipt of notice from the City notifying the owner of such abandonment. If such antenna or tower is not removed within said 90 days, the governing authority may, in the manner provided in O.C.G.A. §§ 41-2-8—41-2-17, remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision does not become effective until all users cease using the tower.

E. **Utility Substation**

1. **Defined**

A facility consisting of equipment used for reducing electric, gas, water, cable, internet, or other public utility transmission to one that is suitable for supply to consumers.

2. **Use Standards**

Where a utility substation is allowed as a special use, it is subject to the following:

a. Documentation must be submitting demonstrating the need for the substation.

b. The substation must conform to all dimensional standards, building placement, and bulk and mass limits of the zoning district.

c. The substation must be enclosed by an opaque fence other than a cyclone type and must be appropriately landscaped.

d. A minimum 10 feet wide buffer is required along side (interior) and rear lot lines.

Sec. 206-5. - Commercial Uses

206-5.1. - Adult Entertainment Establishment

A. **Defined**

Any business or establishment, as described in Article II of Chapter 10 of the Code of Snellville, Georgia.

B. **Use Standard**

Where an adult entertainment establishment is allowed as a limited use, it must meet all specifications and requirements of Article II of Chapter 10 of the Code of Snellville, Georgia, and all other applicable City regulations.

206-5.2. - Day Care

A. **Defined**

A facility providing care, protection, and supervision of children or adults on a regular basis away from their primary residence. Care is provided to a given individual for less than 24 hours a day. Day care includes the following:

1. Adult care center.

2. Day care center.

3. Family day care home.

B. **Adult Care Center**

1. **Defined**

A facility licensed or registered with the State of Georgia and licensed by the City to provide, for fewer than 24-hour per day, basic adult day care or adult day health services to one or more adults who require basic services. Includes any establishment that regularly provides adult custodial services.

C. **Day Care Center**

1. **Defined**

A facility, except a private residence, licensed or registered by the State of Georgia and licensed by the City to provide, for fewer than 24-hours per day, group supervision and care for six or more children under 18 years of age.

D. **Family Day Care Home**

1. **Defined**

A private residence licensed or registered by the State of Georgia where the person living there receives pay for group supervision and care, for fewer than 24 hours per day, for three but not more than five children under 18 years of age, who are not related to such person and whose parents or guardians are not residents in the same private residence.

206-5.3. - Event Facility

A. **Defined**

A facility available for lease by private parties or special events, such as weddings.

206-5.4. - Hotel, Motel, Extended Stay Hotel

A. **Defined**

1. **Hotel/motel.** A facility consisting of one or more buildings, with more than five dwelling units with provisions for transient living, sanitation, and sleeping, that is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where temporary lodging of 30 days or less is offered for pay to persons, is not intended for long-term occupancy, and does not otherwise meet the definition of an extended-stay hotel defined in this subsection.
2. **Extended stay hotel.** A facility consisting of one or more buildings, with more than five dwelling units with provisions for living, sanitation, and sleeping, that is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where temporary residence is offered for pay to (a) persons for extended-stays and/or stays longer than 30 days, regardless of the presence of rentals or leases for shorter periods of time; or (b) for stays longer than 15 days in rooms equipped with kitchen facilities. Or, where more than 5% of the guest rooms therein contain fixed cooking appliances.
3. **Hotel.** See "motel/hotel" in clause A.1 above.

B. **Use Standards**

Where a hotel, motel, or extended stay hotel is allowed as a special use, it is subject to the following:

1. The minimum lot size is 2 acres.
2. Each motel or hotel must have at least 60 guest rooms.
3. Each extended stay hotel must have a density of at least 60 guest rooms per gross acre of development.
4. The lobby size must be at least 700 square feet.
5. Each guest room must be accessed through an interior hallway and may not have access to the exterior of the building (except through the central lobby or as otherwise determined by fire codes).

6. Each motel, hotel, or extended-stay hotel must man the lobby with a bona fide employee or manager 24 hours a day.
7. Each guest room must have at least 300 square feet of floor area.
8. Each motel, hotel, or extended-stay hotel building must have a minimum roof pitch of four in twelve (4:12).
9. Each motel, hotel, or extended-stay hotel must provide an enclosed heated and air-conditioned laundry space with at least three washers and three dryers.
10. Any outdoor recreational areas provided must be located to the rear of the site.
11. A minimum 75 feet wide natural buffer plus an additional minimum 25 feet wide landscaped buffer (100 feet total) is required adjacent to residential districts or residential uses.
12. Each motel, hotel, or extended-stay hotel is further regulated in Article VI, Motels, Hotels and Extended-Stay Hotels of Chapter 22, Businesses of the Code of Snellville, Georgia.

206-5.5. - Indoor Recreation

A. **Defined**

A facility, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting. Indoor recreation includes the following:

1. Amusement center, game/video arcade.
2. Assembly hall, auditorium, meeting hall.
3. Billiard hall, pool hall.
4. Bowling alley.
5. Convention center, arena, indoor stadium.
6. Electric or gas-powered vehicle tracks.
7. Extreme sports facility such as BMX, skateboarding or rollerblading.
8. Gym, health spa, or yoga studio.
9. Ice or roller skating rink.
10. Indoor sports facility.
11. Inflatable playground.
12. Meditation center.
13. Miniature golf facility.
14. School for the arts.
15. Indoor shooting range.
16. Theaters.

B. **Gym, Health Spa, Yoga Studio**

1. **Defined**

A facility that for-profit or gain provides as one of its primary purposes, services or facilities which are purported to assist patrons to improve their physical condition or appearance. This definition does not include 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.

C. **School of the Arts**

1. **Defined**

   An educational facility not operated by the Gwinnett 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.

D. **Theater**

1. **Defined**

   A movie theater or other indoor theater.

206-5.6. - Medical

A. **Defined**

A facility providing medical or surgical care to patients. Some facilities may offer overnight care. Medical includes the following:

1. Ambulatory surgical center.
2. Blood plasma donation center, medical or dental laboratory.
3. Hospital, urgent care, emergency medical office.
4. Kidney dialysis center.
5. Medical clinic.
6. Medical, dental office or chiropractor, osteopath, physician, medical practitioner.

B. **Ambulatory Surgical Center**

1. **Defined**

   A health care facility focused on providing same-day surgical care, including diagnostic and preventive procedures.

2. **Use Standards**

   Where an ambulatory surgical center is allowed as a limited use, it is subject to the following:

   a. Maximum lot size cannot exceed 2.99 acres.

(UDO 21-01, § 2, 10-25-2021)

206-5.7. - Office

A. **Defined**

A facility used for activities conducted in an office setting and generally focusing on business professional or financial services. Office includes the following:

1. Bank, Savings and Loan Institution.
2. Business services including, but not limited to, advertising, business management consulting, computer or data processing, graphic design, commercial art or employment agency.
3. Counseling in an office setting.
4. Finance company.
5. Financial services including, but not limited to, lender, investment or brokerage house, call center, insurance adjuster, real estate or insurance agent, mortgage agent, or collection agency.
6. Loan office.
7. Office showroom.
8. Professional services including, but not limited to, lawyer, accountant, auditor, bookkeeper, engineer, architect, sales office,

travel agency, interior decorator or security system services.

9. Radio, film, recording, and television studios and stations.
10. Trade, vocational, business school.

B. **Bank, Savings and Loan Institution**

1. **Defined**

A State or federally charted financial institution that solicits and accepts savings of the general public as demand deposits or time deposits and pays a fixed or variable rate of interest. They may also be called savings association, savings institution, or thrift institution.

C. **Finance company**

1. **Defined**

Any specialized financial institution that supplies credit for the purchase of consumer goods and services by purchasing the time-sales contracts of merchants.

D. **Loan Office**

1. **Defined**

Any establishment engaged in whole or in part in the business of lending money of $3,000.00 or less per transaction for a period of 36 months and 15 days or less and may charge, contract for, collect, and received interest and fees in accordance with Section 7-3-14 of GILA and is not otherwise exempted in Section 7-3-6 of GILA; and the interest and money paid or agreed to be paid by the borrow in order to obtain the loan does not exceed the charges authorized by GILA.

2. **Use Standards**

Where a GILA-regulated loan office is allowed as a limited use, it is subject to the following:

a. There may be no more than one location per company within the city limits.
b. No loan office establishment may be licensed or operated within 1,000 feet of any residential district, public or private school or college, place of worship, library, day care facility, public park or playground, massage establishment, tattoo studio, pawnshop, title pawnshop, GILA-regulated loan office, check cashing, or adult entertainment establishment. This distance is measured by the most direct route of travel on ground in the following manner:
    i. From the main entrance of the proposed loan office establishment;
    ii. In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
    iii. Along such public sidewalk, walkway, street, road or highway by the nearest route;
    iv. To the main entrance of the existing establishment identified above, or zoning line for properties in a residential district.
c. No on-site display or storage of pledged goods or vehicles is allowed.

E. **Office Showroom**

1. **Defined**

A facility used to display products for sale, such as furniture, appliances, kitchens, carpet, home furnishings, or apparel, but where products are delivered to or installed at the customer's home, business, or other establishment at a future point in time. Products for sale may not be stored on-site.

F. **Radio, Film, Recording, and Television Studios and Stations**

1. **Defined**

A facility in which video, radio or sound production takes place, either for live broadcasting or for the acquisition of raw footage for postproduction.

G. **Trade, Vocational, Business School**

1. **Defined**

An educational use not operated by the Gwinnett County Board of Education and with a curriculum devoted primarily to business (including barbers and beauticians), industry, nursing, driving, trade or other vocational-technical instruction.

H. **LM District Use Standards**

Where an office use is allowed as a limited use in the LM district, it may not exceed 15,000 square feet in floor area and must include accessory outdoor storage

206-5.8. - Outdoor Recreation

A. **Defined**

A commercial facility, varying in size, providing daily or regularly scheduled recreation-oriented activities. Activities take place predominately outdoors or within outdoor structures. Outdoor recreation includes the following:

1. Drive-in theater.
2. Electric or gas-powered vehicle tracks.
3. Extreme sports facility such as BMX, skateboarding or rollerblading.
4. Outdoor amusements such as batting cage, golf driving range, amusement park, miniature golf facility or water park.
5. Outdoor shooting range.
6. Outdoor sports field/court.
7. Outdoor stadium, arena.
8. Outdoor theater.

206-5.9. - Passenger Terminal

A. **Defined**

A facility for the boarding and unboarding of bus, taxi, or limousine passengers, but excluding on-site storage or parking of vehicles. Passenger terminal includes:

1. Bus terminal.
2. Taxicab, limousine, or non-emergency transport service.

206-5.10. - Personal Service

A. **Defined**

A facility involved in providing personal or repair services to the general public. Personal service includes the following:

1. Animal care (indoor).
2. Animal care (outdoor).
3. Beauty, hair, or nail salon.
4. Food catering.
5. Laundry and dry cleaning.

6. Photocopying, printing and reproduction service.
7. Funeral home, mortuary.
8. Locksmith shop.
9. Eyeglass shop.
10. Personal repair.
11. Psychic, fortune teller.
12. Tailor, milliner or upholsterer.
13. Tanning salon.
14. Tattoo parlor or body piercing.
15. Taxidermist.
16. Massage therapy.
17. Tutoring service.

B. **Animal Care (Indoor)**

1. **Defined**

   A facility designed or arranged for the care of animals without any outdoor activity. No outdoor activity associated with the care of animals is allowed, except outdoor pet elimination areas. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, kennel (5 or more dogs, cats, or other small animals, excluding litters of animals under 6 months old), and doggy day care.

C. **Animal Care (Outdoor)**

1. **Defined**

   A facility designed or arranged for the care of animals that includes outdoor activity. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, kennel (5 or more dogs, cats, or other small animals, excluding litters of animals under 6 months old), and doggy day care.

D. **Laundry and Dry Cleaning**

1. **Defined**

   A facility where consumers wash their clothes using self-operated machines or leave clothes for on or off-site cleaning. Laundry and dry cleaning includes dry cleaning pick-up and delivery stations, clothes drop-off facility, laundromat, and washeteria.

2. **Use Standards**

   Where a laundry and dry-cleaning establishment is allowed as a limited use, no individual business may exceed 2,000 square feet of floor area.

E. **Massage Therapy**

1. **Defined**

   A facility whose primary use is providing the manipulation or treatment of soft tissues of the body, including, but not limited to, the use of effleurage, petrissage, pressure, friction, tapotement, kneading, vibration, range of motion stretches, and any other soft tissue manipulation whether manual or by use of massage apparatus, and may include the use of oils, lotions, creams, salt glows, hydrotherapy, heliotherapy, hot packs, and cold packs. The use does not include diagnosis, the prescribing of drugs or medicines, spinal or other joint manipulations, or any service or procedure for which a license to practice chiropractic, physical therapy, podiatry, or medicine is required by the State of Georgia.

2. **Use Standards**

   Where massage therapy is allowed as a limited use, it is subject to the following:

   a. Massage therapists must provide evidence of licensure by the Professional Licensing Board of the State of Georgia.
   b. The establishment must obtain a massage establishment license in accordance with Article III of Chapter 26 of the City Code of Ordinances.

F. **Personal Repair**

1. **Defined**

   A facility whose primary use is repair services to the general public. Personal repair specifically includes, but not limited to, repair of appliances, bicycles, canvas product, clocks, computers, jewelry, musical instruments, office equipment, radios, shoes, televisions, watches, or similar items. Personal repair specifically excludes small engine repair, vehicle repair, and any other principal or accessory use that is otherwise identified in this article.

G. **Psychic, Fortune Teller**

1. **Defined**

   A facility providing the telling of fortunes, forecasting of fortunes or futures, or furnishing of any information not otherwise obtainable by ordinary process of knowledge, by means of any occult, psychic power, clairvoyance, clairaudience, cartomancy, phrenology, spirits, tea leaves, or other such reading, mediumship, augury, astrology, palmistry, necromancy, mind reading, telepathy, or other craft, art, science, cards, talisman, charm, potion, magnetism, magnetized ordinance or substance, gypsy cunning or foresight, crystal gazing, oriental mysteries or magic, or other similar means, of any kind or nature.

2. **Use Standards**

   Where a psychic, fortune teller is allowed as a special use, no psychic or fortuneteller may be licensed or operated within 2,000 feet of any residential district, public or private school or college, place of worship, library, day care facility, public park or playground, massage establishment, adult entertainment establishment, tattoo and/or body piercing establishment, and any other existing psychic and fortunetelling business. For purposes of this requirement, distance is measured by the most direct route of travel on ground in the following manner:

   a. From the main entrance of the proposed psychic or fortuneteller establishment;
   b. In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
   c. Along such public sidewalk, walkway, street, road or highway by the nearest route; and
   d. To the existing main entrance of the establishment identified above.

H. **Tattoo Parlor or Body Piercing**

1. **Defined**

   A facility providing one or more of the following:

   a. Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.
   b. Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

2. **Use Standards**

   Where a tattoo parlor or body piercing is allowed as a special use, no tattoo and/or body piercing establishment may be licensed or operated within 2,000 feet of any residential zoning district, public or private school or college, place of worship, library, day care facility, public park or playground, massage establishment, adult entertainment establishment, and any other

tattoo and/or body piercing business. For purposes of this requirement, distance is measured by the most direct route of travel on ground in the following manner:

a. From the main entrance of the proposed tattoo parlor establishment;
b. In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
c. Along such public sidewalk, walkway, street, road or highway by the nearest route;
d. To the main entrance of the existing establishment identified above, or zoning line for properties in a residential district.

206-5.11. - Restaurant

A. **Defined**

A facility that prepares and sells food and drink for on- or off-premise consumption. Restaurant includes the following:

1. Bar, night club, tavern, lounge.
2. Brewpub.
3. Coffee, tea, or juice shop.
4. Drive-in restaurant.
5. Restaurant, take out or pizza delivery facility.
6. Restaurant.
7. Yogurt or ice cream shop.

B. **Bar, Nightclub, Tavern, Lounge**

1. **Defined**

A facility that prepares and sells drink that has alcoholic beverage sales in excess of 70% of the business's total annual on-site sales.

C. **Brewpub**

1. **Defined**

A restaurant that brews beer on-site and sells 25% or more of its produced beer in the restaurant.

D. **Drive-In Restaurant.**

1. **Defined**

Any restaurant that includes a drive-thru.

E. **Use Standards**

1. **All Districts.** Where a restaurant is allowed as a limited use in any zoning district, it is subject to the following:
   a. Exterior exhaust fans must be installed so that exhaust is not blown towards sidewalks, walkways, open spaces, outdooring dining areas, or on-site residential uses.
   b. In buildings that contain both restaurants and residential uses, exterior exhaust fans may only be located:
      i. On the roof; or
      ii. On an exterior wall that has no operable residential windows within 75 feet of the fan (measured in a straight line both vertically and horizontally).
   c. Additional drive-thru facility requirements are specified in Sec. 206-8.9.
2. **OP District.** Where a restaurant is allowed as a limited use in an OP district, the use must be located within a multitenant office or medical complex.

206-5.12. - Retail Sales

A. **Defined**

A facility involved in the sale, lease, or rental of new or used products to end consumers, not other businesses. Retail sales includes the following:

1. General retail.
2. Appliance and electronics store.
3. Art gallery, art studio.
4. Artisan shop.
5. Bakery.
6. Bicycle shop.
7. Bottle shop, growler shop.
8. Building supply store.
9. Consumer fireworks retail sales facility.
10. Department store.
11. Drug store/pharmacy.
12. Guns and ammunition.
13. Lawnmower shop.
14. Meat market.
15. Music, video, and video game store.
16. Pawn shop, pawn broker, title pawn, check cashing.
17. Plant nursery.
18. Smoke or vape shop.

B. **General Retail**

1. **Defined**

A facility whose primary use is the sale, lease, or rental of merchandise, food, or beverages that have been produced off-site to the general public. General retail specifically includes, but is not limited to, antiques, animal supplies, art and school supplies, baked goods, beverages, books, cameras, crafts, clothing, convenience foods, convenience goods, dry goods, fabric, flowers, furniture, garden supplies, gifts and cards, groceries, hardware (including small engine repair as an accessory use), hobbies, home improvement supplies, household products, jewelry, medical supplies, musical instruments, news, office supplies, package shipping, pets, pet supplies, photo finishing, phones, picture frames, plants, pottery, printed materials, produce, seafood, shoes, souvenirs, sporting goods, stationery, toys, trophies, and related products. General retail excludes any principal or accessory use that is otherwise identified in this article.

C. **Artisan Shop**

1. **Defined**

A facility whose primary use is the retail sale of art glass, clothing, furniture, ceramics, jewelry, packaged food and beverages, and other handcrafted items, where the facility includes an area for the production of the items being sold.

2. **Use Standards**

Where an artisan shop is allowed as a limited use, no equipment or process may be used that creates, without limitation, noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal human senses, off the premises.

D. **Bakery**

1. **Defined**

   A facility whose primary use is the retail sale of breads, cakes, cookies, pastries, and other baked goods that have been produced on-site or off-site to the general public.

E. **Bottle Shop, Growler Shop**

1. **Defined**

   A facility specializing in the sale of beer and/or wine for consumption off-premises; however, such establishments may also offer by-the-drink on-premises consumption in conjunction with a special use permit obtained in Article VI of Chapter 6, Alcoholic Beverages of the City Code of Ordinances.

F. **Building Supply Store**

1. **Defined**

   A facility specializing in the sale, lease, or rental of one of the following: plumbing supplies, electrical supplies, swimming pools, or home building supplies.

G. **Consumer Fireworks Retail Sales Facility**

1. **Defined**

   The meaning provided for by NFPA 1124, as a permanent or temporary building or structure that is used primarily for the retail display and sale of consumer fireworks; provided, however, that such term does include a tent, canopy or membrane structure. As used in this UDO, any business that has fireworks sales in excess of 10% of the business's total annual on-site sales will also be considered a consumer fireworks sales facility.

2. **Use Standards**

   Where a consumer fireworks retail sales facility is allowed as a limited use, it is subject to the following:

   a. When the use is within a single-tenant/user, standalone building:
      i. There may be no more than one location per State-licensed distributor within the City.
      ii. No consumer fireworks retail sales facility (within a single-tenant/user standalone building) is permitted or may operate within 1,500 feet of any standalone consumer fireworks retail sales facility or consumer fireworks retail sales facility within a multi-tenant building/shopping center. For purposes of this requirement, distance is measured by the most direct route of travel on ground in the following manner:
         a. From the main entrance of the proposed consumer fireworks retail sales facility (located in a single-tenant/user standalone building);
         b. In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
         c. Along such public sidewalk, walkway, street, road or highway by the nearest route;
         d. To the main entrance of the existing establishment identified in provision G.2.a.ii above.
   b. When the use is in a multi-tenant building/shopping center containing three or more tenant spaces:
      i. The use's leased floor area/tenant space may not exceed 5,000 square feet;
      ii. No consumer fireworks retail sales facility (within a multi-tenant building/shopping center) is permitted or may operate within 1,500 feet of any standalone consumer fireworks retail sales facility or consumer fireworks retail sales facility within a multi-tenant building/shopping center. For purposes of this requirement, distance is measured by the most direct route of travel on ground in the following manner:
         a. From the main entrance of the proposed consumer fireworks retail sales facility (located in a single-tenant/user

standalone building);

b. In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;

c. Along such public sidewalk, walkway, street, road or highway by the nearest route;

d. To the main entrance of the existing establishment identified in "G.2.b.ii" above.

iii. The shopping center must meet this UDO's off-street parking requirements for all existing and new uses.

iv. The applicant must obtain a permit for conforming, non-temporary wall signage for the building storefront for the duration of the lease period.

H. **Drug store, Pharmacy**

1. **Use Standards**

Where a drug store, pharmacy is allowed a limited use, it must be accessed through and associated with medical clinics, doctors' offices, or dental offices.

I. **Lawnmower Shop**

1. **Defined**

A facility involved in the sale, lease, rental, and repair of lawnmowers, chain saws, leaf blowers, snowblowers, string trimmers, woodchippers, and other similar small engine or electric landscaping equipment.

J. **Meat Market**

1. **Defined**

A facility whose primary use is the sale of meat for human consumption and which may also include the cutting, grinding, and processing of meat to be sold.

2. **Use Standards**

Where a meat market is allowed as a limited use, there may be no killing, eviscerating, skinning, plucking, or smoking of food products on the premises.

K. **Pawn Shop, Pawn Broker, Title Pawn, Check Cashing**

1. **Defined**

a. **Pawn Shop.** A facility wherein a substantial part thereof is to take or receive, by way of pledge, pawn, consignment or exchange, any goods, wares, merchandise, or any kind of personal property, or the title to any goods, wares, merchandise, or any kind of personal property whatever, as security for the repayment of money lent thereon.

b. **Pawn Broker.** A person engaged in whole or in part in the business of lending money on the security of pledged goods, or in the business of purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers as part of or in conjunction with the business activities described in this paragraph K.

c. **Title Pawn.** A pawn shop.

d. **Check Cashing.** A facility that provides one or more of the following and has general retail sales constituting less than 75% of the total annual revenue generated on the premises:

i. An amount of money that is equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction;

ii. An agreement not to cash a check or execute an electronic transfer of money for a specified period of time; or

iii. The cashing of checks, warrants, drafts, money orders, or other commercial paper for compensation by any person or

entity for a fee.

2. **Use Standards**

Where pawn shop, pawn broker, title pawn, or check cashing is allowed as a special use, the business may not be licensed or operated within 1,000 feet of any residential district, public or private school or college, place of worship, library, day care facility, public park or playground, massage establishment, tattoo studio, existing pawnshop, title pawn shop, check cashing or adult entertainment establishment. For purposes of this requirement, distance is measured by the most direct route of travel on ground in the following manner:

a. From the main entrance of the proposed pawn shops/broker, title pawn, or check cashing establishment;
b. In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
c. Along such public sidewalk, walkway, street, road or highway by the nearest route;
d. To the main entrance of the existing establishment identified above, or zoning line for properties in a residential district.

L. **Plant Nursery**

1. **Defined**

A facility in which the primary operation is the sale of seeds and organic and inorganic materials, including, but not limited to, trees, shrubs, flowers, and other plants for sale or transplanting, mulch, pine straw, and other organic products for landscaping purposes, and other limited retail accessory products for gardening and/or landscaping.

M. **Smoke or Vape Shop**

1. **Defined**

A facility whose principal use involves the sale or on-site use of tobacco products, alternative nicotine products, vape juice, or any combination of these. For the purposes of this definition, "alternative nicotine products" refer to any products or devices that employ an electronic heating element, power source, electronic circuit, battery, or other electronic, chemical, or mechanical means to produce a vapor that delivers nicotine to the person inhaling from the device, including electronic cigarettes, electronic cigars, electronic hookahs, electronic bongs and electronic pipes, whether manufactured, distributed, marketed, or sold as an electronic cigarette, electronic cigar, or electronic pipe. For the purposes of this definition, "vape juice" refers to any liquid that contains compounds containing pharmaceutical grade vegetable glycerin, propylene glycol, nicotine, food-grade flavoring, and water, and can be used for vaping by means of an alternative nicotine product. For purposes of this definition, "principal use" means that the combined total sales of tobacco products, alternative nicotine products, and vape juice constitute at least 25% of the business's aggregate sales. "Principal use" also means that any amount of on-site use of sold tobacco products, alternative nicotine products, vape juice, or any combination of these occurs on the premises. A business will be deemed a smoke or vape shop when either or both of these "principal use" meanings are met.

2. **Use Standards**

Where a smoke or vape shop is allowed as a limited use, it is subject to the following:

a. An operational indoor sprinkler system is required.
b. One thousand linear feet of separation must exist between said business and any public or private school, day care, parking, place of worship, or playground. For purposes of this requirement, distance is measured by the most direct route of travel on ground in the following manner:
   i. From the main entrance of the proposed smoke or vape shop;
   ii. In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
   iii. Along such public sidewalk, walkway, street, road or highway by the nearest route;
   iv. To closest property line of the lot containing the public or private school, day care, parking, place of worship, or

playground.

206-5.13. - Vehicular

A. **Defined**

A facility primarily providing the sale, leasing, servicing, repair parts, or storage of passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Vehicular includes the following:

1. Automobile parts store.
2. Boat and recreational vehicle sales, rental, or service.
3. Car wash.
4. Gas station.
5. Internet vehicles sales.
6. Public parking.
7. Remote parking.
8. Vehicle rental.
9. Vehicle sales, rental, or auction.
10. Vehicle repair, minor.
11. Vehicle repair, major.

B. **Automobile Parts Store**

1. **Defined**

A facility where accessories and parts are sold for passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles. Repairs and accessory/part installation are only allowed in conformance with the standards for major or minor vehicle repair, as applicable, including any required special use permits.

C. **Boat and Recreational Vehicle Sales, Rental, or Service**

1. **Defined**

A facility that repairs or rents boats or recreational vehicles for a fee.

2. **Use Standards**

Where boat sales and recreation vehicle, rental, and service is allowed as a special use, it is subject to the following:

a. The minimum lot size is 2 acres.
b. The property must have at 200 feet of frontage on a street.
c. One thousand linear feet of separation must exist between said business and any other boat sales and recreation vehicle, rental, and service business. For purposes of this requirement, distance is measured by the most direct route of travel on ground in the following manner:
   i. From the main entrance of the proposed establishment from which vehicle sales or leasing shall occur;
   ii. In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
   iii. Along such public sidewalk, walkway, street, road or highway by the nearest route;
   iv. To the main entrance of the existing establishment from which vehicle sales or leasing will occur.
d. All recreational vehicles and boats on the sales lots must always be in generally good and operable condition. Wrecked or partially wrecked, dismantled, or non-operable recreational vehicles and boats are not allowed.
e. All recreational vehicles in sales lots must be parked on a hard-surface marked/striped spaces only and only in areas

designated for the display of recreational vehicles for sale and may not be parked in landscape or grassy areas or elevated by the use of a ramp, post or other device higher than 5 feet above grade.

f. Recreational vehicles and boats for sale may not be parked in areas reserved for customer or employee parking.

g. No outdoor incidental uses such as carwashes or air compressors are allowed.

h. The sides and rear of the facility must be screened from view of surrounding properties by an opaque 8-foot high fence.

i. All service and repair work must be performed in a covered service bay with opaque walls on all sides, except at vehicular entrances and exits.

j. Showrooms and/or service bays that keep new/used/service recreational vehicles or boats within building structures must meet all applicable federal, State, County, and local building and life-safety codes (at the time of application for an occupation tax certificate) regarding the storage of hazardous materials.

k. Internet sales where there is no temporary or permanent storage, parking, delivery, or display of inventory must apply to the Department for administrative review. The Director must review and prepare a recommendation of the request. The City Manager, after having reviewed the Director's recommendation(s), has final authority to grant administrative variances. Application for an administrative variance must contain the following:

   i. Administrative variance application.

   ii. Sworn/notarized affidavit by the applicant/owner certifying that there will be no temporary or permanent storage, parking, delivery or display of vehicles/inventory.

l. Before the issuance of an occupational tax certificate from the City, all applicants must provide a current copy of any required dealer licenses obtained from the State of Georgia.

m. Anyone found to be in violation of these use standards is subject to citation(s) of up to $1,000.00 per day and/or up to 60 days in jail so long as the violation(s)are present on the property.

D. **Car Wash**

1. **Defined**

A facility with mechanical or hand-operated equipment used for the cleaning, washing, polishing, or waxing of motor vehicles, including, but not limited to, self-service, full-service, and hand-detailing service.

E. **Gas Station**

1. **Defined**

A facility or business that sells vehicle fuel and may also sell convenience goods, such as prepackaged food items and a limited line of groceries but does not perform vehicle repair or service.

2. **Use Standards**

Where a gas station is allowed as a special use, it is subject to the following:

a. Fuel pumps may not be closer than 30 feet to the right-of-way.

b. Fuel pumps and gas storage tanks must be set back at least 100 feet from any residential district.

c. Pump canopies must provide a fascia between 24 and 30 inches in height.

d. Pump canopies may not exceed 18 feet in height as measured to the top of the structure.

e. Pump canopies and support columns must be compatible with the color, texture, material, and architectural design of the principal building.

f. Pump canopies, canopy support columns, and pumps may not be internally illuminated.

F. **Internet Vehicles Sales**

1. **Defined**

A facility that sells, leases, or auctions new or used passenger vehicles, light or medium trucks, or motorcycles through the internet and where there is no temporary or permanent storage, parking, delivery, or display of inventory.

2. **Use Standards**

   Where internet vehicles sales is allowed as a limited use, it is subject to the following:

   a. Internet vehicles sales must submit an application to the Department for administrative review and the Director must review and prepare a recommendation of the request.
   b. The City Manager, after having reviewed the Director's recommendation(s), has final authority to grant administrative variances.
   c. Application for an administrative variance must contain the following:
      i. Administrative variance application.
      ii. Sworn/notarized affidavit by the applicant/owner certifying that there will be no temporary or permanent storage, parking, delivery or display of vehicles/inventory.

G. **Public Parking**

1. **Defined**

   A facility that provides public parking or parking for off-sites uses as a principal use.

H. **Remote Parking**

1. **Defined**

   A facility that provides parking as a principal use that is used to meet the off-site parking provisions of Sec. 207-1.4.C.

I. **Vehicle Rental**

1. **Defined**

   A facility that rents passenger vehicles, light and medium trucks, or motorcycles for short periods of time (generally ranging from a few hours up to two weeks) for a fee.

J. **Vehicle Sales, Rental, or Auction**

1. **Defined**

   A facility that sells, leases, or auctions new or used passenger vehicles, light or medium trucks, or motorcycles.

2. **Use Standards**

   Where vehicles sales, rental, or auction is allowed as a special use, it is subject to the following:

   a. The minimum lot size is 2 acres.
   b. The property must have at 200 feet of frontage along a street.
   c. One thousand linear feet of separation must exist between said business and any other vehicle sales or leasing business. For purposes of this requirement, distance is measured by the most direct route of travel on ground in the following manner:
      i. From the main entrance of the proposed establishment from which vehicle sales or leasing shall occur;
      ii. In a straight line to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
      iii. Along such public sidewalk, walkway, street, road or highway by the nearest route;
      iv. To the main entrance of the existing establishment from which vehicle sales or leasing will occur.
   d. All vehicles on the sales lots must be in generally good and operable condition at all times. Wrecked or partially wrecked, dismantled, or non-operable vehicles are not allowed.

e. All vehicles in sales lots shall be parked on a hard-surface marked/striped spaces only and only in areas designated for the display of vehicles for sale and may not be parked in landscape or grassy areas or elevated by the use of a ramp, post or other device higher than 5 feet above grade.

f. Vehicles for sale may not be parked in areas reserved for customer or employee parking.

g. No outdoor incidental uses such as carwashes or air compressors are allowed.

h. The sides and rear of the facility must be screened from view of surrounding properties by an opaque 8-foot high fence.

i. All service and repair work must be performed in a covered service bay with opaque walls on all sides, except at vehicular entrances and exits.

j. Showrooms and/or service bays that keep new/used/service vehicles within building structures must meet all applicable federal, State, County, and local building and life-safety codes (at the time of application for an occupation tax certificate) regarding the storage of hazardous materials.

k. Before the issuance of an occupational tax certificate from the City, all applicants must provide a current copy of required dealer licenses obtained from the State of Georgia.

l. Anyone found to be in violation of these use standards is subject to citation(s) of up to $1,000.00 per day and/or up to 60 days in jail so long as the violation(s)are present on the property.

K. **Vehicle Repair, Minor**

1. **Defined**

A facility where minor vehicle repair and service is conducted. Includes audio and alarm installation, custom accessories, quick lubrication facilities, minor scratch and dent repair, emissions testing, bed-liner installation, and glass repair or replacement.

2. **Use Standards**

Where minor vehicle repair is allowed as a special use, it is subject to the following:

a. All customer vehicles stored/parked/displayed outside must be on paved parking surfaces.

b. Service bays within building structures must meet all applicable federal, State, County, and local building and life-safety codes (at the time of application for an occupation tax certificate) regarding the storage of hazardous materials.

c. The dismantling of vehicles for salvage and the storage of impounded vehicles is not allowed.

d. All vehicles stored/parked/displayed must be in generally good repair.

e. No vehicle sales, rental, or auction are allowed.

f. Emission testing must occur in a permanent noncombustible structure that meets the architectural standards of Sec. 201-3.2.

g. Drive-thru emission testing must include a paved stacking lane for a minimum of four vehicles.

L. **Vehicle Repair, Major**

1. **Defined**

A facility where general vehicle repair is conducted, including transmission, brake, muffler and tire shops, along with body and paint shops.

2. **Use Standards**

Where major vehicle repair is allowed as a special use, it is subject to the following:

a. All customer vehicles stored/parked/displayed outside must be on paved parking surfaces.

b. Service bays within building structures must meet all applicable federal, State, County, and local building and life-safety

codes (at the time of application for an occupation tax certificate) regarding the storage of hazardous materials.

c. The dismantling of vehicles for salvage and the storage of impounded vehicles is not allowed.

d. All service and repair work must be performed in a covered service bay with opaque walls on all sides, except at vehicular entrances and exits.

e. All vehicles stored/parked/displayed must be in generally good repair.

f. No vehicle sales, rental, or auction are allowed.

Sec. 206-6. - Industrial Uses

206-6.1. - Craft Manufacturing

A. **Defined**

A facility whose primary use is the shared or individual use of hand-operated tools for the manufacturing of products or parts, including their design, processing, fabrication, assembly, treatment and packaging. Craft manufacturing may also include the incidental storage, sale, and distribution of said products or parts. Craft manufacturing specifically includes, but is not limited to, the manufacturing of electronic goods, food and bakery products, non-alcoholic beverages, printmaking, household appliances, leather products, jewelry and clothing, metalwork, furniture, glass or ceramics, and paper.

B. **Use Standards**

Where craft manufacturing is allowed as a limited use, it is subject to the following:

1. No individual establishment may exceed 4,000 square feet of floor area.
2. No equipment or process may be used that creates, without limitation, noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal human senses, off the premises.

206-6.2. - Heavy Industrial

A. **Defined**

A facility that involves dangerous, noxious or offensive uses, or a facility that has smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception radiation or any other likely cause. Heavy industrial includes the following:

1. Animal processing, packing, treating and storage, livestock or poultry slaughtering, processing of food and related products, production of lumber, explosives, fireworks, tobacco, chemical, rubber, leather, clay, bone, paper, pulp, plastic, stone, or glass materials or products, production or fabrication of metals or metal products including enameling and galvanizing.
2. Bottling plant.
3. Bulk fuel sales.
4. Bulk storage of flammable liquids, chemicals, cosmetics, drugs, soap, paints, fertilizers and abrasive products.
5. Chemical, cosmetics, drug, soap, paints, fertilizers and abrasive products.
6. Concrete batch plant.
7. Petroleum, liquefied petroleum gas and coal products and refining.
8. Prefabricated building manufacturing.
9. Sawmill, log production facility, lumberyard.
10. Rubber and plastic products, rubber manufacturing.

206-6.3. - Light Industrial

A. **Defined**

A facility that involves conducting food and beverage production; land-intensive outdoor sales and services; or repair or servicing of industrial, business, or consumer machinery, equipment, or products mainly by providing centralized services for separate retail outlets. Contractors storage and similar uses perform services off-site. Light industrial includes the following:

1. Ambulance service (with on-site storage or parking of vehicles).
2. Baking plant.
3. Brewery, winery, distillery.
4. Contractors storage.
5. Laundry, dry-cleaning, and carpet cleaning plant.
6. Manufactured building, mobile home sales.
7. Sale, rental, or repair of machinery, heavy equipment, or special trade tools.
8. Taxicab, limousine, or non-emergency transport service (with on-site storage or parking of vehicles).

B. **Ambulance Service**

1. **Defined**

A facility providing emergency medical transport, but not including transport by helicopter or aircraft.

C. **Brewery, Winery, Distillery**

1. **Defined**

An industrial facility where malt beverages, distilled spirits, or wine are produced on the premises and then sold or distributed for off-premises consumption in compliance with State law and Department of Revenue licensing requirements. The sale, by a retail licensee, of beverages manufactured at the facility is permitted from the premises. Restaurants and event facilities are also permitted within the facility as accessory uses.

D. **Contractors Storage**

1. **Defined**

A facility engaged in the provision of offsite contractor activities, including, but not limited to, plumbing, electrical work, building, grading, paving, roofing, carpentry, exterminating and landscaping and other such activities, including the storage of material and the overnight parking of commercial vehicles.

E. **Sale, Rental, or Repair of Heavy Equipment**

1. **Defined**

A facility involved in the sale, rental, repair, service, washing or accessory installation for commercial vehicles, including box trucks, 18-wheelers and construction or other heavy equipment.

206-6.4. - Light Manufacturing

A. **Defined**

A facility conducting light manufacturing operations within a fully enclosed building. Light manufacturing includes the following:

1. Clothing, textile or apparel manufacturing.
2. Facilities engaged in the assembly or manufacturing of scientific measuring instruments; semiconductor and related devices, including but not limited to clocks, integrated circuits, jewelry, medical, musical instruments, photographic or optical instruments or timing instruments.

3. Pharmaceutical or medical supply manufacturing.
4. Printing, bookbinding, or publishing plant.
5. Sheet metal, welding, machine shop, tool repair.
6. Stone, clay, glass, or concrete products.
7. Woodworking, cabinet makers, or furniture manufacturing.

206-6.5. - Storage Lot

A. **Defined**

A facility used entirely for:

1. Contractors equipment storage.
2. Equipment storage.
3. Fleet storage.
4. New and operable used vehicle, boat, or other similar operable vehicle storage.
5. Trailer storage, drop off lot.
6. Storage of soil, mulch, stone, lumber, pipe, steel, and other similar material or equipment.
7. Storage and splitting of logs.
8. Towing/impounding of vehicles.
9. Tractor trailers storage.

206-6.6. - Research and Development

A. **Defined**

A facility focused primarily on the research and development of new products. Research and development includes the following:

1. Laboratories, offices and other facilities used for research and development by or for any individual, organization or concern, whether public or private.
2. Pilot plants used to test manufacturing processes planned for use in production elsewhere.
3. Prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product.

206-6.7. - Self-Service Storage

A. **Defined**

A facility providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property. Self-service storage includes the following:

1. Indoor multi-story storage.
2. Mini-warehouse.
3. Warehouse, self-service.

206-6.8. - Warehouse and Distribution

A. **Defined**

A facility involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers. Warehouse and distribution includes the following:

1. Building materials storage yard.
2. Bulk storage, including non-flammable liquids, cold storage plants, frozen food lockers, household moving and general freight storage.
3. Distribution of products and merchandise.
4. Parcel service.
5. Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred.

206-6.9. - Waste Related Services

A. **Defined**

A facility that used for the sale, exchange, storage, salvage, baling or cleaning of waste material. Waste-related service includes the following:

1. Hazardous household materials collection center.
2. Hazardous waste facility.
3. Junk of salvage yard.
4. Landfill.
5. Recycling processing center.
6. Scrap metal processor.
7. Waste incinerator.
8. Waste transfer station.

206-6.10. - Wholesale

A. **Defined**

A facility involved in the sale of new products, primarily to businesses.

Sec. 206-7. - Agriculture

206-7.1. - Crop and Tree Farming

A. **Defined**

The noncommercial growing and harvesting of crops and trees, but not including the raising of animals or fowl except as otherwise provided for in this UDO, or the sale of any retail products on the premises.

Sec. 206-8. - Accessory Uses

206-8.1. - General

A. Accessory uses are permitted in conjunction with an allowed principal use. Allowed accessory uses include those listed in this section and additional accessory uses as interpreted by the Director.
B. Accessory buildings must share utility services and meters with the main building.
C. Accessory uses may not be erected before construction of the principal building to which they are accessory.
D. Accessory buildings or structures may not be utilized unless the principal structure is also occupied.

E. Accessory buildings may have a ½ bath or a kitchen but cannot contain both a full bathroom and a kitchen unless the accessory buil used for an accessory dwellings or caretaker's residences. Habitation is not permitted in an accessory building unless it is used for a accessory dwelling unit or caretaker's residence.

F. Accessory buildings may not be used for any use not allowed in the zoning district.

G. Accessory buildings may not be used for the storage of hazardous materials, waste products or putrescent materials.

H. Dimensional standards for accessory buildings and structures are included with the building setback for each zoning district; by use standards within this section; subject to the yard encroachments allowed under Sec. 201-1.5; and subject to the accessory use and structure standards of Sec. 201-1.6.B and Sec. 201-1.7.B.

I. Allowed accessory uses and structures include the following:

1. Accessory cemetery.
2. Accessory dwellings unit (ADU).
3. Automated retail structure.
4. Beekeeping.
5. Caretaker's residence.
6. Donation bin.
7. Drive-thru facility.
8. Dumpster.
9. Heliport.
10. Home occupation.
11. In-law suite.
12. Institutional accessory uses.
13. Keeping of pets.
14. Keeping of livestock.
15. Modular offices/classroom.
16. On-site parking.
17. Outdoor storage, minor.
18. Outdoor storage, major.
19. Parking of recreational vehicles.
20. Parking of business vehicles.
21. Parking and storage of watercraft.
22. Portable accessory structure (PAS).
23. Religious accessory uses.
24. Roofed accessory structure.
25. Satellite dish antenna.
26. Swimming pool, hot tub, spa, and koi pond.
27. Unroofed accessory structure.

206-8.2. - Accessory Uses Not Listed

A. An accessory use not specifically listed in this section is not allowed unless the Director determines the accessory use:

1. Is clearly incidental to and customarily found in connection with an allowed principal use;

2. Is subordinate to and serving an allowed principal use;
3. Is subordinate in area, extent, and purpose to the principal use served;
4. Contributes to the comfort, convenience or needs of occupants, business, or industry in the principal use served; and
5. Is located on the same lot as the principal use served.

206-8.3. - Accessory Cemetery

A. **Defined**

A cemetery that is accessory to a place of worship.

B. **Use Standards**

Where an accessory cemetery is allowed as a special use, it is subject to the following:

1. The maximum cemetery size is 2 acres.
2. The cemetery must have 40 feet of frontage on a public street.
3. The cemetery must also be surrounded by a fence or wall made of brick, stone, true hard coat stucco, and/or painted metal, as approved by the Director.

206-8.4. - Accessory Dwelling Unit (ADU)

A. **Defined**

A small, self-contained dwelling unit located on the same lot as a principal dwelling unit.

B. **Use Standards**

Where an ADU is allowed as a limited use, it is subject to the following:

1. The design and size of the ADU must conform to all codes required for any new construction.
2. Only one ADU may be created per principal dwelling unit.
3. The ADU must be either:
   a. Located within a carriage house building type; or
   b. Attached or within the principal dwelling unit but not accessible from the interior of said dwelling unit. Such ADU must have its own independent entrance.
4. The building containing the ADU must be located in the rear or side (interior) yard.
5. The building containing the ADU may not be higher than the principal dwelling.
6. The property owner must occupy either the principal dwelling unit or the ADU as their permanent residence for at least 8 months out of each year, and at no time receive rent for the owner-occupied unit.
7. No ADU may exceed 800 square feet in floor area nor be less than 300 square feet in floor area, excluding any related garage area or other ancillary storage. No ADU may exceed 40% of the floor area of the principal dwelling, nor have more than two bedrooms or two occupants.
8. ADUs are subject to the parking requirements of Sec. 207-1.

C. The equipment of an accessory building or equipment of part of a principal building with one or more of the following or similar items, systems or equipment will be considered prima facie evidence that such accessory building or such part of the principal building is a separate and distinct dwelling unit and is subject to the regulations of the zoning district in which it is located: utility services; utility meters; mailboxes; kitchen equipment such as sink, stove, oven, and/or cabinets.

206-8.5. - Automated Retail Structure

A. **Defined**

A retail structure that stores or dispenses items for sale, rent or customer pick-up. Includes the outdoor placement of soft drink or similar vending machines, propane gas storage racks, ice storage bins, automated teller machines (ATM) and other similar machines. It may be freestanding, inside a building, or attached to a principal structure.

B. **Use Standards**

Where an automated retail structure is allowed as a limited use, it is subject to the following:

1. The structure may not exceed 150 square feet in area and 14 feet in height.
2. The structure is not allowed in any required setback area.

206-8.6. - Bee Keeping

A. **Defined**

The rearing and breeding of honeybees that is accessory to a permitted use.

B. **Use Standards**

Where beekeeping is allowed as a limited use, it is subject to the following:

1. Honeybees may not be kept on lots less than 15,000 square feet in size. No more than two colonies or hives, with only two swarms, are allowed per 15,000 square feet of lot area.
2. Hives must be marked or identified to notify visitors.
3. No hive may exceed 20 cubic feet in volume.
4. No hive may be located within 10 feet of any lot line. A greater distance may be required by clause B.5 below.
5. No hive may be located closer than 50 feet from a public right-of-way or 25 feet from the principal building on an abutting lot.
6. A constant supply of water must be provided for all hives.
7. A flyway barrier at least 6 feet in height must shield any part of a lot line that is within 25 feet of a hive. The flyway barrier must consist of a wall, fence, dense vegetation or a combination thereof.
8. Any colony or hive which becomes a nuisance as defined by State law must be removed.
9. Abandoned colonies or hives and diseased bees must be removed (this does not prohibit the use of swarm traps).

206-8.7. - Caretaker's Residence

A. **Defined.**

A single dwelling unit as a residence for a caretaker or watchman that is accessory to a permitted use in all districts other than a residential district.

206-8.8. - Donation Bin

A. **Defined**

An attended or unattended enclosed receptacle, trailer, or container made of metal, steel, plastic, wood or similar material and designed or intended for the collection of unwanted clothing, shoes, textiles, books, or other household or recyclable items.

B. **Use Standards**

The placement and use of collection bins or donation boxes is prohibited in all zoning districts, except for receptacles, trailers, or containers used at the City Recycling Center.

206-8.9. - Drive-Thru Facility

A. **Defined**

A facility at which the customer is served while sitting in a vehicle, typically associated with drive-thru restaurants, banks, and pharmacies.

B. **Use Standards**

1. Where a drive-thru is allowed as a limited use, no drive-thru window, lane, or order box is permitted within 50 feet of a ground-floor residential use (measured from the residential lot line to the closest point of the drive-thru lane).
2. Additional design requirements are specified in Sec. 207-1.7.G.

206-8.10. - Dumpster

A. **Defined**

A large receptacle for the collection and removal of trash generated on-site.

B. **Use Standards**

Where a dumpster is allowed as a limited use, it is subject to the following:

1. Dumpsters must be located in the rear or side (interior) yard a minimum of 5 feet from side (interior) and rear lot lines. Dumpsters are not allowed in front yards. Dumpsters, including the enclosure structure, must be located a minimum of 5 feet from a buffer.
2. Dumpsters must be placed on concrete pads of sufficient size and strength to support the weight of service vehicles. The size of the pad may not be less than 10 feet wide by 20 feet long.
3. Dumpsters must conform to the screening requirements of Sec. 207-2.2 (Screening).
4. Dumpsters must have lids and are prohibited from connecting to sanitary sewer utilities.

206-8.11. - Heliport

A. **Defined**

Facility for the taking off and landing of helicopters an accessory use.

B. **Use Standards**

Where a heliport is allowed as allowed as a special use, it is subject to the following:

1. The heliport may be used only for emergency medical purposes.
2. Design standards for a heliport shall be in accordance with Federal Aviation Administration requirements.

206-8.12. - Home Occupation

A. **Defined**

A lawful occupation that provides a product or service that is conducted wholly within a dwelling unit. The use includes a family day care regulated under Sec. 206-5.2.

B. **Use Standards**

Where a home occupation is allowed as a limited use, it is subject to the following:

1. **General Provisions**
   a. No more than two home occupations may be established in a dwelling.

b. A home occupation must be clearly incidental and secondary to the use of the dwelling for residential purposes.

2. **Physical Limitations**

   The floor area of a dwelling unit devoted to all home occupations must not exceed 25% of the floor area of the dwelling.

3. **Alterations to the Dwelling and Exterior Appearances**

   a. The exterior appearance and character of the dwelling must remain that of a dwelling.

   b. No internal or external alterations inconsistent with the residential use and character of the buildings are permitted.

   c. No display or storage of products, materials, or machinery where they may be visible from outside the dwelling is permitted.

   d. No activity associated with the home occupation may be visible outside the dwelling.

   e. No additional signage is allowed for the home occupation.

4. **Vehicles**

   One business vehicle may be kept on-site, provided it is used exclusively by an occupant of the dwelling. This vehicle may only be an automobile, pick-up truck, van or sport-utility vehicle.

5. **Equipment, Off-Site Impacts, and Nuisances**

   a. No home occupation may generate traffic, sound, smell, vibration, light, or dust that is offensive or that creates a nuisance.

   b. No equipment that interferes with radio or television reception is allowed.

   c. Home occupations exclude the use of machinery or equipment that emits sound (for example, saws, drills, or musical instruments) detectable beyond the property.

   d. Chemical, electrical, or mechanical equipment that is not normally a part of domestic or household equipment which is used primarily for commercial purposes is not permitted.

6. **Visitation**

   Total client visits are limited to five per week in conjunction with the home occupation, except that this restriction does not apply to a family day care home due to the overriding public goal of the care of children.

7. **Employees and Licenses**

   Only occupants of the dwelling may work on the premises in connection with a home occupation. Any occupational licenses, including business registrations, required by State, County, or City regulations must be obtained. Proof of State registration, if required for the home occupation, must be submitted to the City before the issuance of a business license.

8. **Uses Specifically Prohibited**

   The following uses are specifically prohibited as home occupations, except when otherwise a lawfully permitted use within the zoning district. This list is not all-inclusive. The Director may prohibit additional uses that do not meet the intent of these home occupation regulations.

   a. Adult entertainment establishments.

   b. All animal care, except hobby breeding, and except animal boarding and animal grooming when the total number of all animals being boarded or groomed does not exceed four.

   c. All medical uses.

   d. All indoor recreation uses.

   e. All industrial uses.

   f. All vehicular uses.

g. Firewood sales.
h. Funeral home, mortuary.
i. Massage therapy.
j. Psychic, fortune teller.
k. Small or large engine repair or sales.
l. Tattoo parlor or body piercing.

206-8.13. - In-Law Suite

A. **Defined**

A suite that is accessory to a single-family detached dwelling that includes provisions for living, sleeping, eating, cooking, and sanitation, but is not an independent dwelling unit.

B. **Use Standards**

Where an in-law suite is allowed as a limited use, it is subject to the following:

1. The in-law suite may not constitute a separate dwelling unit.
2. The individual residing in the in-law suite must be allowed access to the common areas of the dwelling unit (e.g., the kitchen, bathroom, living room, etc.).
3. The in-law suite must not have separate gas and electric utilities (more than one meter per utility would constitute a separate dwelling unit and is prohibited).
4. The in-law suite may not be in an accessory building or structure.
5. The in-law suite must be connected to the main heated living area of the dwelling (the in-law suite may not be connected to the building by a breezeway as this would constitute a separate dwelling unit).
6. The in-law suite must have principal means of access to the outside of the dwelling unit via the dwelling units main exterior doorways (single access to the outside of the in-law suite would constitute a separate dwelling unit).
7. The in-law suite may have a kitchen and bathroom as well as a bedroom.

206-8.14. - Institutional Accessory Uses

A. **Defined**

Accessory uses administered by an institution that are related directly to the campus or institution, including parks, athletic fields, stadiums, playgrounds, bookstores, soda shops, art galleries, restaurants, cafeterias, card and souvenir shops, clinics, medical and dental offices, boarding and rooming houses, clubs, sororities, fraternities, and temporary lodging facilities.

206-8.15. - Keeping of Pets

A. **Defined**

The keeping of any animal owned or kept for pleasure rather than sale, which is an animal of a species customarily bred and raised to live in the habitat of humans and is dependent upon them for food and shelter. Pets include cats, dogs, rabbits, caged birds, potbellied pigs, dwarf/pygmy goats, Guinea pigs, reptiles, hamsters, and other small animals. The keeping of pets does not include livestock and wild animals, nor does it include any activity that would render the use to be deemed animal care.

B. **Use Standard**

Where the keeping of pets is allowed a limited use, it is subject to the following:

1. Potbellied pigs may not weigh more than 120 pounds.
2. Dwarf/pygmy goats may not weight more than 70 pounds.
3. No more than a combined total of two potbellied pigs or dwarf/pygmy goats may be maintained, possessed, or kept on a property.

206-8.16. - Keeping of Livestock

A. **Defined**

The rearing and breeding of cattle, horses, donkeys, mules, goats (except dwarf/pygmy goats), sheep, swine and other hoofed animals (except potbellied pigs); poultry, ducks, geese, pigeons, peacocks and other live fowl; and fur or hide-bearing animals; whether for pleasure or utility; as an accessory use to a single-family detached dwelling. The keeping of livestock does not include pets.

B. **Use Standard**

Where the keeping of livestock is allowed as a limited use, it is subject to the following:

1. The minimum lot size is 5 acres.
2. Any structure, pen, corral or other building used for the keeping and raising of livestock must be located at least 200 feet from any lot line.
3. The keeping of livestock is subject to all regulations promulgated by the Gwinnett County Health Department.

206-8.17. - Modular Offices/Classrooms

A. **Defined**

A structure or building designed to be moveable from one location to another and which is not designed to be permanently attached or anchored to the ground but is intended for occupancy. Temporary buildings in connection with a construction project or subdivision development are exempt from the following requirements.

B. **Use Standards**

Where a modular offices/classroom is allowed as a special use, it is subject to the following:

1. The structure may only be located within the side (interior) or rear yard and may not be in front of the primary associated business/use. A site plan designating the proposed location of the structure(s) must be submitted with the special use permit application. Said site plan must be approved by the fire marshal before submittal.
2. The structure may not be visible from the public street, or must be screened from view with a wall or fence made of materials similar to the main building façade, or screened from view landscaping; all as determined by the Director. Any required screening must be installed before the portable accessory structure(s) may be located on-site. A rendering(s) of the proposed screening must be submitted with the special use permit application.
3. Revised parking ratio calculations that comply with this UDO must be submitted with the special use permit application for any structure to be located in a designated parking area.
4. If the applicant is not the property owner upon which the structure will be located, the applicant must furnish to the City a letter from the property owner acknowledging understanding of all regulations concerning modular offices/classrooms and granting permission for the location.
5. The structure must be constructed of rigid walls.
6. The structure may not exceed 20 feet in height.
7. The structure may not be rented/leased by otherwise off-site businesses.

8. The structure may not be used for retail sales.
9. The structure must be stored as a single unit story height (no stacking).

206-8.18. - On-Site Parking

A. **Defined**

Parking provided on-site to serve a principal use of the site.

B. **Use Standards**

See Sec. 207-1.10 (Residential District Parking) and Sec. 207-1.12 (Nonresidential District Parking).

206-8.19. - Outdoor Storage, Minor

A. **Defined**

Minor outdoor storage includes, but is not limited to:

1. The outdoor storage of merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers;
2. Outdoor sale or rental areas for sheds, building supplies, garden supplies, plants, lawnmowers, barbecues, and other similar items;
3. The overnight outdoor storage of vehicles awaiting repair (but not new vehicles for sale); and
4. The outdoor storage of contractors equipment that is accessory to a retail sales business with a floor area of 25,000 square feet or larger.

The use does not include the storage or sale of any items identified under major outdoor storage; nor does it include the outdoor display of tires or animals; nor does it include any temporary events under Sec. 206-9.5 (Temporary Events).

B. **Use Standards**

1. **Accessory to Large Retail Sales.** Where minor outdoor storage is allowed as a limited use and is accessory to a retail sales business with a floor area of 25,000 square feet or larger, it is subject to the following:
   a. Minor outdoor storage must be located to the side (interior) or rear of the business it is accessory to, or within 100 feet of the primary entrance, or within 10 feet of the front façade.
   b. Minor outdoor storage may not impede the safe movement of pedestrian traffic.
   c. Minor outdoor storage may not exceed 10% of the enclosed floor area size of the business it accessory to.
   d. Minor outdoor storage may or may not be fully or partially covered. No coving may extend higher than the roof level of the principal building.
2. **Accessory to All Other Business.** Where minor outdoor storage is allowed as a limited use and is not subject to clause B.1 above, it is subject to the following:
   a. Minor outdoor storage must be located to the side (interior) or rear of the business it is accessory to.
   b. Minor outdoor storage may not exceed the enclosed floor area size of the business it accessory to.
   c. Minor outdoor storage must be enclosed by a permanent, minimum 8 feet high or fence that is compatible with the principal building in terms of texture, quality, material, and color.
   d. Minor outdoor storage may or may not be fully or partially covered. No coving may extend higher than the roof level of the principal building.

206-8.20. - Outdoor Storage, Major

A. **Defined**

Major outdoor storage includes, but is not limited to:

1. The outdoor storage of contractors equipment that is not accessory to a retail sales business with a floor area of 25,000 square feet or larger;
2. The outdoor storage of soil, mulch, stone, lumber, pipe, steel, salvaged or recycled materials, and other similar merchandise, material or equipment;
3. The outdoor storage of vehicles (including fleet vehicles), boats, recreational vehicles, or other similar vehicles; and
4. The outdoor storage of pallets, kegs, cardboard, air and gas-filled tanks, and similar items, as determined by the Director.

B. **Use Standards**

Where outdoor storage is allowed as a special use, it must be screened with a minimum 8-foot high opaque fence or wall.

206-8.21. - Parking of Business Vehicles

A. **Defined**

Parking of any delivery/service vehicles, fleet vehicles, tractor trailers, and other vehicles displaying advertising, including on an otherwise vacant lot, except within a conforming storage lot or major outdoor storage.

B. **Use Standards**

1. **Residential Districts.** Where parking of business vehicles is allowed as a limited use in a residential district, the parking of business vehicles (other than an automobile, pick-up or panel truck used to provide daily transportation to and from work or a business vehicle parked temporarily while making a delivery or providing a service) and any vehicle with a carrying capacity of more than 1½ tons is prohibited, except when the following provisions apply:
   a. Such business vehicle may park within a fully enclosed structure that meets all other criteria of the zoning district and this UDO.
   b. Such business vehicle may park on the side (interior) or to the rear of the primary residential structure on the lot provided that the lot is 5 acres or larger, but in no case may be located closer than 100 feet from any lot line.
   c. Such business vehicle is used for the primary purpose of transporting children to and from State-licensed or accredited elementary, middle or high schools, provided such vehicle is parked off any public thoroughfare, on an all-weather surface, and in the side (interior) or rear yard.
2. **Nonresidential Districts.** Where parking of business vehicles is allowed as a limited use in a nonresidential district, it is subject to the following:
   a. Vehicles must be parked within the side (interior) or rear yard.
   b. Vehicles may not be parked within the side (street) or front yard, except vehicles parked temporarily while making a delivery, providing a service, or purchasing goods or services.

206-8.22. - Parking of Recreational Vehicles

A. **Defined**

Parking of recreational equipment such as boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. The use includes equipment for on-site agricultural uses.

B. **Use Standards**

Where parking of recreation vehicles is allowed as a limited use, it is subject to the following:

1. Vehicles or equipment may only be parked in a carport, enclosed structure, or in the side (interior) or rear yard on a paved

surface or approved grassed paving system and which connects to the driveway.

2. Vehicles or equipment parked in the rear yard, but not in a carport or an enclosed structure, must be at least 15 feet from the rear lot line and at least 5 feet from the all side lot lines.
3. Vehicles or equipment used for agricultural purposes on residential property with 5 or more acres are exempt from hard surface requirements if parked outside the required front setback.

206-8.23. - Parking or Storage of Watercraft

A. **Defined.**

The parking or storage of ships. boats, pontoons, personal watercraft, jet skis, canoes, kayaks, paddleboats, and any other devices designed for water travel.

B. **Use Standards**

Where parking of watercraft is allowed as a limited use, it is subject to the following:

1. There may be no more than two watercraft parked, stopped, or standing on any lot.
2. All watercraft must be located on an improved surface in a side (interior) or rear yard only, except as otherwise allowed by clause B.3 below.
3. All watercraft may be in a completely enclosed and safely erected roofed accessory structure.

206-8.24. - Portable Accessory Structure (PAS)

A. **Defined**

Any box-like storage container transported by truck or trailer to the desired location for drop-off with a storage capacity of more than 216 cubic feet that would normally be stored at an off-site location. Although these containers are often generically referred to by the trademarked brand name "PODS," this subsection applies to any brand of portable outdoor storage container meeting its specifications.

This definition does not include: 1) consumer fireworks retail sales stands licensed in accordance with O.C.G.A. title 25; 2) a contractor office trailer which is used in association with a land disturbance permit/site development permit approved by the Director; 3) semi-trailers or cargo trailers containing two or more tandem axles at the rear and which attaches to the tractor with a fifth wheel hitch; or 4) roll-off, open top dumpsters used for the collection and transport of solid waste, which are exempt under this subsection.

B. **Use Standards**

1. **Residential Districts.** Where a portable accessory structure is allowed as a limited use in a residential district, it is subject to the following:
   a. The PAS must be used as a convenient means of temporarily storing belongings relating to a move-in/move-out, or following damage by a fire or natural disaster or when the dwelling is undergoing renovation, repair or reconstruction.
   b. The PAS may not be used for permanent storage.
   c. The PAS may not be used to store commercial goods (i.e., used for retail sales), goods for property other than that of the residential property where the PAS is located.
   d. The PAS may not be used for the storage or repair of motorized vehicles of any type.
   e. Solid waste, recyclable materials, business inventory, refuse, and/or construction demolition debris cannot be stored in, against, on or under any PAS.
   f. Containment and/or storage of any combustible, flammable, or other hazardous materials within a PAS is strictly

prohibited.

g. The PAS must be placed flush on the ground as designed and not raised for underneath storage; cannot be stacked vertically or placed upon any structure.

h. The PAS may not exceed 16 feet in length, eight feet in width, or 8.5 feet in height.

i. The PAS may not be used for vegetative, human, and/or animal shelter or habitation.

j. No temporary or permanent electrical wiring shall be installed in or attached to a PAS.

k. When not attended, the PAS must be locked or secured to prevent unauthorized access or access by children.

l. During remodeling, renovation or other construction, the PAS may be used to store on-site tools, equipment and materials to be used, provided an active building permit has been issued for the property. The PAS must be removed upon completion or cessation of construction, or by the permit expiration, whichever is earliest.

m. The number of PAS's allowed on any developed lot or contiguous lots under the same ownership is limited as follows:

    i. One PAS may be used for the first 2,000 square feet of conditioned floor area of the principal dwelling. Two PAS's may be used for dwellings with 2,001 to 5,000 square feet of conditioned floor area. Three PAS's may be used for dwellings that exceed 5,000 square feet of conditioned floor area.

    ii. In no event may there be more than three PAS's placed on any developed lot or contiguous lots under the same ownership.

    iii. The above restrictions notwithstanding, when the principal structure on the property has been made uninhabitable as a result of a declared natural disaster, or a fire or other damaging event beyond the control of the owner, the Director may authorize the use of more than one PAS for on-site storage, provided the authorization for such use is dependent upon issuance of a building permit for the reconstruction/repair of the principal structure.

n. When possible, the PAS must be placed on the driveway or other hard-surfaced area and located at least 5 feet from the side (interior) lot line and 10 feet from a public or private street right-of-way.

o. The PAS may not be placed in the street or block any sidewalk or placed where it can obstruct or diminish a motor operator's view of other vehicles, bicycle or pedestrian ways, or placed in a manner that obstructs any fire hydrant.

p. The PAS may block or obstruct any required exits, parking spaces, and/or any driveways for access to multifamily dwelling units.

q. The PAS is not allowed within a required landscape strip; required landscape area; buffer area; areas that are considered environmentally sensitive; within any drainage easement; or on top of a septic tank or septic system drain field.

r. The placement of a PAS on a lot must not cause vehicles to be illegally parked (i.e., parked in the yard or on the street/right-of-way where the posted speed limit is above 25 mph).

s. The PAS must always be kept in good condition, free from weathering, discoloration, graffiti, rust, peeling/flaking paint, tearing or other holes or breaks, and other visible forms of deterioration or blight. The area around the PAS must be kept free of debris and litter and must be in strict compliance with the weed and refuse provisions of Chapter 300 Article 4 (Property Maintenance).

t. Duration/length of time allowed:

    i. Where a PAS is used for the storage of items for moving:

        a. First 30-day period in any 12-month period. No permit required.

        b. Second 30-day period in any 12-month period. Permit required.

        c. PAS must be removed on or before the 60th day from the initial drop.

    ii. Where a PAS is used during renovation, remodel or repair of the dwelling with an approved building permit being issued:

a. First 90-day period in any 12-month period. Permit required.

b. Thirty-day renewal period in any 12-month period. Permit required.

c. PAS must be removed on or before the 120th day from the initial drop, or upon issuance of a certificate of occupancy, whichever occurs first.

d. Permit fee will be waived/refunded upon providing proof of a filed insurance claim for the repair or damages caused by fire, water, lightning, fallen tree, or other unforeseen acts.

iii. Where a PAS is used due to a declared natural disaster with an approved building permit being issued:

a. *First 180-day period in any 12-month period:* permit required; however, permit fee is waived.

b. *Ninety-day renewal period in any 12-month period:* permit required; however, permit fee is waived.

c. PAS must be removed on or before the 270th day from the initial drop or upon issuance of a certificate of occupancy, whichever occurs first.

d. The Director has the authority to grant a one-time extension up to an additional 90 days.

e. In no event may a PAS be allowed to remain on any property for a period exceeding 1 year.

2. **Nonresidential Districts.** Where a portable accessory structure is allowed as a limited use in a nonresidential district, it is subject to the following:

a. The business owner and/or property owner upon which the PAS will be located must acquire a portable accessory structure permit from the City before locating any structure(s) on-site. Permits are valid for 1 calendar year and are required for each year a structure(s) will be located on-site. The City reserves the right to deny issuance or renewal of permits for those businesses/property owners not in compliance with said regulations.

b. The PAS may only be located within the designated side (interior) or rear yard of the associated business(es). The PAS may not be in front of the primary associated business. A site plan designating the proposed location of the structure(s) must be submitted with the portable accessory structure permit application. Said site plan must be approved by the fire marshal before submittal.

c. The PAS may not be visible from the public right-of-way and/or view or must be screened of sufficient height with materials similar to the main building façade or with landscaping to shield it from public view, as determined by the Director. Any required screening must be installed before the PAS may be located on-site. A rendering(s) of the screening materials must be submitted with the portable accessory structure permit application.

d. Revised parking ratio calculations that are in compliance with Sec. 207-1 Parking and Loading, must be submitted with the portable accessory structure permit application for any structure(s) to be located in a designated parking area.

e. If the applicant is not the property owner upon which the PAS will be located, the applicant must furnish to the City a letter from the property owner acknowledging understanding of all regulations concerning portable accessory structures and granting permission for the location.

f. The PAS must be constructed of rigid walls.

g. The PAS may not exceed 20 feet in height.

h. Storage of materials in these structures must be in association with the existing business only and must be an accessory use to the primary structure. Space may not be rented/leased for the use of these structures by off-site businesses.

i. The PAS may not be occupied (other than to add or remove materials from storage) and/or be used for retail sales.

j. The PAS must be stored at a single unit story height (no stacking).

k. No PAS may be furnished electrical power, gas, exterior lighting, telephone service, or any utilities, etc.

206-8.25. - Religious Accessory Uses

A. **Defined**

Accessory uses administered by a religious institution that are related directly to their place of worship.

B. **Use Standards**

Where a religious accessory use is allowed as a limited use, it is subject to the following:

1. Accessory uses to a place of worship must be directly related directly to the institution, and may include parks, athletic fields, stadiums, playgrounds, bookstores, soda shops, art galleries, restaurants, cafeterias, card and souvenir shops, clinics, medical and dental offices, and emergency lodging facilities, but not columbariums, except as allowed by clause B.2 below.
2. Columbariums are only allowed in the CI district and may be in any yard.

206-8.26. - Roofed Accessory Structure

A. **Defined.**

A small accessory building, such as a garage serving one dwelling unit, shed, gatehouse, gazebo, greenhouse, and similar accessory use, whether portable or not (except as provided for temporary storage containers), that are subordinate in use and size to the principal use. Excludes all garages except those serving one dwelling unit.

B. **Use Standards**

Where a roofed accessory structure is allowed as a limited use, it is subject to the following:

1. The maximum allowed cumulative total square footage of all accessory buildings is based on lot size as follows:
   a. *Lots under 10,500 sf.:* 500 square feet in area, excluding any accessory dwelling unit.
   b. *Lots 10,501 sf. to 0.99 acre:* 750 square feet in area, excluding any accessory dwelling unit.
   c. *Lots over 1 acre:* an amount equal to 50% of the floor area of the principal structure, up to a maximum 1,000 square feet in area, excluding any accessory dwelling unit.
2. No more than two roofed accessory structures are allowed on a single-family detached dwelling lot.
3. Roofed accessory structures under 120 square feet in floor area may not exceed 10 feet in height in a residential district.
4. Roofed accessory structures 120 square feet or more in floor area must abide by the following:
   a. Exterior walls of roofed accessory that are accessory to all uses, except single-family detached dwellings, must be finished with brick, stone, cement-based siding, or with materials and colors similar to that of the principal building.
   b. Exterior walls of roofed accessory that are accessory to single-family detached dwellings must be any material listed in sentence B.4.a above or factory finished powder-coated metal, except that pre-engineered metal buildings are not allowed.
   c. Roofing materials and roofing colors must match that of the principal building.
   d. Height may not exceed 20 feet in a residential district.
5. The construction of any roofed accessory structure over 20 square feet in floor area requires a building permit. All permit applications must indicate the proposed use of the structure and must include a drawing that shows the exact location on the property with distance(s) from the adjacent lot line(s).
6. The Director has the power to grant administrative variances to the requirements of clauses B.1 through B.5 above when the roofed accessory structure is accessory to a country club, golf course.

206-8.27. - Satellite Dish Antennas

A. **Use Standards**

1. Satellite dish antennas are only allowed in rear yards unless it can be documented that reception is impaired by such a

location. In this case, an antenna will be allowed in all side yards, but not a front yard.

2. Satellite dish antennas larger than 18 inches in diameter may not be located on the roof of a residential structure.

206-8.28. - Swimming Pool, Hot Tub, Spa, and Koi Pond

A. **Use Standards**

Above-ground and in-ground swimming pools, hot tubs, spas, koi ponds, and similar features must conform to the barrier and enclosure requirements of Section 303 of the International Property Maintenance Code.

206-8.29. - Unroofed Accessory Structure

A. **Defined**

An unroofed accessory structure such as, but not limited to, tennis courts, trampolines, playground equipment, fences, walls, walkways, flagpoles, retaining walls, gardens, decks and patios, fire pits, trellises, pergolas, clotheslines, amateur radio receive-only antennas under 75 feet in height, and similar uses not otherwise defined in this UDO.

Sec. 206-9. - Temporary Uses

Temporary uses are only allowed in the zoning districts specified in this section.

206-9.1. - Famers' Market

A. **Applicability**

Farmer's market is an allowed temporary use in all zoning districts.

B. **Defined**

The outside temporary display and sale of agricultural products sold directly by farmers. A farmers' market typically consists of booths, tables or stands where farmers sell fruits, vegetables, meats, and sometimes value-added farm products and prepared foods and beverages.

C. **Use Standards**

1. At least 75% of the displayed inventory of the products sold in each farmers' market must be farm products or value-added farm products.
2. At least 75% of the booths open during the market's hours of operation must be producers, or family members or employees or agents of producers.
3. If a booth sells farm products or value-added farm products that are not produced by the vendor, the booth must explicitly disclose the producer's name and location in writing with lettering that is at least 2 inches tall and visible to the consumer.

206-9.2. - Garden Market

A. **Applicability**

Garden market is an allowed temporary use in all zoning districts.

B. **Defined**

The outside temporary display and sale of agricultural products grown on-site. A garden market typically consists of booths, tables or stands where fruits, vegetables, meats, and sometimes value-added farm products and prepared foods and beverages are sold.

C. **Use Standards**

1. All displayed inventory of the products sold in each garden market must be farm products grown on-site.
2. All booths open during the market's hours of operation must be the on-site producers, or family members or employees or agents of said producers.

206-9.3. - Short-Term Rental

A. **Applicability**

Short-term rental is an allowed temporary use in all zoning districts.

B. **Defined**

An accommodation for transient guests where, in exchange for compensation, all or part of a dwelling unit is provided for lodging for a period not exceeding 30 consecutive nights per stay.

C. **Use Standards**

Short-term rental must comply with Article VII of Chapter 22 of the Snellville Code of Ordinances.

206-9.4. - Temporary Buildings and Signs

A. **Applicability**

Temporary buildings and signs are an allowed temporary use in all zoning districts.

B. **Defined.**

A temporary building, sign or buildings for use in connection with a construction project or subdivision development.

C. **Use Standards**

1. Temporary buildings and signs are only allowed on the land on which the project is being constructed during the duration of the construction period.
2. Temporary buildings related to a subdivision development must be removed when 100% of all lots are occupied.
3. If no activity occurs at the construction site within a consecutive 3-month period, all buildings and signs must be removed.
4. All temporary buildings and signs must secure an annual permit.
5. The City must hold the certificate of occupancy for the last structure until all temporary buildings and signs are removed.
6. Temporary signs must conform to the applicable standards of Sec. 207-6 (Signs) and must be removed immediately when all lots are occupied by completed homes.

206-9.5. - Temporary Events

A. **Residential, CI, and TC-R Districts**

1. Any place of worship, public school, or private school located in residential districts, CI, or TC-R districts; or any use in a CI district may carry out the following uses by temporary use permit for a period not to exceed 20 days or otherwise indicated:
   a. The sale of fruits or vegetables between April 1 and September 30.
   b. Charitable and nonprofit events.
   c. Pumpkin sales between September 15 and October 31.
   d. Christmas tree sales between November 1 and December 31.
   e. Carnival event (defined as an amusement show or civic fair usually including rides, games, sideshows or similar activities operated and sponsored by a bona fide civic or charitable organization) not to exceed 20 days provided no structure or equipment is located within 500 feet of any residential lot line.

f. Fireworks show between December 26 and January 1 (for New Year's) and June 30 and July 6 (for the 4th of July).

g. Consumer fireworks retail sales stand, licensed in accordance with O.C.G.A. title 25 for the New Years' holiday and/or July 4th holiday (one stand per property or institution).

h. When the above temporary uses are in a residential district or in the TC-R district, they may only occur on the premises of the place of worship or the public or private school carrying out the event.

2. Applicant must submit a completed temporary use permit application, along with fees as provided for on the City's fee schedule, unless exempt under clause A.3 below, for review and approval by the Director. Applicant must comply with all other applicable federal, State, County and City ordinances and regulations. A permit for any temporary use may be applied for up to six times per year per property. Violation of any of the following requirements may result in revocation of the permit or denial of future permits. The use and permit must conform to the following:

a. Written permission of the property owner must be provided.

b. Excess parking, ingress, and egress must be provided on-site or written permission must be obtained if provided on an adjoining property.

c. Trash receptacles must be provided and/or the permittee must secure the property owner's approval to dispose of refuse properly (if applicable).

d. Permitted uses may be no closer than 250 feet from the lot line of any dwelling unit.

e. Sales, displays, and other structures may not be located within 50 feet of the edge of any public street.

f. A sign (not a mobile sign) may be erected in accordance with the regulations for a temporary banner and/or feather flag but does require a separate sign permit.

g. The noise control ordinance of the Snellville Code of Ordinances must be complied with.

h. The hours of operation shall be from 7:00 a.m. to 11:00 p.m.

i. Permittee must indicate where employees or volunteers have permission to use restroom facilities.

3. Upon presentment of evidence of such, any organization that maintains a valid registration under Sections 501(c)(3) or Section 501(c)(6) of the Internal Revenue Code of the United States, is not subject to the temporary use permit fee assessed by the City, however, such permittee must still comply with all other applicable federal, State, County, and City regulations.

B. **BG, HSB, LM Districts**

1. **Definitions.** As herein, certain phrases used are defined as follows:

a. *"Goods and merchandise"* means tangible or movable personal property, other than money.

b. *"Holiday activities"* mean seasonal activities associated with federally-recognized holidays and Halloween.

c. *"Temporary"* means for a period not to exceed 20 days. A second permit for a temporary use on the same property may not be applied for or renewed within 90 days from the date of any prior approval of a temporary use.

d. *"Temporary use"* means for-profit activities involving the temporary outside sale of goods and merchandise in association with an existing business located on the premises as the principal use of the premises with such activities continuing for a period not exceeding 20 days. The term includes the sale of farm produce, carnival event, or the sale of Christmas trees from a property that is vacant or which contains a separate and distinct primary use. Temporary uses must occur in unenclosed areas.

2. Temporary uses may be authorized by temporary use permit and must comply with the following:

a. Peddling goods and merchandise not customarily sold on a day-to-day basis in the business which constitutes the principal use of the premises is prohibited.

i. *Exception:* Consumer fireworks retail sales stand, licensed in accordance with O.C.G.A. title 25 for the New Years' holiday and/or July 4th holiday.

b. Mobile food services and the preparation of food on-site are permitted as a secondary temporary outdoor activity for no mo days.

c. Written permission of the property owner must be provided.

d. Excess parking, ingress, and egress must be provided on-site or written permission must be obtained if provided on an adjoining property. Temporary uses are permitted only on property where such activities may not disrupt controlled vehicular ingress and egress or occupy required off-street parking spaces.

e. Trash receptacles must be provided and/or the permittee must secure the property owner's approval to dispose of refuse properly (if applicable).

f. These uses may be no closer than 250 feet from the lot line of any dwelling unit.

g. No display may be erected or installed, nor may any temporary uses take place, within 50 feet of any right-of-way.

h. Temporary uses are not allowed on lots under 2 acres in size.

i. No operator, employee, or representative of the operator of a temporary outdoor activity may solicit directly from the motoring public.

j. All temporary uses require an occupation tax certificate issued by the Department.

k. No more than one temporary use is permitted simultaneously on a lots under 5 acres.

l. Temporary uses, other than holiday activities and carnival events, must be conducted on a paved surface and not on grassed or landscaped areas.

m. A sign (not a mobile advertising sign) may be erected on the property provided it does not exceed a total of 16 square feet or 10 feet in height and is not placed within 20 feet of any public street.

n. The noise control ordinance of the Snellville Code of Ordinances must be complied with;

o. The hours of operation shall be between 7:00 a.m. and 11:00 p.m.

p. Indicate where employees have permission to use restroom facilities.

q. Christmas tree sales are permitted between November 1 and December 31. Only one temporary use permit is required for the duration of this use, which will count as one of the six allowable permits per applicant per year.

r. Pumpkin sales are permitted from September 15 through October 31. Only one temporary use permit is required for the duration of this use, which will count as one of the six allowable permits per applicant per year.

s. The sale of fruits or vegetables is permitted between April 1 and September 30. Only one temporary use permit required for the duration of this use, which will count as one of the six allowable permits per applicant per year.

t. Carnival event (defined as an amusement show or civic fair usually including rides, games, sideshows or similar activities operated and sponsored by a bona fide civic or charitable organization) not to exceed 20 days, provided no structure or equipment is located within 500 feet of any residential use lot line.

u. Carnival events and the sale of goods and merchandise associated with the primary use are not restricted to certain times of the year.

v. Consumer fireworks retail sales stand, licensed in accordance with O.C.G.A. title 25 for the New Years' holiday and/or July 4th holiday (one stand per property or institution).

w. A temporary use permit must be applied for and approved by the Department. All other permits and regulations of Gwinnett County and the City must be met. A permit for any temporary use may be applied for up to six times per year per applicant. Violation of any of these requirements may result in revocation of the permit or denial of future permits.

3. The Director has the power to grant administrative variances from the 90-day waiting period for a second or renewal permits to any permittee that maintains 75,000 square feet or more of indoor retail sales space.

4. Upon presentment of evidence of such, any organization that maintains a valid registration under Section 501(c)(3) or Section

501(c)(6) of the Internal Revenue Code of the United States, shall not be subject to the temporary use permit fee assessed by the City, however, such permittee must still comply with all other applicable federal, State, County, and the City regulations.

C. **LM District**

Recreational uses of a temporary nature are allowed by special use, provided no permanent construction or land disturbing activities are undertaken.

206-9.6. - Towne Center Outdoor Sales

A. **Applicability**

1. Towne Center outdoor Sales are only allowed as a temporary use in the Towne Center Overlay or the TC-MU district, and only when all its definitions and use standards are met. A temporary use permit is not required when these standards are met.
2. When this subsection's definition or use standards are not met, the temporary event standards of Sec. 206-9.5 apply.

B. **Defined**

The temporary outdoor display of products actively available for sale within the Towne Center Overlay or the TC-MU district. The use does not include the storage or sale of any items identified under outdoor storage or automated retail structures.

C. **Use Standards**

1. Towne Center outdoor sales areas must abut the street-fronting façade and may not extend more than 10 feet from the façade.
2. Towne Center outdoor sales may not exceed 6 feet in height.
3. Towne Center outdoor sales must be removed and placed inside a fully enclosed building at the end of each business day.
4. Towne Center outdoor sales may not encroach upon any public right-of-way or required sidewalk.

206-9.7. - Yard/Garage Sales

A. **Defined**

A sale of personal belongings or household effects held at a person's home, usually in the garage or front yard.

B. **Use Standards**

1. The duration of the sale may not exceed 72 hours.
2. A sale on a particular property may not occur more frequently than four times during any 12-month period.
3. No goods purchased for resale or consignment goods may be offered for sale.

ARTICLE 7. - SITE

Sec. 207-1. - Parking and Loading

207-1.1. - Applicability

A. **New Construction**

Any new building or use must comply with the parking requirements of this UDO.

B. **Maintenance and Repair**

An existing building or use may be repaired, maintained, or modernized without providing additional parking if there is no increase in a building's floor area or a use's improved site area.

C. **Additions**

When an existing building or use is increased in floor area by more than 200 square feet cumulatively, parking is only required for the additional floor.

D. **Change in Use**

1. A change in use based on Table 207-1.2.B must comply with the parking requirements unless the use has the same or a lesser parking demand than the previous use.
2. When the number of parking spaces required for a new by Sec. 207-1.2.B is 125% or less of the parking spaces required for an existing use, no additional parking spaces are required.
3. When the number of parking spaces required for a new use exceeds 125% of the required parking spaces for an existing use, additional parking is only required for the difference between the current parking spaces required and the parking spaces required for the new use.

207-1.2. - Parking Requirements

A. **Calculation of Required Parking Spaces**

1. Parking spaces must be provided in accordance with Sec. 207-1.2.B. Where a use is not specifically listed or only a broad use category is shown, the Director must categorizing the use in accordance with Sec. 206-1 (Use Classification).
2. When a site or lot is used for a combination of uses, the parking requirements are the sum of the requirements for each use, and no parking space for one use may be included in the calculation of parking requirements for any other use, except as allowed in Sec. 207-1.3 (Shared Vehicle Parking).
3. In determining the required number of parking spaces, fractional spaces are rounded to the nearest whole number, with one-half or more counted as an additional space.
4. Unless otherwise noted, the parking requirement is based on the floor area of the building devoted to the particular use specified.
5. Parking requirements also include outdoor dining areas that exceed 25% of a restaurant's floor area.

B. **Required Vehicle Parking Spaces**

1. Unless specifically otherwise stated in this parking section, vehicle parking spaces must be provided in accordance with Table 207-1.2.B.
2. Alternative parking requirements apply to shopping centers (see Sec. 207-1.2.C).

Table 207-1.2.B Vehicle Parking Requirements

Use	**Vehicle Parking (min.)**
Residential Uses	
All household Living, except as listed below:	1 per unit
Single-family attached dwelling	1 per unit + 1 per 4 units
Live-Work	2 per unit
All group living, as listed below:	

Boarding and rooming house	2 per unit
Collective residences	2 per unit
Continuing care retirement community	0.5 per bedroom or bed
Hospice	2 per unit
Monastery or convent	0.5 per bedroom or bed
Shelter	0.5 per bedroom or bed
Public/Institutional Uses	
All civic, as listed below:	
Fraternal organization and club, non-profit	1 per 300 sf.
Place of worship	1 per 4 seats in main auditorium (with fixed seating), or 1 per 200 sf. in main auditorium (with no fixed seating)
Community center	1 per 4 seats (rooms with fixed seating) + 1 per 500 sf. (areas with no fixed seating)
Colleges, public or private	5 per classroom
Non-profit private clubhouse	1 per 500 sf.
Non-profit private outdoor recreation	1 per 3,000 sf. of outdoor use area
Public buildings and use	1 per 500 sf.
Museum, library	1 per 500 sf.
School, public or private	3 per classroom
All parks and open space:	1 per 5,000 sf. of use area
All utilities:	None
Commercial Uses	
All adult entertainment establishments:	1 per 500 sf.

All day care, as listed below:	
Adult care centers	1 per 500 sf.
Day care centers	1 per 400 sf.
Family Day Care Home	2 per establishment
All event facilities:	1 per 3 seats (rooms with fixed seating) + 1 per 200 sf. (areas with no fixed seating)
All hotels, motels, extended stay hotels:	1 per guest room + as required for restaurants or event facility
All indoor recreation:	1 per 3 seats (rooms with fixed seating) + 1 per 200 sf. (areas with no fixed seating)
All medical, except as listed below:	1 per 500 sf.
Hospital, urgent care, emergency medical office	3 per bed
All office:	1 per 500 sf.
All outdoor recreation:	1 per 500 sf. + 1 per 2,000 sf. of outdoor use area
All passenger terminals:	None
All personal service, except as listed below:	1 per 500 sf.
Funeral home, mortuary	1 per 5 seats in chapel, or 1 per 100 sf. of public areas, whichever is greater
All restaurants (freestanding):	1 per 150 sf.
All restaurants (not freestanding):	1 per 300 sf.
All retail:	1 per 500 sf.
All vehicular, as listed below:	
Automobile parts store	1 per 750 sf.
Boat and recreational vehicle sales, rental, and service	1 per 1,000 sf., or 1 per 5,000 sf. of vehicle display area, whichever is greater

Car wash (full-service)	1 per 500 sf. + 4 stacking spaces per service bay
Car wash (other)	None
Gas station	1 per 500 sf.
Parking	None
Vehicle rental	1 per 500 sf., or 1 per 4,000 sf. of vehicle display area, whichever is greater
Vehicle sales or leasing	1 per 500 sf., or 1 per 4,000 sf. of vehicle display area, whichever is greater
Vehicle repair, minor or major	1 per grease rack or similar facility
Industrial Uses	
All craft manufacturing	1 per 2,000 sf.
All light industrial, except as listed below:	1 per 2,000 sf.
Sale, rental, or repair of heavy equipment	1 per 1,000 sf., or 1 per 5,000 sf. of vehicle display area, whichever is greater
All light manufacturing	1 per 2,000 sf.
All storage lots	None
All research and development	1 per 1,000 sf.
All self-service storage	1 per 500 sf. of office + 1 per 5,000 sf. other areas
All warehouse and distribution	1 per 2,000 sf.
All wholesale	1 per 2,000 sf.
Agricultural	
All crop and tree farming	None
Accessory Uses	

Accessory dwelling unit	1 per unit

C. **Small Nonresidential Use Exception**

1. Nonresidential establishments under 3,000 square feet in floor area must conform to these requirements in lieu of Table 207-1.2.B.
2. Nonresidential establishments, except restaurants, are not required to provide vehicle parking when located on a lot that contains another use or establishment.
3. Nonresidential establishments under 3,000 square feet in floor area must conform to Table 207-1.2.B when the establishment is a restaurant or is located on a lot that contains another use or establishment.

D. **Shopping Centers**

1. Shopping centers must conform to these requirements instead of Table 207-1.2.B.
2. Shopping centers under 15,000 square feet in floor area must provide at least 1 vehicle parking space per 500 square feet of floor area.
3. Shopping centers 15,000 square feet in floor area or larger must provide at least 1 vehicle parking space per 1,000 square feet of floor area.

207-1.3. - Shared Vehicle Parking

A. Applicants wishing to use shared parking as a means of reducing the total number of required spaces may submit a shared parking analysis using the Urban Land Institute (ULI) Shared Parking Model (latest edition).

B. The study must be provided in a form established by the Director.

C. Reductions in the total number of required spaces for shared parking are not allowed unless the Director determines a reduction is appropriate on a case-by-case basis using the ULI Shared Parking Model (latest edition).

D. Uses providing shared parking must either have mutually exclusive or compatibly overlapping normal hours of operation. The Director will determine if the hours of operation are compatibly overlapping on a case-by-case basis using the ULI Shared Parking Model (latest edition).

207-1.4. - Location of Vehicle Parking

A. **On-Site Parking Required**

Required vehicle parking spaces must be located on the same lot or site that they are intended to serve, except as provided below.

B. **On-Street Parking**

1. Where on-street parking spaces exist in the public or private street right-of-way, one on-street parking space may be substituted for every one required on-site parking space, provided the on-street space immediately abuts the subject property.
2. Each on-street parking space may only be counted for one property. Where a space straddles an extension of a lot line, the space may only be counted by the owner whose property abuts 50% or more of the on-street parking space.
3. The Director may determine that to ensure future roadway capacity, the on-street parking credit may not be available.

C. **Remote Parking**

1. Required vehicle parking spaces may be located off-site, provided the remote parking spaces are located within 500 feet of

the primary entrance of the use served and are located within the same or more intense zoning district as the use served.

2. Applications for remote parking must submit the following:
   a. A to-scale map indicating the location of all proposed parking spaces;
   b. Written notarized consent of all property owners agreeing to the remote parking; and
   c. Lease agreements.
3. Lease agreements must be for a term of not less than 1 year to serve the use or uses proposed to be satisfied by the off-site leased parking. Each year the use is renewed (as shown by the renewed application for a business license), the applicant for the business license must show a current lease agreement for not less than 1 year for the necessary off-site parking. Lack of a current lease automatically terminates remote parking authorization.
4. The distances referred to above is measured by the most direct route of travel on the ground and are measured in the following manner:
   a. From the front door of the principal structure on the applicant's property;
   b. In a straight line to the nearest sidewalk, street, road, or highway;
   c. Along a sidewalk, walkway, street, road, or highway by the nearest route; and
   d. To the edge of the off-site parking area to be used by the applicant to meet parking requirements.

207-1.5. - Accessible Parking

A. **General Provisions**

1. Accessible parking spaces must be provided in accordance with the requirements of the Americans with Disabilities Act (ADA) (Public Law 101-136), the State Building Code, and the American National Standards Institute.
2. The minimum required number of on-site accessible spaces is as provided below. Accessible spaces count toward the requirements of Sec. 207-1.2.

Total Parking Requirement	Handicapped Spaces Required
Up to 25	1 min.
26—50	2 min.
51—75	3 min.
76—100	4 min.
101—150	5 min.
151—200	6 min.
201—300	7 min.
301—400	8 min.
401—500	9 min.

501+	2% of total required min.

B. **Location**

Accessible parking spaces serving a specific building must be located on the shortest accessible route of travel from the parking area to an accessible entrance. In parking facilities that do not serve a specific building, or in buildings with multiple entrances, accessible parking must be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.

C. **Signs**

Accessible parking spaces must be designated as reserved by a sign showing the symbol of accessibility. These signs must be located so that they cannot be obscured by a vehicle parked in the space.

207-1.6. - Bicycle Parking

A. **Bicycle parking must be provided in accordance with the following:**

1. Nonresidential uses with 20 or more vehicle parking spaces must provide at least one bicycle parking space, plus one space for each additional 20 required or provided vehicle parking spaces, subject to clause A.3 below.
2. Multifamily, Towne Center Flat, and Towne Center loft uses must provide at least one bicycle parking space for each five dwelling units.
3. No use that is required to provide bicycle parking may provide fewer than three spaces nor be required to provide more than 30 spaces.

B. **Bicycle parking must comply with the following:**

1. Bicycle racks must be securely anchored, be easily usable with both U-locks and cable locks, and support a bicycle at two points of contact to prevent wheel and frame damage.
2. Bicycle parking must be provided in a well-lit area.
3. Spacing of the bicycle racks must provide clear and maneuverable access.
4. Exterior bicycle parking may be placed in the adjacent sidewalk planter in a way that does not obstruct the use of the sidewalk.
5. Exterior bicycle parking spaces must be as close as or closer than the nearest vehicle parking space (as measured along a pedestrian walkway from the door of the use the parking serves).
6. Interior bicycle parking must be located on the ground level and be accessible to the outside without the exclusive use of stairs

207-1.7. - Vehicle Parking Layout and Design

A. **Access**

1. On-site parking must be arranged so that no vehicle is forced to back out onto a public street or forced to use a public street, not including an alley, to gain access from one parking aisle to another parking aisle.
2. Interior driveways must connect each parking space with a public right-of-way.

B. **Standard Driveway and Parking Space Dimensions**

1. Standard driveways and parking spaces must meet the following dimensions:

Dimension	0° Parallel (A)	0° Diagonal (A)	45° Diagonal (A)	60° Diagonal (A)	0° Perpendicular (A)
Space Width (B)	10 ft.	9 ft.	9 ft.	9 ft.	9 ft.
Space length (C)	20 ft.	17.5 ft.	17.5 ft.	17.5 ft.	18 ft.
Single Driveway Aisle Width	10 ft. min.	15 ft. min.	18 ft. min.	18 ft. min.	24 ft. min
Double Driveway Aisle Width	20 ft. min.	20 ft. min.	22 ft. min	22 ft. min.	24 ft. min

2. Dimensions other than those shown above may be approved by the Director if prepared and sealed by a registered engineer in the State of Georgia with expertise in parking facility design. The Director may also approve tandem parking spaces, but such spaces may not count toward the requirements of Sec. 207-1.2 unless associated with valet parking or residential uses.

C. **Compact Parking**

1. Compact car parking spaces may be used instead of standard parking spaces. The total number of compact car parking spaces may not exceed 25% of the total number of provided parking spaces.
2. Compact spaces may be reduced to 8 feet in width and 16 feet in depth.
3. Compact parking spaces must be clearly and visibly striped and labeled for compact car use only.

D. **Accessible Parking Space Layout and Design**

1. Accessible parking spaces must be at least 9 feet wide with a minimum 5-foot-wide access aisle.
2. Accessible van spaces must be at least 11 feet wide with a minimum 5-foot-wide access aisle.
3. Parking access aisles must be part of an accessible route to the building or facility entrance.
4. Two adjacent accessible parking spaces may share a common access aisle.

E. **Surfacing and Lighting**

The following applies to parking and driveways for all uses, except single-family detached dwellings in residential districts, which must conform to 207-1.11.C (Residential District Driveway and Parking Surfacing).

1. Off-street parking spaces, access, and driveways must have a paved concrete or asphalt surface. The Director may approve alternative pervious paving systems. Gravel driveways and parking are not allowed.
2. The parking of any vehicle on other than the acceptable pavement in clause E.1 above is not allowed.
3. If the off-street parking facilities are used at night, they must be properly illuminated for the safety of pedestrians, vehicles, and security. The lighting may not reflect onto or cause glare in any adjacent residential district and must conform with Sec. 207-5 (Lighting).

F. **Pedestrian Circulation**

1. Pedestrian walkways connecting from the closest street sidewalk to the building entrance must be provided in parking lots with 20 or more vehicle parking spaces.
2. Pedestrian walkways must be at least 5 feet wide and must include a landscape strip that is at least 5 feet wide on at least one side. This strip must be continuous (except where the walkway crosses internal driveways) and must be planted with trees as specified [herein].
3. The total distance from a building entrance to the closest street sidewalk (measured along the walkway) may not exceed 150% of the shortest straight-line distance.
4. Where walkways cross internal driveways, pedestrian walkways must include raised walkways to slow traffic and provide safe access.
5. No parking spaces may be more than 150 feet from a pedestrian walkway.
6. Pedestrian walkways have curbs to prevent vehicular encroachment.

G. **Drive-Thrus**

1. Drive-thru windows and lanes may not be located between a building and the closest public street (not including an alley).
2. Where drive-thru windows and lanes are allowed (by variance or otherwise) between a public street (not including an alley) or a ground-floor residential use and the associated building, the entire length of the drive-thru lane, including but not limited to, menu boards, stacking lanes, trash receptacles, ordering box, drive-up windows, and other objects associated with the drive-thru must be screened.

3. Drive-thru screening must be a continuous compact evergreen hedge. At the time of installation, the screening must be at

least 3 feet in height and reach a height of 4 feet within 3 years of planting.

4. In lieu of the compact evergreen hedge, a screening wall with a minimum height of 4 feet may be installed. The wall must be compatible with the principal building in terms of texture, quality, material, and color.
5. A minimum of 10 feet wide driveway and stacking lane is required for any drive-thru.
6. A vehicular circulation plan must be submitted to the Director before issuing building permits. The plan must be reviewed to determine that the circulation does not:
   a. Constitute a threat to public safety; or
   b. Block access to and from parking spaces.

H. **Large Parking Facility Requirements**

Parking facilities with 500 or more parking spaces must incorporate one of the following:

1. At least 10% of total parking surface lot area (gross surface area) must use porous paving or grass paving systems, such as "Grasscrete" or "Grasspave;" or
2. At least 10% of the total number of parking spaces must be in a multi-level parking deck.

When a small number of additional pervious parking spaces are required by clause H.1 above, an administrative variance may be approved by the Director in an amount not to exceed ten additional spaces.

207-1.8. - Vehicle Parking Location

A. **Exceptions**

This subsection does not apply in zoning districts where building types are used to determine the location of vehicle parking.

B. **Parking Location Limitations**

Buildings under 10,000 square feet of floor area, except single-family detached dwellings and two-family dwellings, located on lots that are all or partially within 300 feet of State Route 124 or State Route 10/United States Highway 78, must conform to the following:

1. No more than 20% of parking areas (surface area) may be located between a building and abutting public streets.
2. No more than one double row of parking may be located between a building and abutting public streets.
3. No more than 20% of parking areas (gross surface area) may be located between a building and a side (interior) lot line.
4. The Director may administratively reduce front setbacks or side (street) setbacks when parking cannot otherwise be accommodated.

207-1.9. - Vehicle Loading

A. **Loading Not Required**

If determined necessary by the Director, adequate space must be made available on-site for the unloading and loading of goods, materials, items or stock for delivery and shipping, otherwise, on-site loading space is not required.

B. **Location**

If a loading area is provided or required, it must meet the following:

1. Except for areas specifically designated by the City, loading and unloading activities are not permitted in a public street, not including an alley.
2. Loading and unloading activities may not encroach on or interfere with the use of sidewalks, drive aisles, stacking areas and parking areas by vehicles, bicycles, or pedestrians.

3. In the OP, BN, BG, HSB, CI, TCO, and TC Districts, loading areas must be located to the side (interior) or rear of buildings, but not building and a public or private street (not including an alley).

C. **Screening**

If an off-street loading area is provided or required, it must meet the following:

1. Where a loading dock is placed between a public or private street (not including an alley) or a shared lot line and the associated building, the entire length of the loading area must be screened.
2. Screening must consist of an 8-foot high wall compatible with the principal building in terms of texture, quality, material, and color, except as provided in clause C.3 below.
3. The Director may grant an administrative variance to allow evergreen plant material in lieu of an 8-foot high wall if a landscape plan is submitted demonstrating that said plant material will provide an equal or greater level of screening (within 3 years of planting) and includes adequate long-term maintenance provisions.

D. **Design**

If an off-street loading area is provided or required, it must meet the following:

1. Each loading stall must be a minimum of 10 feet wide and 30 feet in length, unless the applicants submits evidence that a shorter stall will accommodate the anticipated loading vehicle, subject to approval of the Director.
2. All off-street loading stalls must have access from an alley, or if there is no alley, from a public or private street.
3. All off-street loading stalls and access must be provided with a paved, dust-free surface.
4. If loading stalls are to be used at night, they must be properly illuminated for the safety of pedestrians, vehicles and for security. Lighting must be designed to preclude light spill onto adjacent properties.

207-1.10. - Prohibited Uses of Parking

The following are prohibited in required off-street parking areas:

A. The display for sale of all types of vehicles except for private individuals selling one personal vehicle from a residence or a licensed dealership.
B. The display, storage or sales of any goods or merchandise, except as part of an authorized farmers' market or temporary event.
C. Motor vehicle repair except for temporary repair to make the vehicle operable to move off-site.

207-1.11. - Residential District Parking

A. **Prohibited Vehicle Parking**

Parking of the following vehicles is not allowed in residential districts: any vehicle for hire including but not limited to, limousines, taxis, box trucks, flatbed trucks, dump trucks, tow trucks, transport wreckers, tandem axle trucks, cab-on-chassis trucks, tractor trailers, pull behind cement mixers, or trailers (including, but not limited to, flat bed, drop deck, auto hauler, concession trailer, dump body trailer, gooseneck, logging, low-boy, tank, tilt, livestock, horse, etc.), bucket trucks, buses, earthmoving machinery, semi-trailers, and this restriction also applies to any vehicle over 20 feet in length, or 7 feet in height, or 7 feet in width. Vehicles used for agricultural purposes on residential property with 5 acres or more are allowed if parked outside the required front yard.

B. **Allowed Vehicle Parking**

Notwithstanding paragraph A above, parking of the following vehicles is allowed:

1. An automobile, pick-up truck, van, or SUV used to provide daily transportation to and from work, except those vehicles that fall under the requirements of Sec. 206-8.12 (Home Occupation).

2. Utility and box trailers less than 12 feet in length.
3. Business vehicles when in conformance with Sec. 206-8.21 (Parking of Business Vehicles).
4. No more than four vehicles, including utility and box trailers, per dwelling unit may be parked, stopped, standing, or stored on any lot. The Director is authorized to allow more than four vehicles when the occupants of the dwelling unit can prove that the number of vehicles does not exceed the number of licensed drivers in the dwelling and the vehicle is operable, or when the vehicle is more than 30 years old.
   a. All vehicles and trailers of any kind found, parked, stopped, standing, or stored that require licenses, emission stickers, tags, titles, tax payment receipts, or registration with State or federal agencies, must properly display all required certifications for operation in the State or they will be cited as abatable nuisances under City ordinance and State law, and, if applicable, will otherwise be cited for other registration or display compliance failures.
   b. Each lot may have additional vehicles, including trailers, parked, stopped, standing, or stored, so long as they are in a safely erected and maintained enclosed she1ter, not visible from the public right-of-way or adjoining properties, where the entire floor area under the roof of the enclosed shelter is made of concrete, asphalt, gravel, other improved surface.

C. **Driveways and Parking Surfacing**

The following only applies to driveways and parking serving single-family detached dwellings. All other uses must conform to Sec. 207-1.7.E (Surface and Lighting).

1. Driveways must be paved with concrete and additional parking must be constructed out of concrete, asphalt, or an alternative pervious paving, as allowed by clause C.3 below. Gravel driveways and parking are not allowed.
2. The parking of any vehicle on any surface that is not allowed by clause C.1 above is not allowed.
3. The Director may grant administrative variances to allow construction of additional hard-surface parking areas in a side (interior) or rear yard, adjacent to an existing driveway, for the purposes of overflow parking where, in their opinion, the intent of this UDO can be achieved and equal performance obtained by granting a variance. Examples of materials that the Director may approve include, but are not limited to, brick, cobblestone, or pavers set in concrete or similar hard surfaces.

207-1.12. - Nonresidential District Parking

A. **Vehicle Parking Layout and Design**

Vehicles in nonresidential districts must park in a parking space that conforms to Sec. 207-1.7 (Vehicle Parking Layout and Design).

B. **Overnight Parking**

1. The overnight parking of vehicles is not allowed in nonresidential districts, unless serving an on-site residential use or an off-site residential use subject to a remote parking arrangement in conformance with Sec. 207-1.4.C.
2. The overnight parking of business vehicles, including all tractor trailers, is not allowed in nonresidential districts unless in conformance with Sec. 206-8.21 (Parking of Business Vehicles).

C. **Additional BG, HSB, LM District Standards.**

Parking in the required front yard must provide a minimum 10-foot landscaped strip and curb is provided adjacent to the right-of-way so that no automobile can back into the bordering street.

D. **Additional CI District Standards**

Parking is not allowed in a front yard or side (street) yard.

Sec. 207-2. - Buffers and Screening

207-2.1. - Buffers

A. **Applicability**

This subsection applies to any Development Permit or Substantial Building Permit, except those involving individual single-family detached and two-family dwellings. Permit applications must include a separate landscape plan that has been prepared and sealed by a Georgia registered landscape architect, certified arborist, or Georgia registered forester.

B. **Buffer Requirements**

A buffer is required as follows:

1. New projects must provide a buffer strip along lot lines that abut another existing zoning district when indicated in Table 207-2.1.B, unless otherwise allowed by clause B.2 below.
2. When a buffer is required by Table 207-2.1.B, but the existing adjacent site is designated for commercial, office institutional, or light manufacturing in the future land use plan, the buffer may be eliminated or reduced with the written consent of the abutting property owner.

Table 207-2.1.B. Minimum Buffer Strip Requirements

New Project Zoning	Existing Adjacent District									
	RS-30	RS-15	RS-5	R-DU	R-TH	RM	RX	RO-62	PRC	TC-R
SP [1]	15 ft.	15 ft.	15 ft.							
RM	15 ft.	15 ft.	15 ft.							
RX	15 ft.	15 ft.	15 ft.							
RO	15 ft.	15 ft.	15 ft.							
OP	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.
BG	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.
HSB	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.
MU	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.
NR	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.
LM	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.
TC-R	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	
TC-MU	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	

CI	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.

Table Notes

[1] Residential district use allowed by special use

C. **Minimum Buffer Strips**

All buffers must be established in accordance with the following:

1. Buffers must be undisturbed and may contain no structures except walls, fences, or structures otherwise allowed in the buffer by this UDO.
2. When the buffer includes a utility or pipeline easement, a buffer area at least 20 feet wide is required outside of the easement, except as may be permitted by paragraph D below.
3. Screening must be established in buffers along the entire length of the side (interior) and rear lot lines. However, this requirement may be adjusted in order to observe the site distance required in Sec. 201-1.8 or as a condition of zoning, special use, or variance approval, or as approved by the Director.
4. Nonresidential uses that abut residential districts must provide dense landscaping to provide visual screening. A 5-foot high permanent berm may be required in the first 20 feet of the buffer at a 2:1 slope, as determined by the Director. The slope is measured from the elevation of the residential property. The top of the berm must be planted in accordance with paragraph G below. The top of the berm and the side facing the residential property must be planted with a staggered row of evergreen trees.
5. A 20-foot, undisturbed buffer is required when a nonresidential use is separated from a residential district by a public right-of-way that is 60 feet wide or less. No access through this buffer is allowed. The buffer may be reduced or eliminated with the written consent of the affected residential property owner.

D. **Reduction in Width**

The width of the buffers required in Table 207-2.1.B may be reduced (excluding stream buffer and setback requirements), as appropriate, by administrative variance, only when:

1. An opaque 8-foot high screening wall, but not fencing, is provided in the buffer, in which case the buffer width may be reduced by 50%;
2. It is clearly demonstrated that existing topography and/or vegetation in the reduced area is sufficient to achieve the visual screening that is otherwise required by the buffer and screening requirements by this section; or
3. It is clearly demonstrated that, for topographic reasons, a fence, wall and/or other screening device required by this section, could not possibly screen activities conducted on ground level from view from the normal level of a first story window on any lot in a residential district abutting the use.

E. **City Council Requirements**

The City Council may:

1. Reduce or eliminate the buffer requirement as part of rezoning or special use permit approval;
2. Increase the minimum required buffer width as a condition of zoning or special uses permit approval; and/or
3. Require temporary construction buffers as a condition of zoning or as a special use approval.

F. **Designation On-Site Plan**

Buffers must be designated on the appropriate permit application and indicated on the required site plan or final subdivision plat as "Undisturbed Buffer" or "Temporary Construction Buffer" as provided in this UDO. Orange fencing indicating buffer limits must be installed before development.

G. **Type of Screening Buffer and Landscaping**

When the Director determines that the natural vegetation and topography are insufficient to achieve the desired level of screening, a screening buffer and landscaping must be provided as follows:

1. Newly planted landscaping must be of a species identified in Table 207-2.1.C.
2. All overstory and understory trees must be a minimum of 4-inch caliper at planting.

Table 207-2.1.C. Screening Buffer and Landscaping Species

Common Name	Botanical Name	Min. Height (at planting)	Max. Spacing within Rows (on-center)	Notes	Form
Thuja standishii x plicata "Green Giant"	Green Giant Arborvitae	6 ft.	12 ft.	Sun to partial shade	Overstory
Tsuga canadensis	Eastern Hemlock	6 ft.	10 ft.	Sun	Overstory
Cedrus deodara	Deodar Cedar	6 ft.	12 ft.	Sun, drought tolerant	Overstory
Juniperus virginiana	Eastern Red Cedar	6 ft.	10 ft.	Sun	Overstory
Pinus virginiana	Virginia Pine	6 ft.	6 ft.	Sun	Overstory
Cryptomeria japonica	Japanese Cryptomeria	6 ft.	15 ft.	Sun	Overstory
Magnolia grandiflora	Southern Magnolia	6 ft.	15 ft.	Sun to shade, drought tolerant	Overstory
Ilex opaca	American Holly	6 ft.	8 ft.	Sun to shade, drought tolerant	Understory
Ilex x attenuata "Savannah"	Savannah Holly	6 ft.	8 ft.	Sun to shade, drought tolerant	Understory
Ilex x attenuata "Fosteri"	Foster Holly	6 ft.	8 ft.	Sun to shade, drought tolerant	Understory

Ilex x "Nellie R. Stevens"	Nellie R. Stevens Holly	6 ft.	8 ft.	Sun to shade, drought tolerant	Understory
Ilex vomitoria	Yaupon Holly	6 ft.	6 ft.	Sun to shade, drought tolerant	Understory
Myrica cerifera	Southern Wax Myrtle	6 ft.	10 ft.	Sun, drought tolerant	Understory
Osmanthus americanus	Devilwood	6 ft.	8 ft.	Semi-shade	Understory
Prunus caroliniana	Carolina Cherry Laurel	6 ft.	8 ft.	Sun to semi-shade, drought tolerant	Understory
Loropetalum chinense	Loropetalum	3 ft.	5 ft.	Semi-shade	Shrub
Agarista populifolia	Florida leucothoe	3 ft.	5 ft.	Shade	Shrub
Illicium floridanum	Florida Anise	3 ft.	8 ft.	Shade	Shrub
Illicium parviflorum	Small Anise-Tree	3 ft.	8 ft.	Semi-shade to full shade	Shrub
Pyracantha koidzumii	Formosa Firethorn	3 ft.	8 ft.	Sun, drought tolerant	Shrub

H. **Maintenance**

Buffer plantings must be guaranteed for the life of commercial, industrial, office, mixed-use, or residential developments. Necessary trimming and maintenance must be performed in accordance with ANSI standards to maintain the health of the plant materials, to provide an aesthetically pleasing appearance, and to assure that the buffer actually serves the purpose for which it is intended. Any dead, diseased, or dying landscape must be replaced with similar species that conform to the minimum size requirements for new plantings required by this section.

207-2.2. - Screening

A. **Applicability**

This subsection applies to any development permit or building permit.

B. **Service Areas and Dumpsters**

1. Trash and recycling collection, dumpsters, and other similar service areas must be located to the side (interior) or rear of buildings and may not be between a building and the street.

2. Service areas and dumpsters must be screened on three sides by a wall a minimum of 8 feet in height and on the 4th side by a s a minimum of 8 feet in height. Dumpsters for construction and debris materials are allowed for 30 days or with an active buildin and are exempt from screening requirements.
3. The wall must be opaque and be constructed of one or a combination of the following: decorative blocks; brick; stone; cast-stone; split-faced block; or true hard coat stucco over standard concrete masonry blocks.
4. The gate must be opaque, self-locking, and maintained in good working order.

C. **Roof-Mounted Equipment**

1. Rooftop mechanical equipment (such as exhaust fans and rooftop mechanical units) and satellite dishes must be screened from ground-level view on all sides. A reduction in screening may be granted by administrative variance when the Director finds that the mechanical units and satellite dishes are otherwise not visible from ground level.
2. New buildings must provide a parapet wall or other architectural element that is compatible with the principal building in terms of texture, quality, material, and color that fully screens roof-mounted equipment from ground-level view.
3. For buildings with no or low parapet walls, roof-mounted equipment must be screened from ground-level view on all sides by an opaque screen compatible with the principal building in terms of texture, quality, material, and color.

D. **Wall-Mounted Equipment**

Wall-mounted equipment more than 2 feet in height or length and satellite dishes of any size must conform to the following:

1. Wall-mounted equipment and satellite dishes located on any surface that is visible from a public street (not including an alley) must be fully screened by an opaque wall or fence that is compatible with the principal building in terms of texture, quality, material, and color.
2. Screening must be of a height equal to or greater than the height of the mechanical equipment being screened.

E. **Ground-Mounted Equipment**

Ground-mounted equipment more than 2 feet in height or length and satellite dishes of any size must conform to the following:

1. Ground-mounted mechanical equipment and satellite dishes that are visible from a public street (not including an alley) must be fully screened by an opaque wall or fence that is compatible with the principal building in terms of texture, quality, material, and color.

2. Screening must be of a height equal to or greater than the height of the mechanical equipment or satellite dish being screened.

F. **Window-Mounted Equipment**

Window-mounted equipment, such as conditioners, is prohibited for all uses except single-family detached dwellings and two-family dwellings.

G. **Other Accessory Structures and Uses**

Utility structures, maintenance structures, and other accessory structures or uses not identified in paragraphs B through F above, or in paragraph H below, located on properties not zoned RS-30, RS-15, or RS-5 must conform to the following:

1. The accessory structure or use must be surrounded on three sides by a minimum 5 feet wide landscape strip and a maximum 8-foot high solid enclosure of the same or similar materials as the front facade of the primary structure.
2. Assuming the accessory use has four sides, the side not screened may not be visible from a public street. The Director may reduce the number of sides for which the landscape strip or solid enclosure is required, provided no portion of the accessory structure is visible from a public street.

H. **Other Screening Requirements**

Certain uses such as junk or salvage yard operations and other commercial and industrial operations requiring the storage of inoperative equipment or vehicles for prolonged periods of time could present unsightly views or health hazards. To preclude this from occurring, the Director may require such operations to be completely enclosed with a fence or wall which totally obscures views of the property from adjacent public streets, built to a height greater than that of the height of the highest piece of equipment or vehicle stored on the property. Such fences or walls must be constructed of solid materials.

207-2.3. - Fences and Walls

A. **All Districts**

1. Fences and walls must be maintained in a structurally sound condition and in good repair. Fences must be free from loose or rotting materials and must have braces and supports attached or fastened in accordance with common building practices.
2. Exposed concrete block, tires, scrap metal, sheet metal, plastic/fiberglass sheeting, vinyl siding or fabric, plywood, pallet material, junk or other discarded items are not allowed as fence or wall materials.

B. **Nonresidential Districts**

1. **Applicability**

This paragraph applies to all fences and walls, except temporary fences and walls associated with permitted land disturbing activities in accordance with Sec. 103-3, and permitted building activities in accordance with Sec. 103-4, and temporary tree protection fences in accordance with Sec. 207-4 (Tree Ordinance).

2. **Height**

No fence or wall may exceed the building height allowed in the zoning district or the roof level of the principal building, whichever is less.

3. **Fences in Landscape Strips**

Walls and fences are only allowed in side (interior) yard and rear yard landscape strips when they are installed to satisfy the use standards of Chapter 200, Article 6 (Use Provisions) or Sec. 207-2.2.H (Other Screening Requirements). Walls and fences are not allowed in front yard or side (street) yard landscape strips, nor within 5 feet of any right-of-way (not including an alley).

4. **Fences in Front or Side (Street) Yards.**

Fences are only allowed in front or side (street) yards, but not within a required landscape strip, when they conform to the

following:

a. The fence must be constructed as a wrought iron-style fence with brick or stacked stone columns (max. 30 feet on-center).
b. The fence may not exceed 5 feet in height, except that column or gatepost within the fence may not exceed 6 feet in height.
c. The fence must be adjacent to a required landscape strip or adjacent to an additional landscape strip at least 5 feet deep in depth. The additional landscape strip must be continuous and placed between the fence and the front or side (street) lot line, as applicable.
d. The Director may waive this requirement as an administrative variance when the use standards of Chapter 200 Article 6 (Use Provisions) or Sec. 207-2.2.H (Other Screening Requirements) require an alternative fence or wall standard.

5. **Fence Material**

All fences, except those subject to clause B.5 above, must conform to the following:

a. Fences must be constructed of high-quality materials including one or a combination of the following: wood; wrought iron; composite fencing, PVC; aluminum; metal; or any material allowed in clause B.5.b below for walls.
b. Walls must be constructed of high-quality materials including one or a combination of the following: decorative blocks; brick; stone; cast-stone; split-faced block; true hard coat stucco over standard concrete masonry blocks; and glass block.
c. Wire and woven metal are not allowed unless it is chain link located in a rear or side (interior) yard.
d. Barbed wire and razor wire are not allowed unless located in a rear or side (interior) yard in the HSB or LM district.

C. **Residential Districts**

1. **Applicability**

This paragraph applies to all fences and walls except temporary fences and walls associated with permitted land disturbing activities in accordance with Sec. 103-3, permitted building activities in accordance with Sec. 103-4, or temporary tree protection in accordance with Sec. 207-4 (Tree Ordinance).

2. **Height**

a. No wall or fence may exceed 4 feet in height within the front yard, except that any gate or gatepost within the wall or fence may not exceed 6 feet in height.
b. No wall or fence may exceed 8 feet in height within a side or rear yard.

3. **Height Exceptions**

The height standards of clause C.1 do not apply in the follows:

a. A fence, wall or hedge that encloses an approved stormwater management facility may be a maximum of 6 feet in height.
b. A fence or wall enclosing a tennis court may be a maximum of 12 feet in height.
c. City Council may condition the approval of a rezoning or special use permit to require that walls or fences of a height in excess of these regulations must be placed in any yard where such a wall or fence is necessary to provide screening.
d. A fence or wall on a corner lot, located in the front yard, where the side of the principal dwelling is also located in the front yard may be a maximum of 8 feet in height.
e. A fence or wall on a corner, located in the side (street) yard, may be a maximum of 8 feet in height when it set back from the right-of-way at least 50% of the required side (street) setback.
f. Through lots that require a no-access landscape strip per Sec. 207-3.2.B may have a fence up to 8 feet in height adjacent to the no-access landscape strip.
g. Screening required by Sec. 207-2.2.

4. **Fence Material**
   a. No wall or fence made of woven wire or metal fabric (chain link, hog wire, barbed wire) may extend into a front or side (street) yard, except fences enclosing stormwater facilities may be vinyl coated chain link. Woven wire or metal fabric fences may extend into a front yard when on lots 3 acres or larger. Razor wire is not allowed.
   b. Any wall or fence which extends into the front yard or side (street) yard on lots under 3 acres must be ornamental or decorative and may be constructed of brick, stone, wood, true hard coat stucco, wrought iron or split rail; provided that no wall or fence must be constructed of exposed concrete block, tires, junk or other discarded materials.
5. **Subdivision Entrance Features**

   Walls, fences, or hedges incorporated into a subdivision entrance feature may not exceed 10 feet in height and are subject to review and approval by the Director after the submission of a landscape plan, site plan, and architectural review.

Sec. 207-3. - Landscaping

207-3.1. - General

A. **Title**

   This section is known as the "Landscape Ordinance."

B. **Purpose**

   The purpose of this section is to preserve and enhance Snellville's natural environment. This is accomplished through the preservation, protection, and planting of trees and other landscape material, particularly those trees recognized herein as canopy and understory trees, and the provision of natural and/or planted buffers between properties of dissimilar uses as part of the land development process. The ordinance from which this section derives is intended to further the City's policy that all development sites where trees are most commonly removed will achieve upon project completion a uniform reduction, prevention of soil erosion, production of oxygen, dust infiltration, fostering air quality through carbon dioxide absorption, providing wildlife habitat, and contributing to the aesthetic and economic value of real property.

C. **Applicability**

   This section applies to any development permit or substantial building permit, except those involving individual single-family detached and two-family dwellings. An application for a permit must include a separate landscape plan that has been prepared and sealed by a Georgia registered landscape architect, certified arborist, or Georgia registered forester.

207-3.2. - Landscape Strips

A. **General Landscape Strips**
   1. Minimum landscape strips are required on all lots, except as provided for in paragraph B below, paragraph C below or in TC Districts.
   2. Landscape strips must be provided as follows:

Yard	Required Landscape Strip
Front:	10 ft. depth min.
Side (corner)	10 ft. depth min.
Side (interior):	5 ft. depth min.

Rear:	5 ft. depth min.

3. Landscape strips are measured from the lot line into the lot, except as indicated in clause A.4 below.
4. Landscape strips are measured from the back of the sidewalk into the lot when there is insufficient right-of-way to accommodate a required sidewalk and said sidewalk must extend onto the lot.
5. Inter-parcel access driveways and alleys are allowed in all landscape strips but may not exceed 24 feet in width and must be placed generally perpendicular to the yard.

B. **Exception in the MU and NR Districts**

1. In the MU and NR districts, landscape strip requirements only apply to the overall site before development and not to any existing or proposed lots within it.
2. See 201-1.1 (Sites) for site determination.

C. **No-Access Landscape Strips**

1. In residential subdivisions where street access to through lots is restricted by Sec. 201-1.3.G, a 10-foot no-access landscape strip is required along arterial streets.
2. No-access landscape strips must be planted to the standards of paragraph G below.
3. No-access landscape strips must be completed before the recording of the final plat. If the planting cannot be completed due to climatic or related conditions, the developer and/or owner must enter into a performance surety agreement with the City agreeing to complete the strips within 6 months of the date of approval of the final plat.

D. **Structures in Landscape Strip**

1. No permanent structures except walkways, walls (excluding retaining walls), and fences are allowed in landscape strips. This prohibition includes, but is not limited to, pavement, retaining walls, curbing, dumpsters, drainage structures, detention facilities, etc.
2. Walls and fences are only allowed in side (interior) yard and rear yard landscape strips when they are installed to satisfy the use standards of Chapter 200, Article 6 (Use Provisions) or Sec. 207-2.2.H (Other Screening Requirements). Walls and fences are not allowed in front yard or side (street) yard landscape strips.
3. The Director may waive this requirement as an administrative variance.

E. **Signs in Landscape Strip**

1. Signs may only be located in areas of turf or groundcover and must not conflict with the growth potential of trees and shrubs.
2. Signs must be located at least 10 feet from all trees.
3. Signs are not allowed within required stream buffers or zoning buffers.

F. **Stormwater Runoff**

1. The deposition of stormwater runoff into or drainage swales through landscape strips is not permitted, except in conformance with clause F.2 below.
2. The Director may approve stormwater management practices, such as rain gardens, bio-swales, retention ponds, or dentition ponds, in landscape strips, as follows:
   a. The open space containing the stormwater feature must be designed and stamped by a Landscape Architect licensed in the State of Georgia;
   b. Stormwater features in the landscape strip must be designed as formal or natural amenities for the open space;

c. Exposed concrete is not allowed in the stormwater management facility. This includes concrete located in retention or deten spillways, or basins;

d. Stormwater features may not be fenced or enclosed by retaining walls over 30 inches in height; and

e. The purpose of this subsection has been met.

3. Exceptions may be considered by the Director only if this standard will create an undue hardship to the property owner.

4. Under no circumstance may the length of a drainage easement through a landscape strip exceed the width of the strip.

G. **Design standards**

All required landscape strips must be planted with a combination of trees, shrubs, perennials, groundcovers, and grass, as approved by the Director. The landscape strips must be designed with a minimum of 60% coverage in trees and large shrubs (4 ft. × 4 ft. or larger). Small shrubs, perennials, ornamental grasses, groundcover, and grass may not constitute more than 60% coverage of the landscape strip. All landscape strips along the public street must be planted in a manner to achieve a 2 to 3 feet tall evergreen screening buffer.

Landscape strip coverage is calculated as follows:

1. Calculate the total spatial area of the landscape strip.

2. Calculate the total coverage of landscape materials, ensuring that the coverage of trees and large shrubs is greater than or equal to 40% of the total area of the strip. The following sizes must be used when calculating the coverage of the landscape materials:

a. Trees greater than 8-inch caliper: 400 sf.

b. Trees 6-inch caliper to 8-inch caliper: 250 sf.

c. Trees less than 6-inch caliper: 100 sf.

d. Large shrubs: (4 ft. height × 4 ft. spread or larger): 16 sf.

e. Ornamental grasses: 12 sf.

f. Small shrubs: 9 sf.

g. Perennials: 6 sf.

3. Any exposed ground must be planted with groundcover or appropriate mulching material. Mulching materials may not exceed 4 inches in height.

4. Trees and shrubs required herein may be planted and spaced singly or in groups as authorized by the Director so long as the total number of plantings is achieved.

5. The remaining ground area must be sodded, seeded or hydroseeded with grass, and/or planted with groundcover species and/or provided with other landscaping material, or any combination thereof. Permanent stabilization, as defined by the State, must be achieved at the time of certificate of occupancy issuance.

H. **Landscape Strip Trees**

1. Landscape strips must have a minimum of 1 tree for every 50 linear feet of a landscape strip to the nearest whole number.

2. Tree clumping is only allowed when adequate spacing is allowed for future tree growth. The tree replacement plan requires all proposed trees to be drawn at 75% mature diameter. Sec. 207-4.18 (Recommended Tree Species) includes a "75% Mature Diameter (feet)" column in all tree species tables for reference purposes.

I. **Width Reduction**

1. Where desirable, the landscape strip is not required to be a strip per se or may be reduced to a width of 5 feet with the approval of the Director.

2. The reduction in clause I.1 above is by-right when the location has been identified as a greenway or multi-use trail in any plan

that has been adopted by the City or GDOT.

J. **Curb Stops Required**

Curb stops must be used when parking perpendicular to 5-foot landscape strip, or shrubs or trees adjacent to a landscape strip must set back at least 3 feet from the edge of the curb. Creative alternatives are encouraged and must be approved by the Director.

207-3.3. - Parking Areas

Parking lots designed for eight or more spaces must be designed as follows:

A. The planter islands may be sized according to two different options:
   1. Each planter island must be a minimum of 300 square feet. Planter islands must be located at the terminus of each parking row and no further apart than every ten parking spaces.
   2. Each planter island must be a minimum of 200 square feet. Planter islands must be located at the terminus of each parking row and no further apart than 25 parking spaces. Planting strips at least 8 feet wide must run continuously between all planter islands. These strips must be planted with 1 overstory tree for every 30 linear feet of the strip.
B. Planter islands must conform to the following planting requirements:
   1. Each planter island must be designed with at least 60% coverage in trees and shrubs.
   2. Each planter island abutting double rows of parking must include two overstory trees.
   3. Each planter island abutting single rows of parking must include one overstory tree.
   4. No plants, except trees, may exceed 3 feet in height.
   5. Turf grass is not allowed.
   6. All groundcover must be an evergreen ground cover (ex. liriope).
C. All planter islands and landscape strips must be curbed to prevent vehicular encroachment.
D. Planter islands and strips must be designed to prevent compaction. This may be accomplished by planting a dense shrub cover or by elevating the planting area at least 1 foot above the curb.
E. Trees and underground utilities must be placed per the detail drawings in Sec. 207-3.9.

207-3.4. - Street Trees

A. **Street Trees Required**
   1. Street trees must be planted in the planter on all streets in accordance with Sec. 401-4.2 (Streetscapes Required) unless clauses A.2 or A.3 below applies.
   2. Along State Routes and routes controlled by Gwinnett County, when street trees are prohibited by GDOT or Gwinnett County, or when clause A.3 below applies, street trees are not required in the planter.
   3. Along other streets, streets trees are not required in the planter:
      a. When the Director determines that street trees in the planter conflict with authorized utilities (power, gas, cable TV, water and sewer); or
      b. When the Director determines that street trees in the planter are a threat to the public health, safety, and welfare.
   4. When clauses A.2 or A.3 above applies:
      a. Streets trees must be installed in the right-of-way behind the required sidewalk; or
      b. Street trees must be installed in an adjacent yard; or
      c. An in-lieu contribution must be made to the Tree Replacement Fund, per Sec. 207-4.9 (Tree Recompense).

B. **Standards**

1. A street tree planting plan must be submitted to and approved by the Director before issuance of a development permit. The plan must be prepared and sealed by a Georgia registered landscape architect, certified arborist, or Georgia registered forester. All proposed trees must be individually located on the plan with an included species list.
2. Street trees must be planted no more than 50 feet apart (except as otherwise required in this UDO) and no closer than 25 feet to street intersections. Street trees are not required adjacent to each individual lot when spacing distances are inadequate. Street trees are required on both sides of new streets. The Director may approve alternate spacing when the 50-foot spacing requirement cannot be met due to driveways and other improvements.
3. Street trees must be overstory or mid-canopy trees identified in Sec. 207-4.18, subject to the approval of the Director, who may approve the use of understory trees.
4. All utilities (including but not limited to overhead power lines, underground power lines, water lines, and sewer lines) must be shown on the street tree planting plan. Where tree plantings conflict with overhead power lines the designer must note the mature height of the tree(s).
5. No more than 35% of the total number of street trees planted in or adjacent to a development may be the same genus.
6. Street trees must be a minimum 3-inch caliper at the time of planting. They must be single stemmed with a single, straight leader. Trees must be located at least 3 feet from the face of the curb unless a modification is granted by the Director.
7. Street trees must be installed adjacent to each building or residential lot, as specified on the street tree planting plan, before issuance of the certificate of occupancy. However, street tree plantings may be delayed from May 1 through October 1. In this case, the builder must enter into a performance surety agreement with the City guaranteeing tree planting by November 1. The performance surety agreement must be executed before the issuance of the certificate of occupancy for buildings or lots in this case.
8. Impermeable rigid tree root barriers must be installed in a linear method in all tree strips. The barriers must be a minimum of 24 inches deep and include ribs to direct root growth downward. The root barriers must be installed per the detail drawings in Sec. 207-3.9.
9. Street trees may count towards the minimum individual lot tree density requirements of Sec. 207-4.5.
10. Street trees must be maintained by the owner of the adjacent lot. Maintenance must include, but is not limited to, watering, pruning, tree replacement and removal of leaves and litter from the sidewalks and street, as necessary. All maintenance must conform to ANSI A300 standards for tree care. A maintenance responsibility statement must be provided on the final plat.

207-3.5. - Site Landscape Materials

The following standards apply to all landscape materials, except street trees:

A. Landscape materials must meet the minimum guidelines as outlined in the latest edition of American Standard for Nursery Stock.
B. Deciduous trees must be a minimum 3-inch caliper at the time of planting.
C. Evergreen trees must be 6 feet tall or larger at the time of planting.
D. Shrubs and ornamental grasses must be 3-gallon size or larger.
E. Perennials must be 1-gallon size or larger.
F. Sod, rather than seed, must be used in all landscape strips and no-access strips that abut public right-of-way and may extend to the curb of the public roadway.
G. Sod, rather than seed, must be used on all single-family dwelling or two-family dwelling lots and must be installed in all areas designated for grass from the back of the curb to the front corner of all houses, at a minimum.
H. All species must be ecologically compatible with the intended growing site.

I. No more than 35% of the total number of trees planted in a development may be of the same genus, and no more than 35% of the total number of shrubs planted in a development may be of the same genus.

J. Evergreen trees may only be used in the interior and/or rear landscape strips.

K. All plant materials are subject to the approval of the Director.

207-3.6. - Installation and Maintenance

A. **Installation**

Landscaping must be installed in a sound workman-like manner and according to accepted good planting procedures. The Director must inspect all landscaping and no certificate of occupancy or similar authorization will be issued unless the landscaping meets the requirements of this section.

B. **Staking and guying**

Staking and guying materials must be flat, woven polypropylene photodegradable three-fourths-inch wide with 900-pound break strength and must be removed within 1 year of installation.

C. **Irrigation**

1. An irrigation system is required in all landscape strips, planter islands, and no-access strips. The required irrigation may include drip irrigation, gator bags, and a combination of drip irrigation and water-efficient design or a creative irrigation plan with the approval of the Director. The required irrigation must be maintained for at least 1 year after planting.
2. Irrigation systems must be designed to prevent any overspray onto adjacent public and private sidewalks and public and private streets.
3. Irrigation systems equipped with an electronic controller must have a rain sensor shut-off switch, except when the system is completely dependent upon a nonpublic water source.

D. **Minimum Space Requirements**

Newly planted trees must have adequate space to grow unobstructed to maturity, to avoid sight obstructions, and to provide clearance. The following space requirements must be met:

Location	Over-story Trees	Mid-canopy Trees	Under-story Trees
Distance to other trees	30 ft. min.	20 ft. min.	12 ft. min.
Distance to overhead power lines	30 ft. min.	20 ft. min.	0 ft. min.
Distance to light poles	30 ft. min.	20 ft. min.	10 ft. min.
Distance to fire hydrants, electrical transmission boxes, water meters, or other infrastructure	15 ft. min.	15 ft. min.	10 ft. min.

E. **Maintenance**

The owner, occupant, tenant, and their respective agents, if any, is jointly and severally responsible for the maintenance and protection of all required landscaping in perpetuity, and must:

1. Keep landscaping reasonably free of visible signs of insects and disease and appropriately irrigated to enable landscaping to exist in a healthy growing condition.
2. Mow or trim landscaping in a manner and at a frequency appropriate to the use made of the material and species on the site so as not to detract from the appearance of the general area. Growth of plant material at maturity must be considered where future conflicts such as view, signage, street lighting, utilities, and circulation might arise.
3. Maintain all landscaping to minimize property damage and public safety hazards, including removal of dead or decaying plant material, and removal of low hanging branches obstructing lighting along public and private sidewalks and walkways.
4. Prune only in accordance with ANSI A300 (Part 1) "Standards for Tree Care Operations—Pruning." Tree topping is not allowed. Crown reduction pruning must be used instead to reduce the height of a tree when necessary. Topped trees may not be counted toward tree density requirements.

207-3.7. - Water-Efficient Landscaping

A. **Water-Efficient Design Consideration**

The City encourages those who prepare the plans and plats required by this section to consider the use of water-efficient landscaping principles and techniques during plant selection and design.

B. **Water-Efficient Principles and Techniques**

The recommended principles and techniques to be considered are as follows:

1. Locate plants where they will naturally thrive and not require excessive water and maintenance to survive, as well as grouping plants by water needs, and limiting and concentrating high-water using plants.
2. Limit turf areas and selecting turfgrasses that can survive the variable rainfall condition in this region.
3. Once plants are established, avoid watering during periods of normal rainfall and during droughts, watering every week to 10 days or less depending on the drought tolerance of the plants.
4. Loosen and break up the soil beyond the immediate planting area to allow better water absorption and to promote deep roots.
5. Use mulch to hold moisture in the soil which helps maximize the benefits of watering as well as preventing weeds.
6. Select plants native or suitable to the region according to their watering requirements and optimum locations.
7. Maintain the landscape to maximize water conservation such as increasing mowing heights and avoiding fertilizing during dry spells.

207-3.8. - Agreement and Bonding

A. **Bonding Required**

The developer or owner must post a performance bond or cash escrow guaranteeing all landscaping materials and work for a period of 2 years after the approval or acceptance thereof by the City. The bond or cash escrow is required for commercial developments before the issuance of a certificate of occupancy. A maintenance bond or cash escrow is required for residential developments at the time of recording of the final plat, or the completion of the planting (if planted after the recording of the final plat). A maintenance bond is required for any street trees that are planted by the builder after the final plat has been recorded. The bond must be provided by the builder or the developer before the issuance of a certificate of occupancy.

B. **Bond Amount**

The bond must be in the amount of 125% of the estimated cost of replacing all the required landscaping. An itemized estimate must be provided by the owner and based on the opinion of a landscape contractor and found to be reasonable by the Director.

C. **Inspection**

The Director must make an inspection upon request and notify the owner or developer and the bond company of any corrections to be made within this 2-year period.

207-3.9. - Detail Drawings

A. **Sidewalks and Streetscape Details**

Plan View

Section View

B. **Detail for the Locations of the Root Barriers**

Sec. 207-4. - Tree Ordinance

207-4.1. - Intent, Purpose, and Title

A. **Title**

This section is known as the "Tree Ordinance."

B. **Intent**

It is the intent of the City that there is no net loss of trees within its boundaries. The purpose of this section is to establish the standards necessary to assure that this intent is realized and that the City will continue to cultivate and encourage a high level of tree preservation, promote the general provisions within this section, and develop detailed provisions within the administrative guidelines in order to implement the regulations set forth to preserve, maintain, and replant trees within the city. The provisions of this section are enacted to:

1. Establish and maintain the maximum amount of tree cover on public and private lands by prohibiting the destruction and removal of trees except in accordance with the standards in this section;
2. Maintain trees in a healthy and nonhazardous condition through professionally accepted arboricultural practices;
3. Establish and revise as necessary standards for tree planting and maintenance so as to improve the economic base of the city by improving property values, to enhance the visual quality of the city and its neighborhoods, and to improve public health by lessening air pollution and the incidence of flooding;
4. Minimize hazards and damage to streets and sidewalks and lessen public rights-of-way maintenance costs;
5. Provide for the designation of historic and specimen trees; and
6. Provide latitude in the interpretation and application of City administrative rules, standards, and guidelines, when reasonable and necessary to minimize the destruction of trees.

207-4.2. - Applicability

This section applies to any development permit or substantial building permit, except those involving individual single-family detached and two-family dwellings.

207-4.3. - Permit Procedures

A. **Required**

No person may directly or indirectly remove, destroy, or injure any tree located on public property that is subject to the provisions of this section, or any tree with a diameter breast height (DBH) of 3 inches or larger located on private property subject to the provisions of this section, without obtaining a permit as provided in this subsection.

B. **Tree Protection Plan**

All permit applications must include a tree protection plan submitted with other permit drawings. The plan must be a separate drawing that has been prepared and sealed by a registered landscape architect, certified arborist, or registered forester and that includes the following:

1. **Survey.** The survey must be a to-scale map or site plan that has been prepared and sealed by a registered landscape architect, certified arborist, registered forester, registered surveyor, or registered engineer no more than 12 months before the date of submittal. The survey must show the following:
   a. The location, species, and size (DBH) of existing specimen and/or heritage trees on the site. Their critical root zone (CRZ) must also be delineated and the spot elevation at the base of their trunk must be indicated. Trees must also be labeled in

a way to determine if they are intended for removal or preservation.

b. The location, species, and size (DBH) of existing trees on the site with a diameter breast height (DBH) measurement of 4 inches or larger.

c. The location, species, and size (DBH) of existing trees within the public right-of-way with a DBH measurement of 3 inches or larger.

d. The location, species, and size (DBH) of existing boundary trees with a DBH of 4 inches or larger that have a CRZ that lies anywhere on the site.

2. **Definition of Spatial Limits**

a. Lot line and lot acreage.

b. Limits of land disturbance, clearing, grading, and trenching.

c. Tree protection zones.

d. Areas of revegetation.

e. Indication of staging areas for parking, material storage, concrete washout, debris burn, and other areas where tree protection may be affected.

f. Locations of existing and proposed utilities, structures, paving, driveways, cut and fill areas, detention areas, utilities, etc.

3. **Detail Drawings of Tree Protection Measures (where applicable)**

a. Protective tree fencing.

b. Erosion-control fencing.

c. Tree protection signs.

d. Planting and transplanting specifications.

e. Tree wells, and aeration systems.

f. Staking specifications.

4. **Tree replacement plan (where applicable)**

a. Tree density calculations (Sec. 207-4.5.D).

b. Recompense calculations (Sec. 207-4.9).

c. All proposed replacement trees are to be located per spacing requirements and labeled with their caliper size and species. Replacement trees must have a diameter drawn on the plan that is representative of the tree at 75% mature size (Sec. 207-4.18).

5. Procedures and schedules of the implementation, installation, and maintenance of tree protection measures.

6. Other applicable drawings.

C. An on-site inspection must be made by the Director before starting any development activity.

D. Landscape plans, tree protection plans, and related documentation must be reviewed by the Director for conformance to the provisions of these regulations and either approved, returned for revisions, or denied within 30 days of receipt. If denied, the reasons for denial must be annotated on the landscape plan or otherwise stated in writing.

E. Issuance of the permit is contingent upon approval of the required soil erosion and sediment control plan, tree protection and/or replacement plan, and an on-site inspection by the Director for tree protection measures.

207-4.4. - Removal and Damage of Trees

A. Trees may not be removed in any tree protection zone. When preserving trees in a tree protection zone would result in a documented economic hardship, an exception may be made. The documentation proving the hardship must be submitted to the Director as part of the tree protection plan. Nothing in this section may be construed to allow the removal of vegetation in a

natural, undisturbed buffer required by Sec. 207-2.1.B. No removal may be initiated before a request for removal being approved by the Director.

B. Applicants for a permit to remove, destroy, or injured trees must, to the maximum extent feasible, minimize the impact on the site's trees. The minimum impact on trees equates to anything less than or equal to 25% impact to the critical root zone (CRZ) of the tree. The CRZ of a tree is determined by drawing a circle that has a radius of 1 foot for each 1 inch of tree DBH. Any tree that has greater than 25% impact to the CRZ will be deemed as a lost tree, and thus will not count towards the site's tree density factor. Trees that are considered lost are not required to be removed unless they pose an immediate hazard or have a CRZ impacted equal to or greater than 60%.

C. The removal of dead, diseased, insect-infested, or hazardous (DDH) trees is exempt from this section if the property owner provides documentation of the condition of said trees. Documentation includes, but is not limited to, photographs and a report by a certified arborist, and must be submitted to the Director before removal. No removal may begin before a request for removal is approved by the Director.

D. When no trees are present in the tree protection zone, or when it is proposed that any portion of the protected zone be disturbed, the owner/developer must landscape said areas (where improvements are not constructed), with trees or other plant materials subject to the other applicable regulations of this UDO.

E. Trees may not be removed from any buffer area and/or floodplain except as follows:

1. When those trees are found to be dead, diseased, insect-infested, or hazardous by the Director, the County extension service, a certified arborist, the Georgia Forestry Commission, or a registered forester. No removal may be begin before a request for removal is approved by the Director.
2. When necessary for construction, repair, or maintenance of public roads, utilities, or drainage structures. No removal may begin before a request for removal is approved by the Director.

207-4.5. - Tree Replacement, Afforestation

A. Tree replacement in the minimum required landscape areas, as determined by this section, must occur under the following conditions:

1. To establish the minimum tree density requirements for the site.
2. Where grading occurs outside the buildable area of the lot.
3. If the buildable area of the lot leaves no protected zone.
4. If no trees are present within an existing protected zone.
5. Where specimen and/or heritage trees or specimen and/or heritage stands of trees within the buildable portion of the lot are to be removed.
6. Where specimen and/or heritage trees or specimen and/or heritage stands of trees, and trees within otherwise designated tree-protective zones have been irreparably damaged or removed through development or construction activities.

B. Where appropriate site conditions exist, replacement trees must be overstory or mid-canopy species. Understory trees are permitted where site conditions do not allow the planting of overstory or mid-canopy trees. When authorized, understory trees may not constitute more than 25% of the required tree density; lots less than 8,000 square feet are exempt from this requirement. A list of recommended tree species can be found in Sec. 207-4.18.

1. The spacing of replacement trees must be compatible with spatial limitations and within responsible considerations towards potential species size. Overstory trees must be planted at a minimum of 30 feet on center. Mid-canopy trees must be planted at a minimum of 20 feet on center. Understory trees must be planted at a minimum of 12 feet on center.
2. Proposed deciduous trees must be a minimum of 3-inch caliper or larger in order to receive credit towards the replacement density factor (RDF).

3. Existing and proposed coniferous evergreens may be applied towards the site's tree density requirements. These trees must be feet high and may not constitute more than 20% of the required tree density. Since coniferous evergreens are typically measure height, not DBH or caliper, the following chart must be used for a height to inches conversion:

Height of Coniferous Evergreen	Converted Height to DBH/Caliper Inches
6 ft. - 11.99 ft.	3 inches
12 ft. - 15.99 ft.	4 inches
16 ft. - 19.99 ft.	5 inches
20 ft. - 23.99 ft.	6 inches
24 ft.	7 inches
≥ 24 ft.	+1 inch DBH/caliper credit per +2 ft. of height

4. Existing trees on a site may be transplanted on the same site and receive replacement credit. A transplanted tree must have an arborist's inspection to determine that it is in good health and suitable to transplant in terms of type, size, and other factors. An arborist's report and prescription for all transplanted trees must be submitted with the tree replacement plan. All transplanted trees must comply to the maintenance section of this article.
5. Replacement trees with a caliper of 4.5 inches or less will receive a 1:1 replacement ratio.

   Ex: A proposed 4-inch caliper oak tree will receive 4 inches of credit.
6. Replacement trees with a caliper of more than 4.5 inches to 6 inches will receive a 1.5:1 replacement ratio.

   Ex: A proposed 6-inch caliper oak tree will receive 9 inches of credit.
7. Replacement trees with a caliper of more than 6 inches to 7.5 inches will receive a 2:1 replacement ratio.

   Ex: A proposed 7-inch caliper oak tree will receive 14 inches of credit.
8. Replacement trees with a caliper more than 7.5 inches will receive a 3:1 replacement ratio.

   Ex: A proposed 8-inch caliper oak tree will receive 24 inches of credit.
9. Tree save areas are encouraged and any trees (including specimen and heritage trees) preserved, with less than or equal to 25% impact to the tree's CRZ, will be given 100% credit towards the existing density factor (EDF). For example, an existing tree with a DBH of 20 inches may count all 20 inches towards the EDF.
10. Trees with a CRZ that is impacted greater than 25% will be given no credit towards the EDF.
11. Multi-trunked trees may only be given credit by measuring the single largest trunk and not the cumulative total of the various trunks.
12. Tree-form shrubs may not be given credit for satisfying the required tree density standards.
13. The following species are considered nuisance trees and may not be used/counted towards tree density requirements: *Albizia julibrissin* (Mimosa), *Ailanthus altissima* (Tree of Heaven), *Cupressocyparis leylandii* (Leyland Cypress), *Morus alba* (White Mulberry), *Broussonetia papyrifera* (Paper Mulberry), *Melia azedarach* (Chinaberry), *Paulownia tomentosa* (Princess Tree),

Prunus caroliniana (Carolina Cherry Laurel), *Pyrus calleryana* (Bradford Pear). In addition, on private property, a developer may remove any of the above nuisance trees without having to apply for a permit. Existing nuisance trees that are being used to count towards open space and/or buffer requirements may not be removed without approval from the Director.

C. Species selected for replacement must be quality specimens that are ecologically compatible with the intended growing conditions. No more than 35% of any one species may be used. Evergreens may constitute no more than 25% of the trees in non-buffer areas. Standards for transplanting, and selecting quality replacement stock may be in accordance with standards of the International Society of Arboriculture, or National Association of Arborists, or American Standard for Nursery Stock.

D. Species selection and replacement densities are subject to approval by the Director.

207-4.6. - Tree Density Requirements

A. Tree density requirements (TDR) apply to private property only. Areas within the public right-of-way, buffers required by Sec. 207-2.1, and any other area that may be excluded by this section do not count towards a site's overall acreage. Residential district developments less than 3 acres or less than three total lots are exempt from tree density requirements.

B. TDR must be met whether a site had trees before development or not. The tree density may be achieved by counting existing trees to be preserved, planting new trees in accordance with the minimum standards of this section, or any combination of the two. The tree density is calculated as a collective measurement of tree trunk diameter of existing and replacement trees. Existing trees to be preserved are given density credit based on their size measure in DBH. The DBH sum of all the existing trees (4-inch DBH or greater) to be preserved will be the site's existing density factor (EDF). The size of replacement trees is measured according to nursery standards using tree caliper. The caliper sum of all the replacement trees (3-inch caliper or greater) will be the site's replacement density factor (RDF). A developer's minimum RDF is calculated and established pursuant to the following formula:

Tree Density Requirement - Existing Density Factor = Replacement Density Factor

TDR - EDF = RDF

Ex. 1: A 3.5-acre lot is zoned Single-Family Residential (RS-30). There is a requirement of 120-inches/acre. There are three trees (24-inch oak, 12-inch oak, and a 17-inch oak), which are noted to be preserved on the Tree Protection Plan. Per code, the developer must replace 367-inch of tree caliper back on the site.

TDR = 420-inch
(120 inches/acre required x 3.5 acres of land)

EDF = 53-inch
(24-inch + 12-inch + 17-inch)

RDF = 367-inch
(420-inch TDF - 53-inch EDF = 367-inch RDF)

Ex. 2: A 10-acre lot is zoned Business General (BG). There is a requirement of 90-inches/acre. There are seven trees (26-inch oak, 26-inch elm, 23-inch-elm, 19-inch tulip poplar, 15-inch oak, 12-inch tulip poplar, and 10-inch oak), which are noted to be preserved on the Tree Protection Plan. Per code, the developer must replace 769-inch of tree caliper back on the site.

TDR = 900-inch
(90 inches/acre required x 10 acres of land)

EDF = 131-inch
(26-inch + 26-inch + 23-inch + 19-inch + 15-inch + 12 inch+ 10-inch)

RDF = 769-inch
(900-inch TDF - 131-inch EDF = 769-inch RDF)

C. Minimum tree density requirement per land use are shown in the table below:

Zoning District	**Minimum Tree Density Required**
Residential Districts	
RS-30, RS-15, RS-5	120 inches/acre
R-DU, R-TH, RM, RX, RO	90 inches/acre
PRC	200 inches/acre
Mixed-Use and Business Districts	
OP, BG, HSB, MU, NR	90 inches/acre
LM	75 inches/acre
Towne Center Districts	
TCO, TC-R, TC-MU	75 inches/acre
Special Districts	
CI	75 inches/acre
FH	200 inches/acre

D. In addition to meeting the site's tree density factor, the following minimum number of trees (3-inch DBH/caliper or greater) must be maintained and/or planted on all lots developed:

Lot Size	**Minimum Number of Required Trees (Mid-canopy and/or Overstory)**
≤ 3,000 sf.	0 trees
3,001—15,000 sf.	1 tree

8,001—15,000 sf.	2 trees
15,001—20,000 sf.	3 trees
20,001—25,000 sf.	4 trees
25,001—30,000 sf.	5 trees
≥ 30,001 sf.	1 tree per 5,000 sf. of lot size

E. Understory replacement trees may not account for more than 25% of the replacement tree density. The Director may approve the additional use of understory trees for meeting density requirements on single-family dwelling lots if the lot's size or layout does not permit large overstory trees.

F. Both existing and new trees must be reasonably distributed throughout the site, with emphasis on tree groupings to achieve aesthetic results following professional landscaping standards. Trees, including street trees, may be retained or planted for credit within a public street right-of-way if granted authorization by the Director.

G. In consultation with the owner or owner's representative of a boundary tree, the Director may require additional protective measures to limit the impact on the tree during construction, including but not limited to watering regimes, root treatments, mulching, deadwood removal, and protective pruning. Any boundary tree that has its CRZ impacted greater than 25% due to site construction will be considered lost. Replacement trees for lost boundary trees must be planted on the same property that the boundary tree was located.

207-4.7. - Public Trees

A. Existing trees (3-inch DBH or greater) within the public right-of-way that are removed, destroyed, or injured to the point of being deemed lost will require tree replacement that is in addition to the site's required tree density. Right-of-way (ROW) trees removed, destroyed, or lost must be replaced per the following ratio:

ROW tree: 1-inch of DBH removed: 1-inch of caliper replaced

Ex: removing two trees within the right-of-way that have a combined DBH of 12-inch will require 12-inch of replacement caliper.

B. Replacement trees for public right-of-way trees must be either overstory or mid-canopy trees, 3-inch minimum caliper, and conform to all other requirements as noted in Sec. 207-4.5 (Tree Replacement, Afforestation).

C. Specimen and/or heritage trees located within the public right-of-way will be replaced according to the guidelines noted in Sec. 207-4.8 (Specimen and Heritage Trees).

D. Trees within a public right-of-way must be maintained by the adjacent property owner in accordance with Sec. 207-4.11 (Maintenance).

E. Public street trees do not count towards a private property's tree density requirements.

207-4.8. - Specimen and Heritage Trees

A. Some trees warrant special consideration and encouragement for preservation. These trees are referred to as specimen or heritage trees. A specimen and heritage tree survey plan must be submitted with the concept/site plan and must be prepared by

a certified arborist, landscape architect, urban forester, or other authorized registered professional. Trees that meets both the size and all condition criteria are considered specimen or heritage trees and must be shown on the specimen and heritage tree survey plan:

Criteria	Specimen Trees	Heritage Trees
Large hardwoods	28-inch—39.99-inch DBH	40-inch DBH or greater
Large Softwoods	30-inch—41.99-inch DBH	42-inch DBH or greater
Small native flowering	10-inch—15.99-inch DBH	16-inch DBH or greater-inch
Condition of tree	Fair or better with a 10-year minimum life expectancy	Fair or better with a 10-year minimum life expectancy

B. Condition of tree criteria:
   1. Relatively sound and solid trunk with no extensive decay.
   2. No more than one major and several minor dead limbs.
   3. No major insect or pathological problems.
   4. No major pruning deficiencies (i.e., topping).
   5. A life expectancy of greater than 10 years.
   6. At least 75% of the CRZ in a natural, undisturbed state.
   7. Exceptional quality.
   8. Of historical significance.

C. All reasonable efforts must be made to save specimen and heritage trees. Reasonable effort includes, but is not be limited to, alternate building design, building location, parking area layout, parking area location, water retention location, and the like. In order to encourage the preservation of specimen and heritage trees, the removal of these trees requires tree replacement that is in addition to the site's required tree density. When authorized to remove a specimen and/or heritage tree, said trees must be replaced per the following ratios:

   Specimen tree: 1-inch of DBH removed: 1.5-inch of caliper replaced

   Ex: removing a specimen hardwood with a DBH of 32-inch will require 48-inch of replacement caliper

   Heritage tree: 1-inch of DBH removed: 2-inch of caliper replaced

   Ex: removing a heritage hardwood with a DBH of 40-inch will require 80-inch of replacement caliper

D. The Director may identify and require the preservation of a tree stand if it contains one or more specimen and/or heritage tree(s) and the tree(s) are interlocked with other members of the stand in such a manner as to imperil the individual tree if other members of the stand were to be removed.

E. No specimen and/or heritage tree(s) may be removed without the prior written approval of the Director. Any specimen and/or heritage tree that is removed without the appropriate review and approval of the Director must be replaced with 5-inch caliper or larger trees with a total density equal to three times the DBH value of the tree removed. Size alone will determine whether a tree

was of specimen or heritage quality if the tree is removed without approval. Additionally, the area that encompassed the CRZ of the specimen and/or heritage tree must remain undisturbed to allow for the planting of replacement trees.

F. Replacement trees for both specimen and heritage trees must be either overstory or mid-canopy trees, 3-inch minimum caliper, and conform to all other requirements of Sec. 207-4.5 (Tree Replacement, Afforestation).

207-4.9. - Tree Recompense

A. Recompense is calculated when a project site cannot bear the tree density requirement. In this case, the Director may approve a contribution to the City of Snellville Tree Replacement Fund. The following standards have been established for administering these contributions and fund:

1. The Director must review and approve all requests for alternative compliance. In no instance may 100% of the required site density be met through alternative compliance. As many trees as can reasonably be expected to survive must be planted on the site in question.
2. No permit may be issued until the required recompense has been made to the Tree Replacement Fund. The amount of the recompense must be determined using the following formula:

$250(Specimen/Heritage/Public ROW Tree Replacement Requirements + (TDF - (EDF + RDF))

Ex: A 3-acre lot is zoned Office Professional (OP) (90-inch cal./acre required). There are four trees (20-inch elm, 22-inch elm, 22-inch oak, and a 19-inch oak), which are noted to be preserved on the Tree Protection Plan. There is 1 heritage tree on the site (42-inch oak) that is noted to be removed on the Tree Protection Plan. That heritage tree requires a replacement of 84-inch of caliper. No trees within the public right-of-way were removed, destroyed, or lost. The developer is replacing a total of 210-inch of tree caliper back on the site. The developer's owed recompense is calculated below:

R = $250(84 + (270 - (20+22+22+19 + 210))

R = $250(84 + (270 - (83 + 210)

R = $250(84 + (270 - 293)

R = $250(84 + -23)

R = $250(61)

R = $15,250

3. The City of Snellville Tree Replacement Fund must be used for planting trees on public property. Funds may be used for the purchase of trees, installation of trees, shrubs, and irrigation, and the purchase of mulch and soil amendments for the planted areas.

207-4.10. - Tree Protection

A. The following minimum tree protection measures must be in place for all tree protection zones:

1. Trees identified for preservation must have temporary protection fencing at least 4 feet high installed at the edge of the critical root zones. The Director may require this temporary fencing to be chain link where the likelihood of possible encroachment exists. All tree protection zones must be identified with signage posted visibly on all sides of the fenced area. Signs requesting workers' cooperation and compliance with tree protection standards are recommended at site entrance(s).

2. Tree protection zones must be designed to prevent the sedimentation of erosion material. Silt fences must be placed along the c edges of tree protection zones at the development interface.
3. No person may encroach into tree protection zones. Construction activities, including but not limited to parking, vehicle and foot traffic, material storage, concrete washout, debris burning, and other activities must be arranged to prevent disturbance in protected areas.
4. Reasonable efforts must be made to locate utility lines along corridors between tree protection zones. If utility lines must encroach into protection zones, they must be installed by tunneling rather than trenching.
5. Tree protection devices must remain in fully functioning condition until the certificate of occupancy is issued.
6. Temporary protection fencing must be removed with 30 days of certificate of occupancy issuance, unless the fencing is made permanent and conforms with Sec. 207-2.3 (Fences and Walls).
7. Any tree designated for preservation that is negligently damaged during construction or removed without the appropriate review and approval, as determined by the Director, must be treated according to the National Arborists Association Standards. If fatally damaged, the tree(s) must be replaced with 4-inch caliper trees equal to the unit value of the tree removed. Any specimen tree damaged as described above must be replaced with trees equal to three times the unit value of the tree removed.
8. Tree protection zones must be mulched with at least 4 inches and not more than 8 inches of organic mulch, such as pine straw, wood chips, tree leaves, or compost.
9. There may be no construction activity inside the tree protection zones, including but not limited to, grading, paving, and construction of buildings and other structures.
10. The site must be designed and maintained in a manner to ensure proper drainage in tree protection zones during and after construction.

B. Tree protection inspections must be performed by a certified arborist, registered forester, urban forester, or the Director during construction. The inspections must be conducted before the commencement of development, immediately following the clearing and grubbing phase, immediately following the grading phase, and at the end of the project before a certificate of occupancy (commercial developments) is issued or the final plat approved (residential developments). The site must be inspected to ensure all tree protection regulations are being met and to identify any existing or developing tree-related problems that require treatment. An inspection report must be prepared and certified by the inspector and submitted to the Director. Any damage noted must be treated according to the recommendation of the inspector before the issuance of a certificate of occupancy or approval of the final plat. The Director may require additional reports if they determine significant construction damage has occurred, the tree protection supervisor has failed to enforce minimum protection standards, or if other development processes, including but not limited to utility placement and building construction, may impact the tree protection zones.

207-4.11. - Maintenance

Maintenance activities performed on preserved or proposed trees to be included in the tree density requirements must be performed according to the most current professional standards, including, but not limited to, the standards described below. The property owner is responsibility for compliance of such work. The property owner is also responsible for maintaining the health of all replacement trees for a period of 2 years from the date of planting. If maintenance activities on said trees are not in compliance with such professional standards, then the property owner must replace the damaged or dead trees with new trees of an equivalent density value, based on the DBH at the time damage occurs.

A. *Nursery stock:* All nursery stock must meet standards defined in the latest edition of American Standard for Nursery Stock.
B. *Pruning:* All pruning must be done in accordance with ANSI A300 (Part 1) Standards for Tree Care Operations—Pruning. Tree topping is not allowed. Crown reduction pruning must be used instead to reduce the height of a tree when necessary. Topped trees may not be counted toward tree density requirements.

C. *Fertilization:* All tree fertilization must be performed in accordance with ANSI A 300 (Part 2) Standards for Tree Care Operations—Fertilization.

D. *Cabling and bracing:* All cabling and bracing installation and maintenance must be performed in accordance with ANSI A300 (Part 3) Standards for Tree Care Operations—Cabling and Bracing.

E. *Lightning protection:* All lightning protection installation and maintenance must be performed in accordance with ANSI A300 (Part 4) Standards for Tree Care Operations—Lightning Protection.

F. *Safety:* All tree-related work must be performed in accordance with ANSI Z133.1 Standards for Tree Care Operations—Safe Work Practices.

207-4.12. - Permit completion or Expiration

Properties, where a permit is issued to conduct land disturbing activities that do not require the issuance of a certificate of occupancy or the approval of a final plat, or said activities as authorized, are completed or the permit expires, must comply with the tree density standard as follows:

A. *Clearing, clearing and grubbing or grading only permits:* Replacement trees proposed to be planted to achieve the tree density standard of this section, that are not planted upon completion or before expiration of a clearing, clearing and grubbing or grading permit, must be planted within 30 days of the completion or expiration of said permit, unless a performance bond is posted with the Department.

B. *Development permits:* Replacement trees proposed to be planted to achieve the tree density standard of this section that are not planted upon expiration, as opposed to completion, of a development permit, must be planted within 30 days of the expiration of said permit unless a performance bond is posted with the Department.

207-4.13. - Inspection

The Director must inspect the plantings and landscape materials required by this section before the expiration of the warranty or maintenance period. The owner must then be notified of any replacements or restoration that must be made to maintain compliance with this section or conditions of zoning, special use, or variance approval.

A. The owner, occupant, tenant, and their respective agents, if any, are jointly and severally responsible for the perpetual maintenance and protection of buffers, trees, and landscape plantings required by this section. Homeowners are exempt from this maintenance requirement for the individual lot tree or tree protection area option of Sec. 207-4.10 (Tree Protection) unless these trees are protected by a conservation easement.

B. The Department is authorized to order diseased, infested, dying, dead or damaged landscaping required herein to be replaced.

207-4.14. - Enforcement

The Director has the authority to revoke, suspend or void any development permit and has the authority to suspend all work on a site or any portion thereof. The Director has the authority to approve alternative methods of compliance with the provisions of this section when they determine the overall intent of the section and/or specific guidelines can be met.

207-4.15. - Violation and Penalty

Any person, firm, or corporation violating any of the provisions of this section is guilty of a misdemeanor and assessed a fine in the amount of $900.00. Each tree removal constitutes a separate violation. Each day's continuance of a violation is considered a separate offense. The owner of a property where a violation exists, and any builder, contractor, or agent who may have assisted in the commission of

any such violation, is guilty of a separate offense. The Municipal Court of the City of Snellville has jurisdiction to try offenses to these regulations.

207-4.16. - Waiver

A. Waiver request of the requirements of this section must be filed and processed in accordance with the waiver procedures as set forth in Chapter 100 Article 3.
B. The City Council may consider variance requests for this section at the time of rezoning and special use permit request to approve, deny, or amend the request by the owner/applicant.

207-4.17. - Grandfathered Projects

Any project included within the limits of a land disturbance permit approved before the effective date of this UDO, and remaining portion of a project where 75% of the area has been included in LDP's approved before April 18, 1994, the effective date of the original Tree Ordinance, are considered a grandfathered project.

207-4.18. - Recommended Tree Species

A. The selection of trees is not limited to these lists. The applicant may submit plans prepared by a certified arborist, urban forester, landscape architect, or architect with additional species of trees for approval by the Director.
B. Replacement trees must be overstory or mid-canopy tree species unless site conditions (overhead powerlines, utilities, etc.) do not allow planting of these trees. No more than 25% of the total site tree density can be comprised of understory trees.

Overstory Tree Species Table			
Overstory trees typically reach a DBH in excess of 25 inches and a height in excess of 60 feet at maturity. Per the Tree Ordinance, to receive tree density credit, the spacing requirement for planting overstory trees is a minimum of 30 feet on center between both existing and replacement trees. All overstory trees must be a minimum of 3-inch caliper to receive tree density credit.			
Botanical Name	**Common Name**	**Native Tree**	**75% Mature Diameter**
Carya cordiformis	Bitternut Hickory	Yes	30 ft.
Carya glabra	Pignut Hickory	Yes	20 ft.
Carya illinoinensis	Pecan	Yes	45 ft.
Carya ovata	Shagbark Hickory	Yes	30 ft.
Carya pallida	Sand Hickory	Yes	30 ft.
Carya tomentosa	Mockernut Hickory	Yes	20 ft.
Castanea dentata	American Chestnut	Yes	45 ft.

Fagus grandifolia	American Beech	Yes	45 ft.
Fraxinus pennsylvanica	Green Ash	Yes	25 ft.
Ginkgo biloba	Maidenhair Tree (Male Only)	No	30 ft.
Gleditsia triacanthos	Honey Locust (Thornless Varieties Only)	Yes	30 ft.
Liquidambar styraciflua	Sweetgum (Fruitless Varieties Only)	Yes	45 ft.
Liriodendron tulipifera	Tulip Poplar	Yes	30 ft.
Magnolia grandiflora	Southern Magnolia	Yes	30 ft.
Metasequoia glyptostroboides	Dawn Redwood	No	20 ft.
Nyssa aquatica	Swamp Tupelo	Yes	30 ft.
Pinus taeda	Loblolly Pine	Yes	20 ft.
Platanus acerifolia	London Planetree	No	45 ft.
Platanus occidentalis	American Sycamore	Yes	45 ft.
Quercus alba	White Oak	Yes	45 ft.
Quercus bicolor	Swamp White Oak	Yes	45 ft.
Quercus coccinea	Scarlet Oak	Yes	30 ft.
Quercus falcata	Southern Red Oak	Yes	30 ft.
Quercus nutallii	Nuttal Oak	Yes	30 ft.
Quercus phellos	Willow Oak	Yes	30 ft.
Quercus palustris	Pin Oak	Yes	45 ft.
Quercus shumardii	Shumard Oak	Yes	30 ft.
Taxodium distichum	Bald Cypress	Yes	20 ft.
Ulmus americana	American Elm	Yes	45 ft.

	(Dutch Elm Resistant Varieties Only)		
Zelkova serrata	Japanese Zelkova	No	45 ft.

Mid-canopy Tree Species Table			
Mid-canopy trees typically reach a DBH of 10-25-inch and a height of 30-60 feet at maturity. Per the tree ordinance, to receive tree density credit, the spacing requirement for planting mid-canopy trees is a minimum of 20 feet on center between both existing and replacement trees. All mid-canopy trees must be a minimum of 3-inch caliper to receive tree density credit.			
Botanical Name	**Common Name**	**Native Tree**	**75% Mature Diameter**
Acer barbatum	Southern Sugar Maple	Yes	30 ft.
Acer leucoderme	Chalk Maple	Yes	20 ft.
Acer rubrum	Red Maple	Yes	30 ft.
Betula nigra	River Birch	Yes	25 ft.
Carpinus betulus	European Hornbeam	No	20 ft.
Castanea mollissima	Chinese Chestnut	No	30 ft.
Celtis laevigata	Sugarberry	Yes	30 ft.
Cladrastis kentukea	Yellowwood	Yes	30 ft.
Magnolia acuminata	Cucumber Magnolia	Yes	20 ft.
Nyssa sylvatica	Blackgum	Yes	20 ft.
Ostrya virginiana	Eastern Hop Hornbeam	Yes	20 ft.
Salix nigra	Black Willow	Yes	30 ft.
Ulmus alata	Winged Elm	Yes	25 ft.
Ulmus parvifolia	Chinese Elm	No	25 ft.

Ulmus rubra	Slippery Elm	Yes	25 ft.

Understory Tree Species Table			
Understory trees typically reach a DBH of less than 10 inches and a height of less than 30 feet at maturity. Understory trees are permitted where site conditions do not allow the planting of overstory or mid-canopy trees. An example of a constrained site condition would be planting underneath low power lines. When authorized, understory trees must be a minimum of 3-inch caliper to receive tree density credit. Understory trees may constitute no more than 25% of the site's replacement density factor.			
Botanical Name	**Common Name**	**Native Tree**	**75% Mature Diameter**
Acer buergerianum	Trident Maple	No	20 ft.
Amelanchier arborea	Serviceberry	Yes	15 ft.
Carpinus caroliniana	American Hornbeam	Yes	20 ft.
Cercis canadensis	Eastern Redbud	Yes	20 ft.
Cercis chinesis	Chinese Redbud	No	10 ft.
Chionanthus virginicus	Fringe Tree	Yes	10 ft.
Cornus alternifolia	Alternate Leaf Dogwood	Yes	20 ft.
Cornus florida	Flowering Dogwood	Yes	15 ft.
Cornus kousa	Chinese Dogwood	No	15 ft.
Cotinus obovatus	American Smoketree	Yes	15 ft.
Halesia carolina	Carolina Silverbell	Yes	20 ft.
Hamamelis virginiana	Witch Hazel	Yes	15 ft.
Ilex spp.	Holly (Tree Form Varieties)	Yes	Varies
Lagerstroemia indica	Crapemyrtle (Non-Dwarf Varieties Only)	No	15 ft.

Magnolia x soulangiana	Saucer Magnolia	No	15 ft.
Magnolia stellata	Star Magnolia	No	10 ft.
Magnolia virginiana	Sweetbay Magnolia	Yes	15 ft.
Malus floribunda	Japanese Flowering Crabapple	No	15 ft.
Myrica cerifera	Wax Myrtle	Yes	10 ft.
Oxydendrum arboreum	Sourwood	Yes	15 ft.
Parrotia persica	Persian Parrotia	No	20 ft.
Prunus serrulata	Japanese Flowering Cherry	No	15 ft.
Prunus subhirtella	Winter-Flowering Cherry	No	15 ft.
Prunus x yedoensis	Yoshino Flowering Cherry	N0	20 ft.
Quercus georgiana	Georgia Oak	Yes	20 ft.
Rhus spp.	Sumac	Yes	Varies
Sassafras albidum	Sassafras	Yes	20 ft.
Vitex agnus-castus	Chastetree	No	15 ft.

Coniferous Evergreen Tree Species Table

In order to receive replacement credit, coniferous evergreen trees must be a minimum height of 8 feet, and planted at a minimum of 12 feet on center between both existing and replacement trees. Refer to Sec. 207-4.5.B.3. for the height to caliper conversion of coniferous evergreens.

Botanical Name	Common Name	Native Tree	75% Mature Diameter
Cedrus atlantica "Glauca"	Blue Atlas Cedar	No	25 ft.
Cedrus deodara	Deodar Cedar	No	25 ft.

Chamaecyparis obtusa	Hinoki Cypress	No	10 ft.
Chamaecyparis thyoides	Atlantic White Cedar	Yes	10 ft.
Cryptomeria japonica	Japanese Cedar	No	15 ft.
Juniperus virginiana	Eastern Redcedar	Yes	15 ft.
Thuja occidentalis	Arborvitae	No	10 ft.
Pinus echinata	Shortleaf Pine	Yes	15 ft.
Pinus taeda	Loblolly Pine	Yes	20 ft.
Pinus virginiana	Virginia Pine	Yes	15 ft.
Tsuga canadensis	Eastern Hemlock	Yes	15 ft.

Parking Lot and Street Tree Species Table

Understory trees may only be used in parking lot and street tree applications when site conditions do not allow the planting of overstory or mid-canopy trees. Understory trees must be specified as single trunk when adjacent to streets.

Botanical Name	**Common Name**	**Native Tree**	**75% Mature Diameter**
Acer barbatum	Southern Sugar Maple	Yes	30 ft.
Acer buergerianum (understory)	Trident Maple	No	20 ft.
Acer leucoderme	Chalk Maple	Yes	20 ft.
Acer rubrum	Red Maple	Yes	30 ft.
Amelanchier arborea (understory)	Serviceberry	Yes	15 ft.
Carpinus betulus	European Hornbeam	No	20 ft.
Carpinus caroliniana (understory)	American Hornbeam	Yes	20 ft.
Carya species	Hickory Species	Yes	Varies

Celtis laevigata	Sugarberry	Yes	30 ft.
Cercis canadensis (understory)	Eastern Redbud	Yes	20 ft.
Fraxinus pennsylvanica	Green Ash	Yes	25 ft.
Ginkgo biloba	Maidenhair Tree (Male Only)	No	30 ft.
Lagerstroemia indica (understory)	Crapemyrtle	No	15 ft.
Liquidambar styraciflua	Sweetgum (Fruitless Varieties Only)	Yes	45 ft.
Nyssa sylvatica	Blackgum	Yes	20 ft.
Ostrya virginiana	American Hop Hornbeam	Yes	20 ft.
Platanus acerifolia	London Planetree	No	45 ft.
Platanus occidentalis	American Sycamore	Yes	45 ft.
Quercus coccinea	Scarlet Oak	Yes	30 ft.
Quercus falcata	Southern Red Oak	Yes	30 ft.
Quercus georgiana (understory)	Georgia Oak	Yes	20 ft.
Quercus laurifolia	Laurel Oak	Yes	40 ft.
Quercus lyrata	Overcup Oak	Yes	40 ft.
Quercus michauxii	Chestnut Oak	Yes	30 ft.
Quercus nutallii	Nuttal Oak	Yes	30 ft.
Quercus phellos	Willow Oak	Yes	30 ft.
Quercus palustris	Pin Oak	Yes	45 ft.
Quercus shumardii	Shumard Oak	Yes	30 ft.
Taxodium distichum	Bald Cypress	Yes	20 ft.
Ulmus americana	American Elm (Dutch Elm Resistant Varieties	Yes	45 ft.

	Only)		
Ulmus parvifolia	Chinese Elm	No	25 ft.
Ulmus rubra	Slippery Elm	Yes	25 ft.
Zelkova serrata	Japanese Zelkova	NO	45 ft.

Sec. 207-5. - Lighting

207-5.1. - General

A. **Purpose**
   1. This section is intended to control the use of outdoor artificial illuminating devices emitting rays into the night sky which have a detrimental effect on astronomical observations. It is the intention of these standards to encourage good lighting practices such that lighting systems are designed to reduce or eliminate light pollution, conserve energy and money, while increasing nighttime safety, utility, security, and productivity.
   2. Furthermore, it is the intent of this section to establish lighting levels for various permitted uses that promote visual surveillance, reduce the potential for criminal activity and prevent the unnecessary glare of light on adjacent properties.

B. **Applicability**

   All areas containing outdoor lighting, including but not limited to floodlighting, security lighting, event lighting or the lighting of off-street parking and loading areas must comply with this section.

207-5.2. - Administration

A. **Site Lighting Plan**
   1. A site lighting plan must be submitted at a 1 inch = 20 feet scale minimum.
   2. Site lighting plans must include:
      a. Location and mounting information for each light;
      b. Illumination calculations showing light levels in foot candles at points located on a ten-foot center grid, including an illustration of the areas masked out per the requirements above regarding points of measurement;
      c. A fixture schedule listing fixture design, type of lamp, distribution and wattage of each fixture, and number of lumens after using 85% depreciation for both metal halide and high-pressure sodium of initial output; (85% depreciation not applicable to recreational lighting);
      d. Manufacturer's photometric data for each type of light fixture, including initial lumens and mean depreciation values;
      e. An illumination summary, including the minimum average and maximum foot-candle calculations ("array values") and the total number of array points (points used on the ten-foot grid calculations);
      f. Copies of all nema (fixture distribution) types with photometric reports in the form of independent testing laboratory submittals. Note: No isocandela curve reports will be accepted; and
      g. Photometric calculations must be initial and maintained with aiming diagrams and mounting heights.

B. **Light Level Measuring**

1. Light levels are specified, calculated and measured in foot-candles. All foot-candle values are maintained foot-candles.
2. Measurements are to be made at ground level, with the light-registering portion of the meter held parallel to the ground pointing up.

C. **Relief**

Relief from the requirements of this section may be granted by the City Council under the following circumstance:

1. Minimum levels may be less than required by this section, depending on site and traffic conditions.
2. Maximum levels may be more than allowed by this section when the proposed levels strictly conform to the recommended levels within the IESNA Lighting Handbook, the accepted industry standards.

207-5.3. - Prohibited Lighting

The following lighting systems are prohibited:

A. Aerial lasers;
B. Temporary searchlights and other high-intensity narrow-beam fixtures;
C. Mercury or sodium vapor lamps and other light sources that lack color correction or do not allow for uniform site lighting;
D. Cobra-head-type fixtures with dished or drop lenses or refractors, which contain sources that are not incandescent;
E. Blinking or flashing lights, rope lights or lights outlining architectural features (other than temporary holiday lighting); and
F. Spotlights or floodlights mounted on any tree (other than temporary holiday lighting).

207-5.4. - Lighting Standards, Configuration, and Timing

A. Exterior lighting must be of full cutoff design and directed downward and away from adjoining property, with luminaries shielded to prevent unnecessary glare. "Full cutoff" has the meaning established by Illuminating Engineering Society of North America (IESNA) and means that the luminous intensity (in candelas) at or above an angle of 90° above nadir is zero, and the luminous intensity (in candelas) at or above a vertical angle of 80° above nadir does not numerically exceed 10% of the luminous flux (in lumens) of the lamp or lamps in the luminaire.

B. Trees and shrubs may not interfere with the distribution of exterior lighting necessary for security purposes as required by this section.
C. Security lighting above building entrances, parking lots, off-street loading areas and service entrances must be metal halide, unless permitted otherwise during plan review, and incorporated in exterior areas going to and from the building(s) or use(s) within the site.
D. All exterior fixtures, when used for security purposes, except for parking lot lighting, shall be illuminated from dusk until dawn, unless otherwise specifically designated on the site plan and as approved through the site plan process. All other exterior lighting that is not necessary for security purposes shall be turned off one hour after the close of business.
E. Any exterior lighting device designed for security lighting must be protected by weather and vandal-resistant covering, a managed light source for controlling the times of illumination and fully shielded and directed down to minimize glare and intrusiveness on adjacent properties or rights-of-way.

F. Lighting in multi-level parking ramps must be evaluated on a case-by-case basis to maximize safety and to minimize unnecessary glare to adjacent or nearby residential areas.

207-5.5. - Minimum Illumination Guidelines for Security Purposes

All minimum illumination guidelines for security lighting listed in this section must be maintained from ground level to a height of 6 feet. The minimum to maximum uniformity ratio may range up to 6:1 in acceptable layouts. In some circumstances, customer convenience, closed-circuit surveillance, and commercial entertainment uses may require a higher level of lighting.

207-5.6. - Outdoor Lighting Intensity Standards

When outdoor lighting is proposed or required, the following standards in the following table will apply and the "activities" as described in the table will be assigned and evaluated by the Snellville Police Department and the Director based on the use, hours of operation, and location.

Light Use	**Minimum Horizontal Foot-candles**	**Maximum Horizontal Foot-candles**	**Additional Regulations**
Parking and outdoor vehicle storage	0.5	5	1. Areas used for parking or vehicle storage must be illuminated in accordance with the requirements for Parking Lot Lighting. 2. Lighting must be metal halide.
Outdoor display and sales	—	5	
Walkways, sidewalks, multi-use trails	—	5	1. Lighting fixtures must be designed to direct light downward, and the initial output of light sources may not exceed 1,000 lumens. 2. Lighting must be metal halide.
Parks and playgrounds	—	0.5	Lighting fixtures must be designed to direct light downward, and the initial output of light sources may not exceed 1,000 lumens.
Canopies and drive-thrus	5	20	1. Light fixtures mounted on or under canopy ceilings must be full cutoff, unless indirect lighting is be used whereby light is directed upward and then reflected down from the ceiling of the structure. In this case, light fixtures must be shielded so that direct illumination is focused exclusively on the

			ceiling of the structure. 2. Lights may not be mounted on the top or sides of a canopy and the sides of a canopy may not be illuminated. 3. Lighting for drive-through facilities must be fully shielded. 4. Canopy and bay lighting must be metal halide.
Outdoor recreation (as principal or accessory use)	All outdoor entertainment or recreational/ sports facility lighting will be reviewed for compliance with minimum site lighting criteria and light trespass criteria and with regard to the intent of these standards to minimize the impact of light trespass and glare on all surrounding properties and public rights-of-way.		
High-risk activity (e.g., bank deposit night drop or ATM)	4	5	Lighting must be metal halide.
Medium Risk Activity (e.g., convenience store open 24 hours)	2	4	Lighting must be metal halide.
Low-Risk Activity (e.g., place of worship, office)	0.5	2	Lighting must be metal halide.

207-5.7. - Light Trespass

Areas containing outdoor lighting (except public street lighting) must limit light trespass onto adjacent property, when measured at any point along a lot line, to the requirements set forth below. Compliance shall be achieved by utilizing fixture shielding, directional control designed into fixtures, fixture location, height, or aim, or a combination of these or other factors.

District Adjoining Subject Property	**Maximum Light Spillage to Adjoining Lots Measured in Foot-candles**
All residential districts, TC-R, NR	0.2
All nonresidential districts, TC-MU, CI	0.5

207-5.8. - Exterior Illumination of Buildings and Other Vertical Structures

When buildings or other structures are illuminated, the design for the illumination must be in accordance with the following:

A. The illumination of buildings is restricted to security lighting or highlighting unique architectural features.
B. Lighting fixtures must be located and/or aimed such that light is directed only onto the building surface. All fixtures used to illuminate buildings must be fully shielded.
C. For statues, monuments, fountains, or other objects for which it may not be possible to illuminate with downward lighting, upward lighting may be used only in the form of spotlights which confine the illumination to the object of interest.
D. If upward lighting is used to illuminate flags, only spotlights may be used; floodlights directed above the horizontal shall not be used to illuminate a flag.

207-5.9. - Neon Lighting

Light sources consisting of glass tubes filled with neon, argon, krypton, or other similar gas (hereafter referred to as "neon lighting") are excluded from shielding and line-of-sight requirements; however, lighting must be included in the light trespass requirements of Sec. 207-5.7 (Light Trespass). Furthermore, neon lighting will not be considered as security lighting.

207-5.10. - Enforcement

Failure to adhere to the requirements of this section or an approved lighting plan will be deemed a violation of this UDO.

207-5.11. - Exceptions

The following types of lighting are exempt from the requirements of this section:

A. The temporary use of low wattage or low voltage lighting for festivals and celebrations, except where they create a hazard or nuisance from glare. Consideration of light trespass requirements must be demonstrated before commencing the use of temporary lighting.
B. Temporary holiday lighting (for a period of no more than 30 days before the holiday and no more than 7 days after the holiday), except where they create a hazard or nuisance from glare. Consideration of light trespass requirements must be demonstrated before commencing the use of temporary lighting.
C. Emergency lighting and traffic control lighting.
D. Underwater lighting used for the illumination of swimming pools and fountains.

207-5.12. - Nonconforming Lights

A. **Authority to Continue**

Lawful lighting fixtures located within the City at the effective date of this UDO or which come to be located in the City as a result of annexation after the effective date of this UDO, which do not conform to the standards of this section, may continue provided the lighting remains in conformance with this section.

B. **Ordinary Maintenance and Repair**

Nothing in this section relieves the owner or beneficial user of legal nonconforming lighting, or the owner of the property on which the legal nonconforming lighting is located, from the provisions of this UDO regarding safety, maintenance, and repair. Normal maintenance, including replacing light bulbs, cleaning, or routine repair of legal nonconforming light fixtures, will not be

deemed to be a condition which triggers a loss of lawful status described below, unless such maintenance increases the nonconforming aspects of the lighting.

C. **Loss of Lawful Status**

1. The legal nonconforming status will terminate under the following conditions:
   a. If a light fixture is not used for a period of 12 months or longer it will be deemed abandoned and may not be reestablished; or
   b. If a lighting fixture is structurally altered such that its nonconforming aspects increase; or
   c. If a lighting fixture is relocated, replaced, or moved in any way; or the lighting fixture is damaged and the cost of repair exceeds 50% of its replacement value.
2. When any condition described in clause C.1 above occurs, the lighting fixture must be immediately brought into compliance with this section or removed.

D. **Removal Pursuant to Public Order**

Lighting found by a governmental agency to create public hazard can be ordered removed or altered at any time.

Sec. 207-6. - Signs

207-6.1. - Purpose and Intent

The City Council recognizes that signage is an important medium through which individuals may communicate commercial and noncommercial messages. However, if left completely unregulated signage can become a threat to public safety in the form of traffic hazards, a source of confusion for the intended reader, and a detriment to the aesthetic character of the city.

It is hereby declared that the aesthetic and safety interests of the City of Snellville are reasonably promoted by the provisions of this section. Accordingly, it is the intent and purpose of this section to:

A. Balance the rights of individuals to convey their messages through signs and the right of the public to protect against unrestricted proliferation of signs;
B. Further the objectives of the Comprehensive Plan which is expressly incorporated herein;
C. Protect the public health, welfare and safety of our citizens and others who may visit the city;
D. Reduce traffic and pedestrian hazards;
E. Promote the aesthetic qualities of the city;
F. Promote economic development of the city; and
G. Ensure the fair and consistent enforcement of the sign regulations.

Notwithstanding any other restrictions in this section, signs authorized under this section may contain commercial or noncommercial messages.

While developing this section, the City Council, the Planning Commission, and staff considered and reviewed numerous studies that considered the relationship between advertising signage, public perception and traffic issues. Among the items reviewed were:

A. U.S. Small Business Administration, "Signage for Your Business;"
B. Urban Design Associates, "An Evidence Based Model Sign Code;"
C. ISA, "Electronic Message Display Brightness Guide;" and
D. Daktronics, "Digital Display Sign Code Information."

207-6.2. - Definitions

Certain words and terms used in this section are defined and interpreted as follows:

Air and gas filled device. A sign using, either wholly or in part, forced air or other gas as a means of supporting its structure.

Attention getting device. A pennant, valance, propeller, spinner, ribbon, streamer, costumed character, sign spinner, balloon, or searchlight, LED light, neon light (where the light source is visible from the public right-of-way) or similar device or ornamentation designed for or having the effect of attracting the attention of potential customers or the general public.

Awning fixed. An awning that is constructed with a rigid frame that cannot be retracted folded or collapsed.

Awning, retractable. A roof-like cover that is temporary or portable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and is periodically retracted into the face of the building.

Banner. A sign with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing.

Banner, arm pole. A banner attached to one or two arms mounted perpendicular to a vertical pole.

Beacon. A light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

Bench sign. A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

Building elevation. The area of the face of a building including parapet articulation (height × width).

Building wrap. A graphic applied to vinyl, durable mesh or cloth and applied to the exterior surface of a building consisting of images, words, or other graphic embellishments designed to attract attention to the building.

Canopy. A roof-like structure supported by columns or cantilevered supports projecting from a building and open on at least three sides. A canopy may also be detached from the building as a freestanding structure.

Attached Canopy	*Detached Canopy*

Channel letter construction. Individually illuminated letters and graphics composed of extruded metal structures with plastic faces and internal neon or L.E.D. illumination. Letters and graphics must be individually mounted to the wall surface or mounted on a raceway.

Channel letter construction, open face. Channel letter construction with clear plastic face or no face.

Standard Channel Letters	*Reverse Channel Letters*

Channel letter construction, reverse. Channel letter construction with clear plastic backing that creates a halo-lit effect.

Open Face Channel Letters	*Front & Back Lit Channel Letters*

Conversion structure. A billboard that will be converted to an electronic message board in accordance with the terms of Sec. 207-6.10.B.

Curlie spinner. See "Spinsock."

Electronic billboard. An electronic message board that will be installed on a conversion structure and operated in accordance with this ordinance.

Flag. Any fabric, banner, or bunting which has the width to length proportions of 10:19 which is typical with flags of the U.S., states, cities, counties and other organizations.

Flag, banner. See "Flag, feather."

Flag, bow. See "Flag, feather."

Flag, feather. A sign with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing. Feather flags are generally a single sign attached to a support post. The feather flag typically has a dimensional ratio of 4 high to 1 wide.

Flag, tear drop. See "Flag, feather."

Flag, windfeather. See "Flag, feather."

Hula wiggler. Colored strips sewn side-by-side and usually attached to a strand or string of nylon.

Mural. A mural is any piece of artwork painted or applied directly on a wall, ceiling or other large permanent surface. A particularly distinguishing characteristic of mural painting is that the architectural elements of the given space are harmoniously incorporated into the picture.

Pennant. Small narrow triangular or other shaped flags usually attached to a strand or string of nylon.

Removal structure. A billboard that will be removed in accordance with the terms of Sec. 207-6.10.B.

Right-of-way, public. A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, sidewalk, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer, and other similar uses; right-of-way is not generally part of adjacent lots and usually coincides with adjacent lot property lines.

Road frontage. The distance, measured in a straight line, from the two furthest property corners located on the same public right-of-way, excluding out lots.

Sign. Any structure, display, or device that is used to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event, or location by any means, including words, letters, figures, design characteristics, symbols, logos, fixtures, movement, or illumination.

Sign, abandoned. Any sign that no longer serves the functional purpose for which it was originally erected due to physical deterioration.

Sign, animated. A sign with action, motion, rotation or changing colors, excluding electronic message board signs and signs which indicate only time, temperature, or date or any combination thereof.

Sign, area. The entire area within a continuous perimeter, enclosing the extreme limits of the sign structure, not to include the first 24 inches of the base height of a monument sign. Curved, spherical, or any other shaped sign face area will be computed based on the actual surface area. The copy of signs composed of individual letters, numerals, or other devices will be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letter or device as well as spaces between each letter or device.

Sign, awning. A sign painted, stamped, perforated, or stitched, or otherwise applied on the valance of an awning.

Sign, canopy. A sign affixed to, superimposed upon, or painted on any roof-like structure, which extends over a sidewalk or walkway or vehicle access area.

Sign, door. A sign that is applied or attached to the exterior or interior of a door or located in such manner within a building that it can be seen from the exterior of the structure through a door.

Sign, double-faced. A sign with two display areas against each other or where the interior angle formed by the display areas is 60 degrees or less, where one face is designed to be seen from one direction and the other from another direction.

Sign, electronic message board. A sign that uses changing lights or colors to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

Sign, entrance. A permanent sign located at a public street or private driveway entrance to a platted residential subdivision/development, multifamily development, nonresidential office park or industrial park, or office-condominium development which identifies said development or subdivision.

Sign, face. The surface upon, against, or through which the sign intends to advertise, identify, direct, or attract attention, not including the base of monument signs other sign support system.

Sign, flashing. A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects. Illuminated signs which indicate only the time, temperature, or date or any combination thereof shall not be considered as flashing signs.

Sign, freestanding. A permanent sign with no decorative base that is supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure.

Sign, grandfathered. See "Sign, nonconforming."

Sign, height. The distance in vertical feet from the elevation of the adjacent dedicated public street, the edge of the pavement, to the highest point of the sign structure. For property with an elevation higher than the adjacent public street, the height is measured from ground level at the base of sign to the highest point of the sign structure. The ground may not be altered for the sole purpose of providing additional sign height.

Sign, illuminated. A sign illuminated in any manner by an artificial light source.

Sign, material. Signs may be constructed from any of the following materials either singly or in combination.

1. Natural routed wood.
2. Stone.
3. Masonry.
4. L.E.D.
5. Hybrid routed wood product.
6. Cut or formed metal.
7. Plastics.
8. High-density urethane foam.
9. Acrylics.
10. Polycarbonates.

Sign, menu board. A freestanding sign oriented to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has not more than 20% of the total area for such a sign utilized for business identification.

Sign, mobile. A sign which is attached to, mounted on, pasted on, painted or drawn on any vehicle, whether motorized or drawn, which is placed, parked or maintained at one particular location.

Sign, monument. A permanent ground sign designed so the base of the sign face is flush with the supporting base and the supporting base is flush with the ground. Sign must include a solid, decorative base and may include a decorative frame. The base must be at least as wide as the sign and/or frame upon it and a minimum of two feet in height. Decorative base and frame materials include stone, brick, EIFS or true hard coat stucco. No support posts may be exposed. Electrical disconnect and/or meter base may not be visible from the public right-of-way.

Sign, nonconforming. Any sign and its supporting structure that does not conform to all or any portion of this section and was in existence and lawfully erected before the effective date of this UDO; and was in existence and lawfully located and used in accordance with the provision of any prior ordinances applicable thereto, or which was considered legally nonconforming thereunder, and has since been in continuous or regular use; or was used on the premises at the time it was annexed into the City and has since been in regular and continuous use.

Sign, portable. A movable sign that is not attached to a structure or the ground and includes: A-boards, portable reader boards, and similar type sign.

Sign, pre-menu board. A freestanding sign that is secondary to and located before a menu board sign and oriented to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window.

Sign, projecting. A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

Sign, roof. A sign projecting over the coping of a flat roof, or over the ridge of a gable, hip or gambrel roof, and supported by or attached to said roof.

Sign, spinner. Referring to a person carrying a sign that stands, walks or performs along the street. This definition also applies to costumed characters or street performers.

Sign, swinging or rotating. Any sign that is mounted such that the sign may freely move back and forth.

Sign, temporary. Any sign or device that is not permanently attached to the ground or other permanent structure and/or is designed to remain in place for a limited time. This includes, but is not limited to, signs which are designed to be transported regularly from one location to another, signs placed into the ground on a temporary basis or nonpermanent foundation, signs utilized by sign spinners, or signs tethered to an existing structure.

Sign, vehicle. A graphic applied to the exterior surface of a vehicle and designed to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event, or location by any means, including words, letters, figures, design characteristics, symbols, logos, fixtures, colors, movement, or illumination.

Sign, wall. A sign fastened to the wall of a building in such a way that the wall is the supporting structure for, or forms the background surface of, the sign and which does not project more than 12 inches from such building. The total signage on one side of a building or structure constitutes one wall sign.

Sign, window. A sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window.

Spinsock. A spinning windsock.

Tail feather. See "Flag, feather."

Vehicle wrap. See "Sign, vehicle."

Wind cone. See "Windsock."

Wind sleeve. See "Windsock."

Windsock. A tapered, open-ended sleeve pivotally attached to a standard.

207-6.3. - Signs Prohibited

A. **Prohibited Signs**

The following types of signs are prohibited in all zoning districts:

1. Animated sign;
2. Flashing sign;
3. Roof sign;
4. Signs attached to any street sign or marker, traffic control sign or device, or attached to or painted on any pole, post, tree, rock, shrub, plant or other natural object or feature;
5. Signs which contain flashing lights or are in imitation of an official traffic or construction sign;
6. Any sign placed or erected on a property without the permission of the property owner;
7. Signs on a public right-of-way, except signs exempt under Sec. 207-6.5.A.3;
8. Mobile sign;
9. Bench sign;
10. Air and gas filled device sign;
11. Beacon sign;
12. Open face channel letter construction;
13. Attention getting device;
14. Swinging or rotating sign except as provided Sec. 207-6.5 (Signs Exempt);
15. Freestanding signs larger than 6 square feet in sign area;
16. Signs over 15 feet in height;
17. Building wraps as defined in Sec. 207-6.2, unless they receive a special use permit;
18. Murals as defined in Sec. 207-6.2, unless they receive a special use permit;
19. Spinsock;
20. Windsock; and
21. Signs attached to a retaining wall.

B. **Removal of Prohibited Signs**

The City is empowered to remove or cause to be removed at the owner's expense all prohibited signs.

207-6.4. - Signs Permitted

A. **Residential Districts**

Signs permitted and regulated residential zoning districts include:

1. Temporary signs, provided the cumulative sign area of all temporary signs may be no greater than 32 square feet per lot.
2. Monument signs no greater than 32 square feet (excluding the monument base and supporting structure) at the entrance(s)

to subdivisions.

3. Window signs.
4. Entrance sign(s). A maximum of two permanent signs, per entrance, into any platted residential subdivision/development, or multifamily development is permitted. Such signs are not included in the calculation of the aggregate sign area for any lot. Entrance signs may be externally illuminated.

Table 207-6.4. Signs Permitted in Residential Districts

Maximum Size per Sign:	32 sf. of copy/sign area
Number of Signs Permitted:	One per lot. Two total signs per entrance
Maximum Sign/Structure Height:	12 ft.
Setback from Right-of-Way:	0 ft. for signs no higher than 4 ft.
	5 ft. for signs over 4 ft.
	10 ft. for signs over 10 ft.

B. **Nonresidential Districts**

Signs permitted and regulated in the nonresidential districts, and approved special uses in residential districts and places of worship as an approved special use include:

1. Awnings signs. Signs on awnings should be minimized and are only appropriate if there are no good alternatives for wall signs, projecting signs, or hanging and suspended signs. Signage should be limited to the skirt of the awning and should not be on the awning face. Signs should only be considered for the awning face if there is no other adequate location for signage on a given storefront or property. Awning colors are only permitted only if they are part of the official City color palette shown in Figure 207-6.4.

   Figure 207-6.4. Official City Color Palette

2. Wall signs. Wall signs must conform to the following size criteria:

Gross Building Elevation Face Area	Min. Sign Area	Max. Sign Area

0—1,000 sf.	36 sf.	5.0% of face area
1,001—2,600 sf.	60 sf.	5.0% of face area
2,601—3,600 sf.	120 sf.	4.0% of face area
3,601—4,500 sf.	140 sf.	4.0% of face area
over 4,500 sf.	160 sf.	3.5% of face area

3. Window and door signs, window/door coverage must:
   a. Not exceed 40% of the glazing surface area of each window or door, where each window or door is framed or separated by a mullion.
   b. The remaining 60% of the glazing surface area must remain clear and not covered.
   c. Perforated window film is measured using the extreme limits of the perforated window film.
   d. Window tinting/film designed to reduce glare or fading and containing no graphics is allowed to cover 100% of the glazing surface area of each window or door, provided the transmittance of visible light is at least 70% and must have an external reflectance of less than 15%. Transparency and external light reflectance must be established using the manufacturer's specifications.
4. Temporary signs in accordance with Sec. 207-6.5 (Signs Exempt) and Sec. 207-6.7 (Banners).
5. Monument signs as defined in Sec. 207-6.2 and regulated as follows:
   a. Monument sign area is defined as the entire area within a continuous perimeter, enclosing the extreme limits of the sign structure (overall height by overall width), not to include the first 24 inches of the base height of a monument sign.
   b. One monument sign is allowed per road frontage.
   c. The maximum square footage of the sign is based upon 0.50 square feet per 1 foot of road frontage or 64 square feet, whichever is larger.
   d. In lieu of allowing a second monument sign, corner lots with two adjacent road frontages may utilize 30% of the allowable sign area from the second frontage for the sign area calculation of the one monument sign. Sign area variances of Sec. 207-6.6.C are not allowed.
   e. The maximum sign area allowed is 225 square feet.
   f. Signs more than 5 high must be set back at last 10 feet from the right-of-way. Signs more than 10 feet high must be set back at least 15 feet from the public right-of-way.
   g. Monument base must be constructed of natural brick or stone (not painted or stained); or EIFS/true hard coat stucco painted or stained using colors from .I.F.S./true hard coat stucco painted or stained using colors from the official City color palette shown in Figure 208-1.4. Foamcore monument signs are prohibited.
   h. Monument base shall be at least as wide as the sign and/or frame upon it and a minimum of 2 feet in height. No support posts may be exposed.
   i. Electrical disconnect and/or meter base must not be visible from the public right-of-way.
   j. Monument sign must include the numeric street address of the property upon which it is located. The numbers used to identify the address may be no less than 5 inches in height and no more than 9 inches in height.

6. Signs for convenience stores and service stations with pump islands: Spreader bars (signs located under canopy over pump islar limited to no more than two signs per spreader bar, not to exceed 4 square feet per sign.
7. Freestanding sign(s) less than 6 square feet in area, not to exceed 3 feet in height including support mechanisms. The maximum number of signs permitted is two per road frontage or two per curb cut, whichever is greater. Signs must meet the setback requirements of Sec. 207-6.6.A.
8. Electronic message board signs utilized as an element of a monument sign, freestanding sign, menu board sign, pre-menu board sign, fuel pump canopy sign or window/door signage and only in accordance with Sec. 207-6.8 (Electronic Message Boards).
9. Canopy sign, utilizing approved wall sign typology, and not to exceed 15% of the face of the canopy on which the sign is located. Canopy faces must be from the official City color palette shown in Figure 207-6.4.
10. Arm pole banner, not to exceed two arms per parking lot light pole; each banner to not exceed 6 square feet in area; and located a minimum of 10 feet above the ground.
11. Entrance sign(s) per Sec. 207-6.4.A.4 for a nonresidential office park or industrial park, or office-condominium development.
12. Menu board sign must be a freestanding sign with the design, materials, and finish to match those of the primary building. One menu board sign is permitted per drive-thru ordering station. The maximum sign area may not exceed 30 square feet. The maximum height may not exceed 6 feet (OAH). Menu board signs may be internally illuminated and an element of an electronic message board sign, subject to the requirements of Sec. 207-6.8 (Electronic Message Boards).
13. Pre-menu board sign must be a freestanding sign with the design, materials, and finish of the menu board sign. One pre-menu board sign is permitted per menu board sign and located at the entrance to the drive-thru lane and within 20 feet of the menu board. The maximum sign area may not exceed 12 square feet. The maximum height may not exceed 6 feet (OAH). Menu board signs may be internally illuminated and an element of an electronic message board sign, subject to the requirements of Sec. 207-6.8 (Electronic Message Boards).
14. Interior project directional sign(s) are authorized in all developments or planned subdivisions of land within any nonresidential districts, approved special uses in residential districts and places of worship as an approved special use subject to the following:
    a. May not be located within 100 feet of an entrance to a project.
    b. Maximum sign area of each sign may not exceed 16 square feet.
    c. Maximum sign height shall not exceed 6 feet (OAH).
    d. Only one such sign may be located at each internal intersection of private driveway or public streets within the project.

207-6.5. - Signs Exempt

A. The following types of signs are exempt from the requirements of this section unless otherwise expressly prohibited by Sec. 207-6.3 (Signs Prohibited). These signs must meet the height and setback requirements of this section. No permit is required. Signs that are constructed of degradable material may be posted for a maximum period of 90 days. Nothing will prevent such a sign from being replaced by an identical sign:
    1. Signs not visible from public thoroughfares or intended to be seen by the traveling public.
    2. Signs within a business, office, mall, or totally enclosed area.
    3. Signs erected by, or on the order of, a public official in the performance of their duty, may be located within the public right-of-way.
    4. Portable signs that are a maximum of 6 square feet in area, only one per storefront. Portable signs must be located near the building entry on the sidewalk. Portable signs are not allowed in parking areas, streets or public rights-of-way and may not impede the flow of pedestrian traffic.

5. Flags, no more than three poles, neither in excess of 60 square feet, nor greater than 40 feet in height per property. The flags mu further from the structure than 50% of the distance from the face of the structure to the public right-of-way.
6. Temporary sign(s). There may be no more than eight temporary signs on display at any one time. The cumulative total of all temporary signs may be no greater than 32 square feet per property. Temporary signs may not exceed 6 feet in height and must be located out of right-of-way or at least 10 feet from the back of the curb or edge of the pavement of the adjacent street, whichever is greater. Temporary signs are not permitted for any nonresidential district and special uses in residential districts that have not obtained a permanent identifying sign for its location (Exception: undeveloped lots).
7. Sign spinners, wavers, costumed characters or street performers with signage devices are prohibited within the public right-of-way. Any persons involved in this activity must remain on private property in a hard surface paved area, away from entry and exit drives.
8. Swinging or projecting signs not exceeding 3 square feet or projecting more than 4 feet and attached under the eave or awning of a building above a business entrance.
9. Signage on coin-operated beverage dispensers, limited to three per lot and not located within the required front yard setback for the zoning district.
10. One official sign as required by the State of Georgia for vehicle emissions stations licensed by the State. The sign shall meet the setback requirements of Sec. 207-6.6.A and may not exceed 24 inches wide × 36 inches high with standard frame and hardware.
11. Vehicle sign/wrap shall be allowed when the vehicle is legally parked in the rear or to the side of an establishment or in a parking area that is farthest away from the public street right-of-way.
12. Signage affixed to an automated teller kiosk and accompanying canopy if serving as an accessory use to a bank or financial institution on the same lot.
13. Signage on coin-operated vending machines, limited to four per lot, and not more than 5 feet from the building apron, and within the required front yard setback of the zoning district.

207-6.6. - General Requirements

In addition to the requirements of Sec. 207-6.3 (Signs Prohibited), Sec. 207-6.4 (Signs Permitted), and Sec. 207-6.5 (Signs Exempt), the following regulations also apply:

A. **Setbacks**

Signs may not be located in the right-of-way and must be at least 10 feet from the back of the curb or edge of the pavement of the adjacent street, whichever is greater. Signs on a corner lot within 50 feet of the intersection of rights-of-way must be out of right-of-way or at least 15 feet from the back of the curb or edge of pavement of the adjacent streets, whichever is greater.

B. **Multiple Signs**

No business is allowed to install an additional conforming sign until it has removed any existing nonconforming signs. Provided, however, that on lots with three or more businesses, at least two of which are party to a lease or leases, any business that does not own or control the nonconforming sign may erect a wall sign.

C. **Administrative Variances**

1. Setback dimensions of signs can be adjusted up to a maximum of 5 feet. The Director has the discretion to use administrative variance only when necessary to prevent a visual hazard from occurring with the placement of signs.
2. The Director has the discretion to allow administrative variances in sign area allowances. Under no circumstances may the administrative variance allow the proposed sign to be more than 125% of the base regulation sign size.

D. **Street Numbers**

Monument signs must include the numeric street address of the property upon which it is located. The numbers used to identify the address may be no less than 5 inches in height and no more than 9 inches in height.

E. **Illumination**

Excluding electronic message board signs, internally illuminated signs may not exceed 20 foot-candles at a distance of 10 feet from such structure. Externally illuminated signs must be lighted so that lights are positioned in such a manner that light does not produce glare nor does it shine into the eyes of motorists or pedestrians so as to create a hazardous or dangerous condition. Externally illuminated signs must have lights with directional cut offs which do not allow the light source to be seen by passersby. All fixtures must be ground-mounted. No more than two fixtures per side. No more than 2% of light may go above horizontal.

207-6.7. - Banners

Banners are permitted in nonresidential districts and special uses in residential districts subject to the approval of a banner permit issued by the Director and subject to the following criteria:

A. Banners and/or feather flags not in excess of 32 square feet in area (cumulative) to be attached to the building facade or to a permanent sign or placed in the ground, must be located out of right-of-way or at least 10 feet from the back of the curb or edge of pavement of the adjacent street, whichever is greater.
B. A banner permit may be issued for each occurrence not to exceed two, 14-day periods and one, 21-day period per calendar year per establishment.
C. Feather flags are limited to one flag per business and must be located out of right-of-way or at least ten feet from the back of the curb or edge of the pavement of the adjacent street, whichever is greater. Feather flags are permitted for no more than two, 14-day periods and one, 21-day period each calendar year.

207-6.8. - Electronic Message Boards

Electronic message boards are permitted only in the locations described in this section and only after site plan approval from the Director. The City Council may request a hearing to review the site plan and sign permit. This section does not apply to electronic billboards.

A. **Permitted Districts**

Electronic messaging signs are permitted in the following zoning districts:

1. CI - Civic institutional district.
2. OP - Office professional district.
3. BN - Neighborhood business district.
4. BG - General business district.
5. HSB - Highway service business district.
6. LM - Light manufacturing district.
7. TC-MU - Towne center mixed-use district.
8. MU - Mixed-use district.
9. Residential districts, NR, and TC-R with an approved special use permit.

B. **Sign Types to Utilize Electronic Message Boards**

Electronic messaging may be an element of a monument, freestanding, fuel pump canopy, menu board, pre-menu board or window/door sign. Wall signs may not contain electronic messaging.

C. **Size and Location Requirements**

Electronic message boards must meet the size and placement requirements of this subsection with the exception that electronic message boards are not allowed as off-premises devices.

1. Maximum allowable electronic message board sign area as an element of:
   a. Monument sign: 50% of allowable sign area in Sec. 207-6.4.B.5.
   b. Menu board/pre-menu board: 100% of allowable sign area in Sec. 207-6.4.B.12.
   c. Fuel pump canopy: 100% of allowable sign area in Sec. 207-6.4.B.9.
   d. Window/door: 100% of allowable sign area in Sec. 207-6.4.B.3. for one window/door. Only one window/door electronic message board sign allowed per location. No electronic message board window/door sign may exceed 15 square feet in total display area.
2. Sign area variances of Sec. 207-6.6.C are not allowed.

D. **Duration of Display**

1. Any electronic message displayed shall remain unchanged for a minimum of 15 minutes before switching messages.
   a. Exception: Time and temperature displays shall have the time and temperature remain static for not less than 5 seconds.
2. The following display types are prohibited:
   a. Animation is prohibited;
   b. Flashing, blinking, fade in, fade out or scrolling text is prohibited; and
   c. Video images are prohibited.

E. **Intensity of Light**

1. The maximum luminance produced by the sign may not exceed three-tenths foot-candles greater than the ambient light level.
2. The light level produced by the sign is measured using the following equation based on typical sign-to-viewer distance: the square root of the product of the sign area and 100. Example using a 12 square foot sign:

   $\sqrt{(12 \times 100)} = 34.6$ ft. measuring distance

3. Automatic dimming capability must adjust the sign's illumination to the ambient light at all times of the day or night.

F. **Default Control**

1. The sign must be equipped to freeze the display in one position if a malfunction occurs.
2. The sign must also be equipped with a means to immediately discontinue the display if it malfunctions.
3. The sign owner must immediately stop the display when notified by the Director that the sign is not complying with the standards of this section.

207-6.9. - General Procedures

The following procedures must be followed by all persons erecting signs:

A. **Conformance and Permits**

All signs erected, replaced, modified or relocated must be in conformance with all ordinances and codes of the City. A sign permit must be secured from the Director. This permit must be issued before installation or modification of any sign. No permit is required for any change of copy on a sign provided no modification is made to the size or location of the sign. No permit is required for those signs exempt under Sec. 207-6.5 (Signs Exempt). The discretion of any City official reviewing a sign

permit application is to determine if the application and the proposed sign are in compliance with this section. No official reviewing a sign permit application or building or electrical permit application for a proposed sign may consider the content of any message on a proposed sign.

1. Signs that require both a building permit and a sign location permit:
   a. Signs that exceed 32 square feet in area; or
   b. Signs that exceed 6 feet in height above grade; or
   c. Signs on walls with a height exceeding 4 feet; or
   d. Signs that are internally illuminated.
2. Signs that require design by a Georgia registered professional engineer:
   a. Signs that exceed 50 square feet in area that are either monument signs or signs with supporting structures.
   b. Signs that exceed 12 feet in height above grade.
3. Documentation required for plan review and obtaining a building permit:
   a. A sign location plan is required.
   b. In order to obtain a building permit, three complete sets of drawings must be submitted to the planning and development department. The drawings must clearly indicate the structural and electrical construction requirements for each proposed sign and at a minimum contain the information described in clauses A.4 and A.5 below. The drawings must also clearly indicate the proposed sign location.
   c. A building permit can be obtained after drawings containing the complete structural and electrical information stated below have been reviewed and approved by the Director.
4. Electrical drawing(s) plan review requirements:
   a. Drawings for each illuminated sign must clearly indicate the electrical requirements including the size and location of the electrical disconnect the type and size of the wire, the conduit size and estimated load. Drawings must also specify the name of a nationally recognized organization as applicable to the illuminated sign to be installed.
   b. Electrical installations must meet the requirements of the NFPA National Electrical Code and must be performed by a Georgia licensed electrician.
5. Structural drawing(s) plan review requirements:
   a. Drawings for each sign structure must clearly specify the required materials, sizes, and locations for all structural components. Complete details must be provided that clearly indicates the required connections between all structural components including anchorage to the foundation. Details shall also indicate required attachments of sign cabinets to the supporting structure.
   b. Sign foundation requirements must be clearly indicated on the drawings including, but not limited to, footing size and reinforcement, 28-day compressive strength of concrete, anchor bolt size and embedment depth.
   c. Drawings for signs that require design by a Georgia registered professional engineer must contain the following minimum design data in addition to the information required in sentences a and b immediately above:
      i. State on drawings that the design complies with the SBCCI Standard Building Code;
      ii. State on drawings that the wind load design complies with ASCE 7 (minimum design loads for buildings and other structures);
      iii. Basic wind speed (mph), design wind pressure (PSF), exposure category (B or C);
      iv. Minimum required soil bearing capacity (PSF);
      v. Structural material specifications (including but not limited to ASTM designation, yield strength (SKI), and material grade, if applicable).

6. Inspection requirements:
   a. Drawings for sign structures that have been reviewed and approved by the Director must be kept readily accessible at the job site at all times during construction. The building permit card must be posted in the immediate vicinity of the proposed ground sign location.
   b. The electrical subcontractor must submit a completed subcontractor affidavit to Department at least 2 days before requesting an electrical inspection.
   c. Each sign, for which a building permit has been issued, requires inspection by the building inspector during the following stages of construction:
      i. A foundation inspection is performed after excavation and before concrete placement with steel reinforcement, anchor bolts, and structural posts in place.
      ii. An electrical inspection is performed only after the foundation has been inspected and approved by the City inspector.
      iii. A final inspection is performed after completion of all construction and a building final is issued.
      iv. Erosion and sediment control measures shall be maintained throughout construction in accordance with City ordinances and procedures.

B. **Application Procedure**

Applications for sign permits required above must be filed by the sign owner or their agent with the Department upon forms furnished by the Director.

1. Applications must describe and set forth the following:
   a. Street address of the property upon which the sign is to be located. In the absence of a street address, an acceptable alternative method of location may be used.
   b. Type of sign as defined in this section.
   c. Plans indicating the dimensions of the sign, sign area, height, and mounting details.
   d. Plans indicating its location on the property or the face of the building including the road frontage or building elevation.
   e. The name(s) and address(es) of the real property upon which the subject sign is to be located.
   f. Written consent of the owner, or their agent, granting permission for the placement and/or maintenance of the subject sign.
   g. The name, address, phone number and business license number of the sign contractor.
2. The Department must complete its review of the application within 15 working days of the date of application and either approve or deny the application. If the application is incomplete or contains insufficient information as described in clause B.1 above, it must be denied. If the Department fails to approve or deny the sign within 15 working days, the applicant may post the sign as if approved.

C. **Expiration Date**

A sign permit becomes null and void if the sign for which the permit was issued has not been completed within 6 months after the date of issuance.

D. **Sign Fees**

No permit may be issued until the appropriate application has been filed with the Department and fees have been paid. If any person, company, firm or corporation begins work for which a permit is required by this section without taking out a permit, they must pay three times the amount of the applicable above-described fee.

207-6.10. - Nonconforming Signs

A. **General**

Nonconforming signs which met all legal requirements when erected may stay in place until the deterioration of the sign or damage in accordance with the maintenance and removal requirements of this section, unless the damage to the sign was caused by circumstances beyond the owners control in accordance with O.C.G.A. § 32-6-83, in which case the owner m either repair or remove the sign. However, no other structural repairs, changes in shape, size or design to nonconforming signs or replacement of nonconforming signs are permitted except to make a nonconforming sign comply with all requirements of this section.

B. **Billboard Conversion and Reduction**

1. **Eligibility for use as a Conversion Structure**

   Any legal nonconforming billboard existing before the effective date of this UDO which is located along State Route 124 or State Route 10/United States Highway 78, and is located no closer than 6,000 feet from the nearest conversion structure or electronic billboard is eligible for use as a conversion structure under the provisions of this paragraph B.

2. **Exchange Ratio and Permitting**

   Notwithstanding any other provision of this Sec. 207-6 (Signs), any eligible conversion structure may be modified to an electronic billboard, provided that the applicant removes from within the City of Snellville an equal number of removal structures and billboard sign faces to be converted. In order to be eligible for use as a removal structure, the entirety of the above-ground portion of the removal structure must be removed. The applicant is entitled to obtain a permit, upon proper application, for the conversion of a conversion structure to an electronic billboard, which permit must provide that the conversion structure may not converted to an electronic billboard until the removal structure has been fully removed. Each permit will grant the applicant a period of not less than 1 year to complete conversion of the conversion structure after removal of the removal structure.

3. **Construction**

   In addition to the replacement of the billboard sign face(s) with the electronic billboard, the applicant is permitted to structurally modify or replace the conversion structure as may be necessary to comply with current applicable building codes. In addition, the conversion structure may be relocated upon the property so long as such relocation does not increase the height or size of the sign, nor does it increase the degree of nonconformity in regard to applicable setbacks without the prior approval of the City Council.

4. **Operation of Electronic Billboards**

   Each electronic billboard must be operated in accordance with the following requirements:

   a. The electronic billboard may include the entire sign face, but may not exceed 672 square feet in size;
   b. Only static messages may be displayed on the electronic billboard. Each individual static message must remain unchanged on the display for not less than ten seconds. The change between each static message shall be accomplished within one second, and such change may not include any scrolling, blinking, fading, frame effects, or other graphics. Animation, flashing, blinking, and video images are prohibited;
   c. Each electronic billboard must contain a light sensing device which will adjust the sign face brightness to account for changing ambient light conditions. The maximum brightness produced by each sign face may not exceed three-tenths foot candles above ambient light levels as measured at five feet above the ground at a distance of 250 feet from the sign face.
   d. Each electronic billboard owner or operator must provide the City with twenty-four-hour contact information in the event

the City needs to notify them of the malfunction of the electronic billboard. In the event of a malfunction of the electronic billboard such that it violates the provisions of this paragraph B, or otherwise violates State operational standards, the electronic billboard must either be turned off, display a blank image, or the display frozen to a single image until it can be repaired.

e. Each electronic billboard owner must participate in the National Amber Alert Program, FBI, GBI, and other recognized emergency alert broadcasting systems in regard to the electronic Billboard. In addition, such owner must coordinate with the Snellville Police Department to permit the display of local emergency messages where appropriate.

f. Where located on a State-controlled route, each electronic billboard must obtain all necessary permits from GDOT or other applicable regulatory agencies.

207-6.11. - Maintenance and Removal

A. **Sign Maintenance**

Every sign, including those specifically exempt from this section with respect to permits and permit fees, must be maintained in good structural condition at all times. All signs must be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-resistant material. All signs must be free from: rust or holes on or in the sign or sign structure; broken, missing, loose or bent parts; faded or flaking paint; nonoperative or partially nonoperative illuminating or mechanical devices; and/or missing letters/graphics in sign copy. The Director will inspect and has the authority to order the painting, repair, alteration, or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.

B. **Dangerous or Defective Signs**

No person may maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign must be removed or repaired by the owner of the sign or the owner of the premises.

C. **Removal of Signs by the Director**

The Director must cause to be removed any sign that endangers the public safety, such as a dangerous, or materially, electrically, or structurally defective sign, or a sign for which no permit has been issued. The Director must prepare a notice which describes the sign and specifies the violation involved and which states that, if the sign is not removed or the violation is not corrected within 10 days, the sign will be removed in accordance with the provisions of this subsection

D. **Notice**

For all signs the notice must be issued to the owner of the property on which the sign is located as shown on the last tax record. If known, or with reasonable care should be known, the notice must be mailed to or delivered to the owner of the sign and/or the occupant of the property.

E. **Appeal/Administrative Review**

Any person with an interest in the sign or the property may appeal the determination of the Director ordering removal or compliance by filing a written notice of appeal with the Board of Appeals within 30 days after the date of mailing of the notice of violation, or 30 days after receipt of the notice if the notice was hand-delivered not mailed. The Board of Appeals must review said application at the next regularly scheduled meeting. If the Board of Appeals fails to reach a decision (excluding postponement of meeting or agenda item) during its next regularly scheduled meeting, the appeal will be deemed to be granted. Applications for appeals are subject to provisions of Chapter 100 of this UDO.

Notwithstanding the above, in cases of emergency, the Director may cause the immediate removal of a dangerous or defective sign without notice.

Sec. 207-7. - Utilities

207-7.1. - Placement of Utilities

A. **General Standards**

Authorized public underground utilities must be located within a public street right-of-way of a public street or within an easement designated for such use. Within a public street right-of-way, placement of the various authorized utilities (power, gas, cable TV, water and sewer) must be placed underground, be noted on the plans and must conform to the specific locations designated for such use by the City, as illustrated in the City's standard drawings.

B. **Private underground utility standards**

No other underground utilities, such as private lawn sprinkler systems, yard lighting, etc., may be installed within a public right-of-way or easement except by authorization of the Department. Such authorization, if issued, requires the applicant to assume all repair costs of the applicant's facilities should they be damaged during the course of installation, maintenance or repair of any of the public utilities authorized to occupy said right-of-way or easement.

C. **Manholes and valve boxes**

Utility manholes and valve boxes must be brought flush to the finished grade within the roadway section.

D. **Street Cut Limitations**

Street cuts are not allowed within existing public roadways unless deemed absolutely necessary due to the presence of rock, the need to tap into an existing line beneath the road surface, or other circumstance which makes boring impossible or infeasible.

1. **Fees and escrow.** No street cut may be authorized until such street cut fees and escrow have been paid.
2. **Trench compaction.** If approved, all trenches for open cut utility installations on existing roads must be backfilled and compacted the same day the trench is opened.
   a. Trenches under the paving must be returned to 95% compaction.
   b. See Sec. 401-5.6 (Street Subgrade Preparation) for trench compaction and test requirements.
3. **Trench requirements.** All trenches under paving may be concreted with 8 inches of class "A" concrete base, and 2 inches of 9.5 mm Superpave Type II wearing course asphalt to be spread.
   a. The paving cut may be widened to a minimum of 9 inches beyond the edges of the trench.
   b. The edges of the paving cut must be smooth.

E. **Approval**

1. All utility construction plans within City right-of-way must be reviewed and approved by the Director before construction begins.
2. Contact the applicable regulatory authority of the public utility for minimum requirements and approval process for connections to and/or extension of the applicable utility for the proposed development. Provide the City with utility approval of proposed work.

F. **Lane/Road Closure Notification**

In advance of the closure of traffic lanes or roadways, notify the City and responsible party of the roadway at least 24 hours in advance. Please note that depending on the classification of the road in need of closure, it may be necessary to coordinate with the GDOT or Gwinnett County Department of Transportation, and their minimum notification period may be greater.

207-7.2. - Water System, Fire Hydrants, Wells

A. **Water Main Connections**

The developer must install or have installed a system of water mains connected to a public water supply system in accordance with the requirements of the Gwinnett County Department of Water Resources (DWR).

B. **Design**

1. All water mains, fire hydrants, and appurtenances must be designed in accordance with the policies, standards, plans and specifications of the Gwinnett County Fire Prevention Ordinance and Gwinnett County DWR. Where jurisdiction resides with the Gwinnett County DWR, the public water mains and appurtenances must be reviewed by the County upon submittal of the development plans for the project.
2. All new replacement water supply systems must be designed to minimize or eliminate infiltration of floodwaters into the system.

C. **Installation Timetable**

Within the Gwinnett County DWR's jurisdiction, water mains and appurtenances must be installed after installation of the curbs and gutters and before paving, or after staking of the curb line and submission to the water system of an as-graded survey of the street profile accompanied by a certification executed by the owner as required by the water system that the subgrade will not change. Water mains must be relocated as necessary to meet water system regulations before approval of development conformance, if improperly located to final curb line or grade.

D. **Potable Water Supply Wells**

1. The use of individual water wells as a potable water supply is prohibited. Potable water supply means any water supply that is used or satisfactory for drinking, culinary, and domestic purposes by humans.
2. Existing individual potable water supply wells may continue to exist, but must have been registered with the City no later than 30 days after June 25, 2001. The property owner, at their cost, must have the well tested every 2 years with the results of the test forwarded to the City.

207-7.3. - Easements

A. **General**

Temporary construction easements and permanent easements for public utilities or other public facilities must be dedicated to Gwinnett County and recorded in accordance with county requirements. Easements must be shown on all plats and/or plans submitted to the City of Snellville for review. All easements must be stabilized in accordance with the Manual for Erosion and Sediment Control in Georgia.

B. **Drainage Easements**

Drainage Easements must conform to Sec. 404-1.7 (Drainage Easements).

207-7.4. - Sanitary Sewerage

A. Sanitary sewerage must conform to the requirements of Chapter 106, Article III, Sewer Service, Division 1 of the Gwinnett County Code.
B. New and replacement sanitary sewage systems must be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into floodwaters.

CHAPTER 300. - BUILDINGS

ARTICLE 1. - GENERAL

Sec. 301-1. - Purpose

The purpose of this article is to ensure and regulate the design and permitting of buildings and structures in the City of Snellville and to provide for the administration and enforcement of the Georgia State Minimum Codes for Construction, as adopted and amended by the Georgia Department of Community Affairs. Hereinafter, the Georgia State Minimum Standard Codes for Construction will be referred to as "the construction codes".

Sec. 301-2. - Code Remedial

301-2.1. - General

These construction codes are hereby declared to be remedial, and are construed to secure the beneficial interests and purposes thereof (which are public safety, health and general welfare) through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems.

301-2.2. - Quality Control

Quality control of materials and workmanship is not within the purview of the construction codes except as it relates to the purposes stated therein.

301-2.3. - Permitting and Inspection/No Warranty

The inspection or permitting of any building, system or plan, under the requirements of construction codes may not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. The City, nor any employee thereof, is not liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting. This article and the construction codes does not create any duty or right of recovery against the City or any of its officials or employees.

Sec. 301-3. - Scope

301-3.1. - Applicability

A. **General**

Where, in any specific case, different sections of these construction codes specify different materials, methods of construction or other requirements, the most restrictive will govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement will be applicable.

B. **Building**

The provisions of the International Building Code, as adopted and amended by the Georgia Department of Community Affairs, apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition, of every building or structure or any appurtenances connected or attached to such buildings or structures, except in one- and two-family dwellings.

C. **Electrical**

The provisions of the National Electrical Code, as adopted and amended by the Georgia Department of Community Affairs, apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

D. **Gas**

The provisions of the International Fuel Gas Code, as adopted and amended by the Georgia Department of Community Affairs, apply to the installation of consumer's gas piping, gas appliances and related accessories as covered in this Code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories, except in one- and two-family dwellings.

E. **Mechanical**

The provisions of the International Mechanical Code, as adopted and amended by the Georgia Department of Community Affairs, apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy related systems, except in one- and two-family dwellings.

F. **Plumbing**

The provisions of the International Plumbing Code, as adopted and amended by the Georgia Department of Community Affairs, apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, and when connected to a water or sewerage system.

G. **Fire prevention**

The provisions of the International Fire Code, as adopted and amended by the Georgia Department of Community Affairs, apply to the construction, alteration, repair, equipment, use and occupancy, location, and maintenance, of every building or structure or any appurtenances connected or attached to such buildings or structures.

H. **Energy**

The provisions of the International Energy Conservation Code, as adopted and amended by the Georgia Department of Community Affairs, regulate the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, service water heating and illumination systems and equipment that will enable the effective use of energy in new building construction.

I. **One- and two-family dwellings**

The provisions of the International Residential Code for One and Tow Family Dwellings, as adopted and amended by the Georgia Department of Community Affairs, apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, of every one- or two-family dwelling or any appurtenances connected or attached to such buildings or structures.

J. **The International Property Maintenance Code**

The provisions of the International Property Maintenance Code apply and provide code enforcement personnel with the necessary tools to have dangerous and unsafe buildings repaired or demolished.

K. **Existing Building Code**

The provisions of the International Existing Building Code, as approved and amended by the Georgia Department of Community Affairs, apply.

L. **Standard Unsafe Building Abatement Code**

The provisions of the Standard Unsafe Building Abatement Code, as approved and amended, apply and are enforced. See Sec. 305-5 (Unsafe Buildings or Systems).

M. **Standard Swimming Pool Code**

The provisions of the International Pool and Spa Code, as amended, apply to the protection of the health, safety and welfare by prescribing minimum standards for the design, construction, installation, repair or alterations of swimming pools, public or private, and equipment related thereto.

301-3.2. - Federal and State Authority

The provisions of the construction codes will not be held to deprive any federal or State agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of the construction codes or of any remedy then existing for the enforcement of its orders, nor will it deprive any individual or corporation of its legal rights as provided by law.

301-3.3. - Appendices

Appendices referenced in the text of the construction codes are considered an integral part of the construction codes.

301-3.4. - Referenced Standards

Standards referenced in the text of the construction codes are considered an integral part of the construction codes. If specific portions of a standard are denoted by code text, only those portions of the standard will be enforced. Where construction code provisions conflict with a standard, the construction code provisions will be enforced. Permissive and advisory provisions in a standard will not be construed as mandatory.

301-3.5. - Maintenance

All buildings, structures, electrical, gas, mechanical and plumbing systems, both existing and new, and all parts thereof, must be maintained in a safe and sanitary condition. All devices or safeguards, which are required by the construction codes when constructed, altered, or repaired, must be maintained in good working order. The owner, or his/her designated agent, is responsible for the maintenance of buildings, structures, electrical, gas, mechanical and plumbing systems.

Sec. 301-4. - Administration

The Building Department is created within and as a part of the Department of Planning and Development. The Director is the Building Official responsible for enforcement of this article and the construction codes.

301-4.1. - Restrictions on Employees

An officer or employee connected with the Department, except one whose only connection is as a member of the board established by Sec. 309-1 (Appointments), may not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof, unless he is the owner of such. This officer or employee may not engage in any other work, which is inconsistent with his duties or conflict with the interests of the Department.

301-4.2. - Records

The Building Official must keep, or cause to be kept, a record of the business of the Building Department. The records of the department must be open to public inspection pursuant to the provisions of the Georgia Open Records Act.

301-4.3. - Liability

Any officer or employee, or member of the board of adjustments and appeals, charged with the enforcement of the construction codes, acting for the applicable governing authority in the discharge of his duties, may not thereby render himself/herself personally liable, and is hereby relieved from all personal liability, for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his/her duties. Any suit brought against any officer or employee or member because of such act performed by him/her in the enforcement of any provision of the construction codes will be defended by the governing jurisdiction until the final termination of the proceedings.

Sec. 301-5. - Existing Buildings

301-5.1. - General

Alterations, repairs or rehabilitation work may be made to any existing structure, building, electrical, gas, mechanical or plumbing system without requiring the building, structure, plumbing, electrical, mechanical or gas system to comply with all the requirements of the construction codes provided that the alteration, repair or rehabilitation work conforms to the requirements of the construction codes for new construction. The Building Official will determine the extent to which the existing system must be made to conform to the requirements of the construction codes for new construction.

Sec. 301-6. - Change of Occupancy

If the occupancy classification of any existing building or structure is changed, the building, electrical, gas, mechanical and plumbing systems must be made to conform to the intent of the construction codes as required by the Building Official.

Sec. 301-7. - Special Historic Buildings

The provisions of the construction codes relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures are not mandatory for existing buildings or structures identified and classified by the State or local jurisdiction as historic buildings when such buildings or structures are judged by the Building Official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings within fire districts.

Sec. 301-8. - Violations and Penalties

Any person, firm, corporation or agent who violates a provision of the construction codes, or fails to comply therewith, or with any of the requirements thereof, or who erects, constructs, alters, installs, demolishes or moves any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, will be guilty of violating this article and the construction codes. Each such person will be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the construction codes is committed or continued, and upon conviction of any such violation such person will be punished within the limits and as provided by State laws. Any fine assessed by a court of competent jurisdiction for a violation of this article may not be less than $250.00, nor more than $1,000.00.

Sec. 301-9. - Self-Inspection by Plumbers and Utility Contractors

The City is exempt from the provisions of O.C.G.A. § 8-2-26(d) relating to self-inspection of certain water and sewer lines, and such provisions are not applicable in the city.

ARTICLE 2. - CONSTRUCTION CODES

Sec. 302-1. - Purpose

The purpose of this article is to provide for the administration and enforcement of the Georgia State Minimum Standard Codes as adopted below.

Sec. 302-2. - Adopted

302-2.1. - Enumeration

A. The following codes, as adopted by the Georgia Department of Community Affairs, are adopted by reference as ordinances of the City as fully as though set out at length herein. Copies of the codes listed below must be maintained on file in the office of the City Clerk where it must be available for inspection by the public:
   1. International Building Code (IBC);
   2. International Residential Code (IRC);
   3. International Fire Code (IFC);
   4. International Plumbing Code (IPC);
   5. International Mechanical Code (IMC);
   6. International Fuel Gas Code (IFGC);
   7. National Electrical Code (NEC);
   8. International Energy Conservation Code (IECC);
   9. International Swimming Pool and Spa Code;
   10. International Property Maintenance Code.
B. The codes provided in A above mean such codes as they are currently adopted by DCA, provided that any such code may hereafter be amended or revised as provided in O.C.G.A. § 8-2-23(a).

302-2.2. - Appendices

The following appendices of the codes adopted in Sec. 302-1 (Enumeration) are adopted by reference as though they were set forth in full in this subsection:

A. Standard International Building Code: Appendix;
B. Standard International Mechanical Code: Appendix;
C. Standard International Gas Code: Appendix;
D. Standard International Plumbing Code: Appendix;
E. Standard International Fire Prevention Code: Appendix;
F. National Electrical Code: Appendix; and
G. CABO One- and Two-Family Dwelling Code: Appendix.

302-2.3. - Additional Codes

The latest edition of the following codes, as adopted and amended by the State Department of Community Affairs, are adopted by reference as though they were set forth in full in this subsection:

A. Standard Housing Code, including chapter 1, Administration, and Appendix;
B. Standard Swimming Pool Code, including chapter 1, Administration;
C. Standard Excavation and Grading Code, including chapter 1, Administration;
D. Standard Unsafe Building Abatement Code, including chapter 1, Administration;
E. Standard Existing Building Code, including chapter 1, Administration, and Appendix; and
F. Standard Amusement Device Code, including chapter 1, Administration, and Appendix.

302-2.4. - Compliance

It is unlawful for any person to engage in the construction or erection of any building, whether commercial, business or residential, unless such construction is accomplished in strict compliance with the various technical codes adopted in Sec. 302-1 (Enumeration).

302-2.5. - Enforcement

When reference is made to the duties of certain officials named in the various technical codes adopted in Sec. 302-1 (Enumeration), the designated City official who has duties corresponding to those of the named official in said construction codes will be responsible for their enforcement.

302-2.6. - Permit and Inspection Fees

Permit and inspection fees and any other charges imposed or due under the various construction codes adopted Sec. 302-1 (Enumeration) will be as provided in the schedule of fees and charges on file in the office of the City Clerk.

302-2.7. - Public Utilities

A. No public utility may furnish temporary electrical, water or gas connection, for construction purposes, unless the contractor has been issued a construction permit by the chief Building Official.
B. No public utility may furnish permanent electrical, water or gas connections until the contractor has been issued a certificate of occupancy by the chief Building Official.
C. No public utility may furnish power to a mobile home site until the owner has been issued either a building permit or a certificate of occupancy by the chief Building Official.

302-2.8. - Water Supply and Sewage Disposal Facilities

A. Building permits will not be issued until plans for water supply and sewage disposal have been approved by the County Water Resources Department and/or County Environmental Health Department.
B. Certificates of occupancy will not be issued until the completed water supply and sewage disposal facilities have been approved by the County Water Resources Department and/or County Environmental Health Department.

302-2.9. - Violations, Penalties

A. Any person violating any provision of the various construction codes adopted in Sec. 302-1 (Enumeration) will be punished as provided in Sec. 1-11 of the Snellville Code of Ordinances.
B. A conviction of the violation of any provision of the various construction codes adopted in Sec. 302-1 (Enumeration) will automatically suspend the business license of the offending contractor. The license may be reinstated by an application to the City Council upon a showing of good cause.

ARTICLE 3. - FLOW RATE RESTRICTIONS ON PLUMBING FIXTURES

Sec. 303-1. - Purpose

It is the purpose of this article to:

A. Require the use of ultra-low-flow plumbing fixtures in all new construction or when replacing plumbing fixtures during renovation or remodeling of existing buildings;
B. Require the certification of plumbing fixtures regarding flow rates and serviceability standards;
C. Promote compliance with State laws for the purpose of conserving water;
D. Maintain the integrity of drinking water supplies; and
E. Reduce wastewater flows.

Sec. 303-2. - Definitions

The following words, terms and phrases, when used in this article, will have the following meanings, except where the context clearly indicates a different meaning:

Commercial building. Any type of building other than residential.

Construction. The erection of a new building or the alteration of an existing building in connection with its repair or renovation, or in connection with making an addition to an existing building and includes the replacement of a malfunctioning, unserviceable or obsolete faucet, showerhead, toilet or urinal in an existing building.

Plumbing fixtures. Any toilet, urinal, showerhead, bathroom, lavatory and kitchen faucet and replacement aerators.

Residential building. Any building or unit of a building intended for occupancy as a dwelling, but not including a hotel or motel.

Toilet. Any fixture consisting of a water-flushed bowl with a seat, used for the disposal of human waste.

Urinal. Any fixture consisting of a water-flushed bowl used for the disposal of human waste.

Sec. 303-3. - Standards for Fixtures

No plumbing fixture may be installed which does not meet with the standards listed in this section or the State plumbing code, whichever is stricter. This includes all plumbing fixtures installed in newly constructed buildings or when replacing plumbing fixtures during remodeling or renovation of existing buildings, except as noted in Sec. 303-5 (Exceptions).

A. All plumbing fixtures installed in accordance this article may not exceed the following water use rates:
   1. Toilets: 1.6 gallons per flush
   2. Urinals: 1.0 gallon per flush
   3. Showerheads: 2.5 gallons per minute, at 60 psi gauge pressure
   4. Kitchen faucets: 2.5 gallons per minute
   5. Bathroom and lavatory faucets: 2.0 per minute
B. The flow restriction device in a showerhead must be a permanent and integral part of the showerhead and must not be removable to allow flow rates in excess of that identified in A above.
C. Lavatory faucets located in restrooms intended for use by the general public must be of the metering or self-closing type, in addition to the flow requirement of A above.
D. The flow rates for all showerheads, kitchen, bathroom and lavatory faucets must be determined in accordance with ANSI/ASME A112.18.1M-1989 Plumbing Fixture Fittings, as amended, except that maximum flow rates may not exceed those

identified in A above.

E. All toilets and urinals must be certified to meet the hydraulic performance standards for low consumption water closets specified in ANSI/ASME A112.19.2-1990 Vitreous China Plumbing Fixtures, as amended, and ANSI/ASME A112.19.6-1990 Hydraulic Requirements for Water Closets and Urinals, as amended.

Sec. 303-4. - Product Certification

The manufacturer must certify compliance with the standards listed in Sec. 303-3 (Standards for Fixtures) by labeling the fixture and packaging as set forth in this section and providing, upon request, appropriate certification by an independent national testing organization acceptable to the chief Building Official. Effective April 1, 1992, all toilets, urinals, showerheads or faucets must be clearly labeled to indicate the maximum flow rate of water usage of the fixture at the specified test pressure. Toilets and urinals must also be labeled ASME A112.19.2M, as prescribed in section 8 of such standard. The label must be affixed to the fixture and remain there until the proper building and/or plumbing inspections have been conducted. The packaging must be clearly marked to identify water use rates when offered for retail.

Sec. 303-5. - Exceptions

Permission for the exceptions listed in this article must be obtained from the Building Official. New construction and the repair or renovation of an existing building may be exempt from the standards set forth in Sec. 303-3 for the following:

A. Showers and faucets installed for safety purposes, such as emergency eye wash stations, etc.

B. Plumbing fixtures specifically designed for the physically handicapped.

C. Fixtures specifically designed to withstand unusual abuse or for installation in a correctional institution which may require more water for proper operation.

D. Building renovation where significant plumbing modifications would be required to accommodate the lower flows or for specialized purposes which cannot be accommodated by existing technology.

Sec. 303-6. - Violation; Citation, Penalty

A citation for a violation of this article may be issued by the Building Official or their authorized representative. Any person violating this article will be tried before the municipal court. Upon conviction, such person found guilty of a violation of this article will be punished as provided in Sec. 1-11 of the Snellville Code of Ordinances.

Sec. 303-7. - Compliance and Enforcement

A. In addition to the penalty provided in Sec. 303-6 above, the City may take the following actions to compel compliance with this article and may maintain an action or proceeding in any court of competent jurisdiction to compel compliance with or restrain any violation of this article:

1. Compliance with the requirements for installation and labeling at the time of installation in Sec. 303-3 will be determined by the chief Building Official or their agent in cases of new or replacement plumbing fixture installations, and compliance will be a condition for receipt of any occupancy permit.

2. The appropriate water authority or water service agency may deny any service connection to an establishment which does not comply with the standards set forth in Sec. 303-3.

B. Compliance with the requirements in Sec. 303-4 regarding the labeling of plumbing fixtures offered for retail sale will be determined by the chief Building Official or their agent. The agency will have access to all establishments which offer for sale or sell such plumbing fixtures for purposes of determining compliance with Sec. 303-4.

ARTICLE 4. - PROPERTY MAINTENANCE

Sec. 304-1. - General

304-1.1. - Title

The title of this article is the Snellville Property Maintenance Ordinance and may be cited hereinafter as this article.

304-1.2. - Purpose

The purpose of this article is to establish minimum requirements and standards for premises and structures in order to promote and protect the public health, safety, convenience, order and general welfare of the citizens of the city.

304-1.3. - Scope

This article shall apply to all commercial, office, industrial, multifamily, and single-family residential structures and premises and shall constitute the minimum requirements and standards for existing structures and premises.

304-1.4. - Definitions

Unless otherwise noted, terms not defined in this subsection will have their meaning as defined in the general provisions of the construction code, or in the absence of such definition, words will be defined as provided for in Article 2 of Chapter 100 of this UDO. Whenever the term "dwelling unit," "premises," "building," "rooming house," "rooming unit" or "story" are stated in this article, they shall be construed as if they were followed by the words "or any part thereof." The following definitions shall apply in the interpretation and enforcement of this article:

Boarding-up. Erecting, installing, placing, or maintaining boards over the doors, windows, or other openings of any building or structure or otherwise securing such openings by a means other than the conventional method used in the original construction and design of the building or structure.

Exterior property. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Local agent. Any person or entity empowered by a creditor, mortgagee, or transferee to:

A. Ensure security and maintenance;
B. Comply with code enforcement orders issued by the City;
C. Provide a trespass authorization upon request of an enforcement officer;
D. Conduct inspections; and
E. Serve as an agent authorized to receive any citation under this article and notice pertaining to any court or enforcement proceeding in connection with the enforcement of this article.

Operator. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy. A real estate broker or salesperson licensed pursuant to O.C.G.A. title 43, ch. 40 (O.C.G.A. § 43-40-1 et seq.) is not an operator for the purposes of this article unless such broker or salesperson is under contract to provide property management services to the owner of such structure or premises.

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 or County 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.

Premises. A lot, plot or parcel of land including any structures thereon.

Property. Any unimproved or improved residential or nonresidential real property, or portion thereof, situated in the City of Snellville and includes the buildings or structures located on the real property regardless of condition.

Securing. Such measures as may be directed by the Director that render the property inaccessible to unauthorized persons, including, but not limited to, the repairing of fences and walls, chaining or padlocking of gates, the repairing of doors, windows or other openings.

304-1.5. - Penalties

A. **Fine and/or Sentence**

Any person convicted by a court of competent jurisdiction of violating any provision of this article shall be guilty of violating a duly adopted ordinance of the City and shall be punished either by a fine not less than $250.00 per day and not to exceed $1,000.00 per day, or by a sentence of imprisonment not to exceed 60 days in jail, or both a fine and jail or work alternative. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

B. **Powers of the Court**

The court shall have the power and authority to order the violation corrected in compliance with this article and the court may require payment of restitution or impose other punishment allowed by law.

C. **Other Legal Remedies**

In any case in which a violation of this article has occurred, the City, in addition to other remedies provided by law, may petition for a restraining order, injunction, abatement, or take any other appropriate legal action or proceeding through a court of competent jurisdiction to prevent, restrain, or abate such unlawful use or activity.

304-1.6. - Transfer of Ownership

It is unlawful for the owner of any building or structure who has received a notice of violation to sell, transfer, mortgage, lease or otherwise dispose of such building or structure until the provisions of the notice of violation have been complied with, or until such owner shall furnish to the chief of police a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice of violation and fully accepting the responsibility, without condition, for making the corrections or repairs required by such notice of violation. Any citation for violation of this section shall be issued to the transferor of the property listed on the face of the document evidencing conveyance of the property.

Sec. 304-2. - International Property Maintenance Code

304-2.1. - Adopted

A certain document, three copies of which are on file in the office of the City Clerk of the City of Snellville, being marked and designated as the International Property Maintenance Code, 2012 edition, and the Georgia State Amendments thereto as revised January 1, 2015, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Snellville, in the State of Georgia for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of

such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code on file in the office of the City of Snellville are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in Sec. 304-2.2.

304-2.2. - Same—Modifications

The following sections are hereby revised:

Section 101.1. Insert: City of Snellville

Section 103.5. Insert: Fee Schedules of the Planning & Development and Police Departments

Section 111. Insert: Appeals shall go to the Municipal Court of the City of Snellville

Section 111.2. Delete this Section in its entirety

Section 111.7. Clarification: The Court referenced is the Municipal Court of the City of Snellville

Section 302.4. Insert: Twelve (12) inches

Section 304.14. Insert: January 1 to December 31

Section 602.3. Insert: November 1 to March 31

Section 602.4. Insert: November 1 to March 31

All references to the "Department of Property Maintenance" and its "Code Official" shall be revised to read "Department of Planning and Development" and its "Director of Planning and Development" respectively.

304-2.3. - Service of Process

Notwithstanding any provisions of the International Property Maintenance Code of 2012 to the contrary, complaints issued by a public officer in accordance with this article must be served in the following manner:

A. At least 14 days prior to the date of the hearing, the public officer must mail copies of the complaint by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identities and addresses are reasonably ascertainable. Copies of the complaint must also be mailed by first-class mail to the property address to the attention of the occupants of the property, if any, and must be posted on the property within 3 business days of filing the complaint and at least 14 days prior to the date of the hearing.
B. In addition to the method identified in A above and Section 107.3 of the International Property Maintenance Code, service may be perfected by certified mail or statutory overnight delivery, return receipt requested, to the most recent address shown in County tax filings and mailed at least 14 days prior to the date of the hearing.
C. For interested parties whose mailing address is unknown, a notice stating the date, time, and place of the hearing must be published in the newspaper in which the sheriff's advertisements appear in such County once a week for two consecutive weeks prior to the hearing.
D. A notice of lis pendens must be filed in the office of the clerk of superior court in the county in which the property, dwelling, building, or structure is located at the time of filing the complaint in the appropriate court. Such notice must have the same force and effect as other lis pendens notices provided by law.
E. Orders and other filings made subsequent to service of the initial complaint must be served in the manner provided in this subsection on any interested party who answers the complaint or appears at the hearing.

F. Any interested party who fails to answer or appear at the hearing will be deemed to have waived all further notice in the procee

Sec. 304-3. - Buildings

304-3.1. - Numbering Requirements

A. **Assignation**

Street numbers shall be assigned by the Department in accordance with this UDO.

B. **Single-family Detached and two-family Dwelling Requirements**

Each single-family attached and two-family dwelling must have posted and maintained in a conspicuous place on the property, visible from the street, providing general public access, the street number of such dwelling unit in figures at least 4 inches high on a contrasting background that will allow 24-hour visibility.

C. **Multifamily Requirements**

Each multifamily building (including single-family attached dwellings) with three or more dwellings must have posted and maintained in a conspicuous place on the building, visible from the parking lot or street providing general public access, the addresses or numbers of the building in figures at least 6 inches high on a contrasting background and each individual apartment/unit within the building shall be marked on or about its main entrance with the individual apartment/unit number and/or address in figures at least 4 inches high on a contrasting background that will allow 24-hour visibility. In addition to these requirements, where a multifamily building has more than one exterior entrance, each such entrance shall be marked, in figures at least 4 inches high on a contrasting background, with the number and/or address of each and every individual apartment/unit or numerical range of apartment units to which access is provided through that common entrance.

D. **Business and Other Nonresidential Building Requirements**

Each business or other nonresidential building must have posted and maintained in a conspicuous place of the property, visible from the street providing public access, the address and/or street number of such building in figures at least 4 inches high on a contrasting background that will allow 24-hour visibility. If the numbers are not placed within 15 feet of the back of the street curbing or edge of the street surface, then such figures shall be at least 6 inches high. A quadrant designation will be posted as part of the address in figures at least 2 inches high on a contrasting background of a material that will allow 24-hour visibility and be placed with the number designation.

304-3.2. - Exterior Surface Treatment

All exterior surfaces, including, but not limited to, doors, door and window frames, cornices, porches and trim shall be maintained in good repair. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints must be maintained weather-resistant and watertight.

Sec. 304-4. - Exterior Walls

Exterior walls of buildings shall be maintained free from holes, breaks, loose, or rotting materials, and shall be maintained weatherproof and properly surface coated as needed to prevent deterioration.

304-4.1. - Foundation Walls

All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads of the structure and shall be maintained plumb and free from open cracks and breaks so as not to be detrimental to public safety and welfare. Every foundation, exterior wall, and other exterior surface shall be maintained in a workmanlike state of maintenance and repair.

304-4.2. - Roofs

Roofs of buildings shall be maintained so that they are structurally sound and in a safe condition and have no defects which might admit rain or cause dampness in the interior portions of a building. All portions, additions or sections of a roof, including, but not limited to, the fascia, eave, soffit, sheathing, rafter tail, barge rafter, vent screening, gutter, downspout, roof jack, and metal flashing, shall be complete with all trim strips, moldings, brackets, braces and supports attached or fastened in accordance with common building practices. Gutters must be free of vegetation and in good repair. Roof drainage shall be adequate to prevent rainwater from causing dampness or deterioration in the walls or interior portion of the building.

304-4.3. - Exterior Stairways, Decks, Porches, and Balconies

Exterior stairways, decks, porches and balconies, and all appurtenances attached thereto, of buildings shall be maintained so that they are structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304-4.4. - Windows

Windows of buildings shall be fully supplied and maintained with glass window panes or with a substitute approved by the Director of the Department of Planning and Development, and such glass or substitute material shall be without open cracks or holes. Screens, if provided, shall be securely fastened to the window and maintained in good repair. Windows other than fixed windows shall be capable of being opened with reasonable ease and shall be held in position by appropriate window hardware.

304-4.5. - Exterior Doors and Frames

Exterior doors of buildings shall be maintained so that they fit reasonably well within their frames so as to substantially prevent rain and wind from entering a building. Exterior door jambs, stops, headers and moldings shall be securely attached to the structure and maintained in good condition without splitting or deterioration. Additionally, exterior doors shall be provided with proper hardware and maintained in proper working condition.

304-4.6. - Garage Doors

Garage doors shall be capable of being closed reasonably plumb, properly attached, and the exterior surface of garage doors shall be maintained weatherproof so as to prevent deterioration.

Sec. 304-5. - Decorative Features

Cornices, belt courses, corbels, terra cotta trim, wall facings, shutters, light fixtures, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

Sec. 304-6. - Vacant Structures

Vacant structures shall be maintained in good repair and be in compliance with all applicable laws, codes, and ordinances. Any vacant structure shall, at a minimum:

A. Have all doors and windows and other openings weathertight and secured against entry by the general public as well as animals. The vacant structure shall be secured using the conventional methods used in the original construction. Where

securing the structure through conventional methods is not feasible or where the owner desires to board up the vacant structure, the owner or interested party must obtain a separate boarding-up permit from the Department of Planning and Development.

B. All roof and roof flashings shall be sound and tight such that no rain will penetrate the structure and must allow for appropriate drainage so as to prevent deterioration of the interior walls or other interior portions of the structure.

C. The structure must be maintained in good repair, be structurally sound and free from rubbish, garbage and other debris.

D. Supporting members of the structure shall be capable of bearing both live and dead loads and the foundation walls likewise shall be capable of supporting an appropriate load.

E. The exterior of the structure shall be free of loose or rotten materials as well as holes. Any exposed metal, wood or other surface shall be protected from the elements by appropriate weather coating materials (paint or similar treatment).

F. All balconies, canopies, signs, metal awnings, stairways, fire escapes or other overhanging extensions shall be in good repair and appropriately anchored. The exposed metal and wood surface of such overhanging extensions shall also be protected from the elements against rust or decay by appropriate application of paint or similar weather coating.

G. Any accessories or appurtenant structures, including, but not limited to, garages, sheds or other storage facilities, shall meet the standards set forth in this section.

H. Have a plan for winterization of the vacant property if necessary.

I. Retaining walls, drainage systems, or other structures must be maintained in good repair and be structurally sound. Any existing fence shall be maintained in good repair with gates locked at all times.

J. Be in compliance with all applicable provisions of this chapter and all other applicable codes and ordinances of the City of Snellville.

304-6.1. - Boarding-Up Structures

A. **Boarding-Up Permit**

No person, firm, association or corporation may erect, install, place, or maintain boards over the doors, windows or other opening of any building or structure or otherwise secure such opening by a means other than the conventional method used in the original construction and design of the building or structure without first obtaining a valid boarding-up permit in accordance with this section. Any properties with boards existing at the time of the adoption of the ordinance from which this section is derived will have 60 days from the date of the adoption of the ordinance from which this section is derived to submit an application to the Department of Planning and Development for a permit to continue to board.

B. **Permit Issuance**

The Department may issue a boarding-up permit only upon satisfaction of the following conditions:

1. Submission of a written application by the owner of the property or his authorized representative, including the following information:
   a. Name, address and telephone number of the owner;
   b. Name, address and telephone number of any local agent of the owner;
   c. Tax parcel identification number of the premises on which the structure is situated;
   d. Common address of the structure;
   e. Other information as may be required by the department.
2. Payment of the required fee by the owner of the property or his authorized representative.
3. Submission of a written statement or plan by the owner or the property or his authorized representative specifying:
   a. Length of time the owner expects the boarding-up to continue;

b. Proposed plan to secure or board up the structure, including a detailed description regarding the manner and materials.

c. Proposed maintenance plan detailing the monitoring and maintenance of the structure and premises in conformance with this article.

d. The City may conduct an inspection of the subject property to ensure that the structure is boarded up in accordance with the plan approved by the Department of Planning and Development.

4. A boarding-up permit issued pursuant to this section shall authorize the boarding-up or other securing of a building or structure for a period of six months. An owner of a property desiring to continue to board his property beyond the 6-month term must submit a renewal application to renew the boarding-up permit and continue to meet the requirements for the issuance of a new boarding-up permit. The permit may be renewed within 30 days of the expiration of the original upon payment of necessary fees. A new permit must be obtained if the original permit is not renewed within 30 days of the expiration of the original permit.

5. No boarding-up permit shall be required to board-up a building for up to 30 days in the event of a temporary emergency situation, including, but not limited to, damage caused by vandalism, theft or weather. In the event an emergency situation requires a building or structure to be boarded-up for more than 30 days, the owner of the building or structure or his authorized representative must obtain a valid building permit for repair or a valid boarding-up permit in accordance with this section.

6. The boarding of doors, windows, or other openings of any building or structure or any means of securing such openings, other than by the conventional method used in the original construction and design of the building or structure, shall be according to the specifications approved under the permit. All boarded openings shall be painted with a minimum of two coats of exterior paint, which is of a color compatible with the exterior color of the building or structure.

7. Any structure which is boarded shall be in compliance with all applicable codes and ordinances of the City.

8. Any structure which is boarded up shall be posted with the name, permit information, and 24-hour contact phone number of the local agent.

304-6.2. - Burned Structures

Whenever any building or structure is partially burned, the owner or person in control shall, within 30 days after completion of the scene investigation by the fire department and/or insurer of the property, remove from the premises all refuse, debris, and all charred and partially burned lumber and material. If such building or structure shall be burned to such an extent that it is rendered incapable of being repaired, the owner or person in control shall, within 60 days after completion of the scene investigation by the fire department and/or insurer of the property, remove from the premises all the remaining portion of the building or structure. If the building or structure is to be repaired, a permit shall be obtained and work shall begin within 60 days after completion of the scene investigation by the fire department and/or insurer of the property and shall be completed within 180 days from the date a permit is obtained.

Sec. 304-7. - Property

304-7.1. - Fences and Walls

A. Fences and walls shall be maintained in a structurally sound condition and in good repair. Fences shall be free from loose or rotting materials and shall have braces and supports attached or fastened in accordance with common building practices. Fences shall be maintained free of nails protruding more than 1/16-inch beyond the face of any uncovered fence member.

B. All multifamily parcels which contain eight units per acre or more, excluding single-family attached dwellings on parcels that contain a minimum of three acres, shall be fenced on all sides with a chain-link or wrought iron fence, or other material approved by the Director of the Department of Planning and Development, no less than 4 feet in height. Any new fence required by the

adoption of the ordinance from which this article is derived shall be constructed within 6 months from the effective date of the ordinance from which this article is derived.

C. All damaged or missing portions of a fence shall be replaced with comparable materials and shall be attached to the existing portion of the fence. Fences shall not be externally braced in lieu of replacing or repairing posts, columns or other structural members.

304-7.2. - Graffiti

It shall be a violation of this article for any person having a legal or equitable interest in a parcel of real property to permit graffiti to remain on a structure located thereon for a continuous period of more than 72 hours. For purposes of this section, the term "graffiti" shall have the same meaning as set forth in O.C.G.A. § 17-15A-2.

304-7.3. - Yards

The unpaved areas of front yards and side (street) yards must be maintained with grass, ground cover or other type of landscaping to such an extent that the soil is not subject to erosion.

304-7.4. - Grass, Weeds, and Uncultivated Vegetation

A. Premises and exterior property shall be maintained free from grass, weeds, or uncultivated vegetation in excess of 12 inches in height, except in forests.

B. Property owners abutting a right-of-way shall not allow yard trimmings to accumulate on a public street or sidewalk.

C. The unpaved areas of front yards shall be maintained with grass, ground cover or other type of landscaping to such an extent that the soil is not subject to erosion.

Sec. 304-8. - Junk Vehicles

A. Junk vehicles shall not be kept, permitted, parked, stored or maintained on any premises or public right-of-way, except as provided for in paragraph B below.

B. **Exceptions**

1. Junk vehicles, limited to a maximum of two, which are kept within a fully enclosed building on property in residential zoning districts provided the owner or occupant of the property is in the process of reconditioning the junk vehicles for personal use.
2. Junk vehicles which are kept on property in zoning districts authorized by the UDO for repairing, reconditioning or remodeling junk vehicles and provided that such vehicles are not stored for the purpose of salvage of parts but is in the continual process of repair, reconditioning or remodeling.
3. Unauthorized vehicles which are kept on property in zoning districts as authorized by the UDO for a junk or salvage yard.

304-8.1. - Driveways and Walkways

All private driveways and walkways connecting a driveway to a building shall be maintained in a passable condition so as to allow safe vehicular and pedestrian ingress and egress to the building served. For purposes of this section, there is a rebuttable presumption that a private driveway or walkway is impassable if the driveway or walkway contains a grade separation of 6 inches or more.

304-8.2. - Open or Outdoor Storage

The open or outdoor storage of appliances, building material or debris, equipment, garbage, glass, material, merchandise, rubbish, trash or similar items shall not be permitted, maintained or stored on any premises, except as provided in "B" below.

Exceptions:

A. Property where outdoor storage is authorized by the UDO.

B. Cut wood which is neatly stacked in lengths not to exceed 3 feet for the personal use of the owner or occupant and which is stored in a side (interior) or rear yard.

C. Rubbish, garbage, trash or other similar items placed outside for collection by an authorized waste hauler not more than 24 hours prior to the designated collection date for that property.

Sec. 304-9. - Trees

A. **Dead Trees**

Dead trees shall not be allowed to exist or to be maintained on any premises which are hazardous to persons on adjacent property or to adjacent property. A finding by a registered forester or certified arborist shall constitute prima facie evidence that a tree is in danger of falling upon adjacent lots or public streets due to the death of the tree.

Exceptions:

1. Property covered by a valid land disturbing permit.
2. Tree debris. Felled trees, slash, or removed tree limbs shall not be permitted or maintained on the ground on any premises for more than 14 days.

B. **Tree Stumps**

Tree stumps greater than 12 inches in height above ground level shall not be permitted or maintained on any premises for more than 14 days after the tree has been cut.

Exceptions:

1. Property covered by a valid land disturbing permit.
2. Cut wood which is neatly stacked in lengths not to exceed 3 feet and which is stored in a side (interior) or rear yard.
3. Composting activities which comply with State law.

304-9.1. - Swimming Pools

Swimming pools, spas, and similar structures aboveground, on ground, or in ground shall be maintained in a safe, clean, sanitary, secure, and structurally and mechanically sound condition, so as to prevent stagnant water, which is conducive to the harboring or breeding of mosquitoes or other insects. A finding by a health official of the County environmental health department shall constitute prima facie evidence that stagnant water in a swimming pool is conducive to the breeding or harboring of mosquitoes or other insects. All swimming pools shall be completely surrounded by a fence or other barrier having a minimum height of 4 feet. When the sides of an aboveground pool are used as the barrier the ladder or steps shall be capable of being secured, locked or removed to prevent access; or the ladder or steps shall be surrounded by a barrier which meets these requirements.

Sec. 304-10. - Residential Occupancy Limitation

304-10.1. - Privacy

Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

304-10.2. - Minimum Room Widths

A habitable room, other than a kitchen, shall not be less than 7½ feet in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet between counter fronts and appliances or counter fronts and walls.

304-10.3. - Minimum Ceiling Heights

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet.

Exceptions:

A. In one- and two-family dwellings, beams or girders spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height.
B. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches with not less than 6 feet 4 inches of clear height under beams, girders, ducts and similar obstructions.
C. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7.5 feet over not less than 50 percent of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet or more shall be included.

304-10.4. - Bedroom Requirements

A. **Area for sleeping purposes.** Every bedroom occupied by one occupant shall contain at least 70 square feet of floor area, and every bedroom occupied by more than one occupant shall contain at least 50 square feet of floor area for each occupant thereof.
B. **Prohibited occupancy.** Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

304-10.5. - Overcrowding

Dwelling units shall not be occupied by more occupants than permitted by the following table:

Space	**Minimum Area in Square Feet**		
	1—2 Occupants	**3—5 Occupants**	**6 or More Occupants**
Living Room: [1] [2]	No Requirements	120	150
Dining Room: [1] [2]	No Requirements	80	100
Kitchen: [2]	50	50	60
Bedrooms	Shall comply with Sec. 304-10.4.A		

Tables notes:

[1] Combined living room and dining room spaces shall comply with the requirements of this table if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

[2] The minimum occupancy area required by this table is not be included as sleeping area in determining minimum occupancy area sleeping purposes. Sleeping areas shall comply with Sec. 304-10.4.

Notwithstanding any other provision of this Code to the contrary, individuals shall only occupy any residential dwelling unit in compliance with the definition of family in the UDO unless a variance has been granted. The number of occupants of a dwelling unit may be further limited based upon septic system limitations and parking regulations applicable to a specific property.

304-10.6. - Efficiency Unit

Nothing in this article shall prohibit an efficiency dwelling unit meeting the following requirements:

A. An efficiency unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet. An efficiency unit occupied by three occupants shall have a clear floor area of not less than 320 square feet. These required areas shall be exclusive of the areas required by paragraphs B and C below.
B. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front.
C. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
D. The maximum number of occupants shall be three.

304-10.7. - Short-term Occupancy

This article shall not apply to any occupancy which has not lasted, or is not intended to last, more than 1 week.

Sec. 304-11. - Enforcement and Unlawful Acts

304-11.1. - Enforcement

A. This article shall be enforced by the chief of police or the Director, as applicable.
B. Whenever it is necessary to make an inspection to enforce the provisions of this article, or whenever a police officer or code enforcement officer has reasonable cause to believe that there exists upon any property a condition or violation which is unsafe, dangerous, hazardous, or detrimental to the public interest, the officer may enter upon the grounds of such property at all reasonable times to inspect the same; provided, however, that if such structure or property is occupied, the officer shall first present proper credentials and request entry upon such grounds. If such entry is refused, the officer shall have recourse to every remedy provided by law to secure entry upon such grounds.

304-11.2. - Unlawful Acts

A. It shall be unlawful for a person, firm or corporation to conflict with or in violate this article.

ARTICLE 5. - POWERS AND DUTIES OF THE BUILDING OFFICIAL

Sec. 305-1. - In General

The Building Official is authorized and directed to enforce the provisions of this chapter. The Building Official is further authorized to render interpretations of the construction codes, which are consistent with its intent and purpose.

Sec. 305-2. - Right of Entry

A. Any owner, applicant or authorized agent, upon submitting a request for a permit or by accepting a permit issued pursuant to

this chapter, will be deemed to have agreed and consented to allowing the Building Official or their authorized representative to conduct an inspection to enforce any provisions of the construction codes. Whenever necessary to make an inspection to enforce any of the provisions of the construction codes, or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the Building Official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by these construction codes; provided that, if such building or premises is occupied, they must first present proper credentials and request entry. If such building, structure, or premises is unoccupied, they must first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the Building Official will have recourse to every remedy provided by law to secure entry.

B. When the Building Official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises may fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official for the purpose of inspection and examination pursuant to the construction codes.

Sec. 305-3. - Stop Work Orders

Upon notice from the Building Official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of the construction codes, or in a dangerous or unsafe manner, must immediately cease. Such notice must be in writing and must be given to the owner of the property, or to his agent, or to the person doing the work, and must state the conditions under which work may be resumed. Where an emergency exists, the Building Official is not be required to give a written notice prior to stopping the work.

Sec. 305-4. - Revocation of Permits

305-4.1. - Misrepresentation of Application

The Building Official may revoke a permit or approval issued under the provisions of the construction codes in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

305-4.2. - Violation of Code Provisions

The Building Official may revoke a permit upon determination by the Building Official that the construction, erection, alteration, repair, moving, demolition, installation or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of the construction codes.

Sec. 305-5. - Unsafe Buildings or Systems

All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, do not provide adequate egress, constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, or are considered unsafe buildings or service systems, are hereby declared illegal and must be abated by repair and rehabilitation or by demolition in accordance with the provisions of the Standard Unsafe Building Abatement Code.

Sec. 305-6. - Requirements Not Covered by Code

Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by the construction codes, will be determined by the Building Official.

Sec. 305-7. - Alternate Materials and Methods

The provisions of the construction codes are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided any such alternate has been reviewed by the Building Official. The Building Official must approve any such alternate, provided the Building Official finds that the alternate for the purpose intended is at least the equivalent of that prescribed in the construction codes, in quality, strength, effectiveness, fire resistance, durability and safety. The Building Official will require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.

ARTICLE 6. - PERMITS

Sec. 306-1. - Permit Application

306-1.1. - When Required

Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the construction codes, or to cause any such work to be done, must first make application to the Building Official and obtain the required permit for the work.

306-1.2. - Exception

Permits are not required for the following mechanical work:

A. Any portable heating appliance;
B. Any portable ventilation equipment;
C. Any portable cooling unit;
D. Any steam, hot or chilled water piping within any heating or cooling equipment regulated by the construction codes;
E. Replacements of any part which does not alter its approval or make it unsafe;
F. Any portable evaporative cooler;
G. Any self-contained refrigeration system containing ten pounds (4.54 kilograms) or less of refrigerant and actuated by motors of one horsepower (746 watts) or less.

306-1.3. - Work Authorized

A building, electrical, gas, mechanical or plumbing permit must carry with it the right to construct or install the work, provided the same are shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits are required.

306-1.4. - Minor Repairs

Ordinary minor repairs may be made with the approval of the Building Official without a permit, provided that such repairs may not violate any of the provisions of the construction codes.

306-1.5. - Information Required

Each application for a permit, with the required fee, must be filed with the Building Official on a form furnished for that purpose, and must contain a general description of the proposed work and its location. The application must be signed by the owner their authorized agent. The building permit application must indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure, and must contain such other information as may be required by the Building Official.

306-1.6. - Time Limitations

An application for a permit for any proposed work will be deemed to have been abandoned 6 months after the date of filing for the permit, unless before then a permit has been issued. One or more extensions of time for periods of not more than 90 days each may be allowed by the Building Official for the application provided the extension is requested in writing and justifiable cause is demonstrated.

Sec. 306-2. - Drawings and Specifications

306-2.1. - Requirements

The applicant must provide three paper copies and one electronic copy of specifications and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, must accompany the application for a permit. Such drawings and specifications must contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the construction codes. Such information must be specific, and the construction codes may not be cited as a whole or in part, nor may the term "legal" or its equivalent be used, as a substitute for specific information. All information, drawings, specifications and accompanying data must bear the name and signature of the person responsible for the design.

306-2.2. - Site Contamination and Remediation

The applicant must provide three paper copies and one electronic copy of materials demonstrating conformance with applicable State or federal laws regarding site contamination and remediation.

306-2.3. - Additional Data

The Building Official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications and accompanying data required by the Building Official to be prepared by an architect or engineer must be affixed with their official seal.

306-2.4. - Design Professional

The design professional must be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and must affix their official seal to said drawings, specifications and accompanying data, for the following:

A. All Group A, E and I occupancies.
B. Buildings and structures three stories or more high.
C. Buildings and structures 5,000 square feet (465 m2) or more in area.

   For all other buildings and structures, the submittal must bear the certification of the applicant that some specific State law exception permits its preparation by a person not so registered.

D. Exception: Single-family dwellings, regardless of size, require neither a registered architect nor engineer, nor a certification that an architect or engineer is not required.

306-2.5. - Structural and Fire Resistance Integrity

Plans for all buildings must indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistance wall, floor or partition will be made for electrical, gas, mechanical, plumbing, signal and communication conduits, pipes and systems and also indicate in sufficient detail how the fire integrity will be maintained where required fire resistance floors intersect the exterior walls.

306-2.6. - Site Drawings

Drawings must show the location of the proposed building or structure and of every existing building or structure on the site or lot. The Building Official may require a boundary line survey prepared by a qualified surveyor.

306-2.7. - Hazardous Occupancies

The Building Official may require the following:

A. **General site plan.**

A general site plan drawn at a legible scale which must include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas must be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.

B. **Building floor plan.**

A building floor plan drawn to a legible scale, which must include, but not be limited to, all hazardous materials storage facilities within the building and must indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid-tight rooms, and evacuation routes. Each hazardous materials storage facility must be identified on the plan with the hazard classes and quantity range per hazard class or the hazardous materials stored.

Sec. 306-3. - Examination of Documents

306-3.1. - Plan Review

The Building Official must examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations, and additional data, and must ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the construction codes and all other pertinent laws or ordinances.

Sec. 306-4. - Issuing Permits

306-4.1. - Action on Permits

The Building Official must act upon an application for a permit without unreasonable or unnecessary delay. If the Building Official is satisfied that the work described in an application for a permit and the contract documents filed therewith conform to the requirements of the construction codes and other pertinent laws and ordinances, the Building Official must issue a permit to the applicant.

306-4.2. - Refusal to Issue Permits

If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the construction codes or other pertinent laws or ordinances, the Building Official may not issue a permit, but will return the contract documents to the applicant with their refusal to issue such permit. Such refusal must, when requested, be in writing and must contain the reason for refusal.

306-4.3. - Special Foundation Permit

When application for permit to erect or enlarge a building has been filed and pending issuance of such permit, the Building Official may, at his discretion, issue a special permit for the foundation only. The holder of such a special permit is proceeding at his own risk and without assurance that a permit for the remainder of the work will be granted or that corrections will not be required in order to meet provisions of the construction codes.

306-4.4. - Public Right-of-Way

A permit may not be given by the Building Official for the construction or alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application at the office of the director of public works for the right-of-way lines of the public street on which he/she proposes to build, erect or locate said building. It is the duty of the Building Official to see that the right-of-way lines are not encroached upon except as provided for in City codes.

Sec. 306-5. - Contractor Responsibilities

It is the duty of every contractor who makes contracts for the installation or repairs of building, structure, electrical, gas, mechanical, sprinkler or plumbing systems, for which a permit is required, to comply with State or local rules and regulations concerning licensing which the applicable governing authority may have adopted. In such case that the State requires a contractor to have obtained a State license before they are permitted to perform work, the contractor must supply the local government with their license number before receiving a permit for work to be performed.

Sec. 306-6. - Conditions of the Permit

306-6.1. - Permit Intent

A permit issued will be construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of the construction codes, nor will issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans, construction, or violations of the construction codes. Every permit issued will become invalid unless the work authorized by such permit is commenced within 6 months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 6 months after the time the worked is commenced. One or more extensions of time, for periods not more than 90 days each, may be allowed for the permit. The extension must be requested in writing prior to the expiration of the existing permit and justifiable cause must be demonstrated. Extensions that are granted must be in writing by the Building Official.

306-6.2. - Plans

When the Building Official issues a permit, they must endorse, in writing or by stamp, both sets of plans "Reviewed for Code Compliance." One set of drawings so reviewed must be retained by the Building Official and the other set must be returned to the applicant. The permitted drawings must be kept at the site of work and must be open to inspection by the Building Official or their authorized representative.

Sec. 306-7. - Fees

306-7.1. - Payment of Fees

A permit may not be issued until the fees prescribed by the governing body have been paid. Nor may an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, and mechanical or gas systems, etc., has been paid.

306-7.2. - Work Commencing Before Permit Issuance

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing, etc., system before obtaining the necessary permits, will be subject to a penalty of 100% of the usual permit fee in addition to the required permit fees.

306-7.3. - Accounting

The Building Official must keep a permanent and accurate accounting of all permit fees and other money collected, and the names of all persons upon whose account the same was paid, along with the date and amount thereof.

306-7.4. - Schedule of Permit Fees

On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a fee for each permit must be paid as required at the time of filing application, in accordance with the fee schedules as set by the governing body.

306-7.5. - Building Permit Valuations

If, in the opinion of the Building Official, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, permit will be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Permit valuations must include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including materials and labor.

Sec. 306-8. - Inspections

306-8.1. - Existing Building Inspections

Before issuing a permit the Building Official may examine or cause to be examined any building, electrical, gas, mechanical or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. They must inspect all buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. They must make a record of every such examination and inspection and of all violations of the construction codes.

306-8.2. - Manufacturers and Fabricators

When deemed necessary by the Building Official they must make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record must be made of every such examination and inspection and of all violations of the construction codes.

306-8.3. - Inspection Service

The Building Official may make, or cause to be made, the inspections required by Sec. 306-8.6. They may accept reports of inspectors of recognized inspection services provided that after investigation he/she is satisfied as to their qualifications and reliability. A certificate called for by any provision of the construction codes may not be based on such reports unless the same are in writing and certified by a responsible officer of such service.

306-8.4. - Inspections Prior to Issuance of Certificate of Occupancy or Completion

The Building Official must inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection must be made of every building, structure, electrical, gas, mechanical or plumbing system upon completion, prior to the issuance of the certificate of occupancy or completion.

306-8.5. - Posting of Permit

Work requiring a permit may not commence until the permit holder or their agent posts the permit card in a conspicuous place on the premises. The permit must be protected from the weather and located in such position as to permit the Building Official or representative to conveniently make the required entries thereon. This permit card must be maintained in such position by the permit holder until the certificate of occupancy or completion is issued by the Building Official.

306-8.6. - Required Inspections

The Building Official, upon notification from the permit holder or their agent, must make the following inspections and such other inspections as necessary, and must either release that portion of the construction or notify the permit holder or their agent of any violations which must be corrected in order to comply with the construction codes:

A. **Building**
   1. *Foundation inspection:* To be made after trenches are excavated and forms erected.
   2. *Frame inspection:* To be made after the roof, all framing, fireblocking and bracing are in place, and all wiring, all pipes, chimneys, ducts and vents are complete.
   3. *Final inspection:* To be made after the building is completed and ready for occupancy.

B. **Electrical**
   1. *Underground inspection:* To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.
   2. *Rough-in inspection:* To be made after the roof, framing, fireblocking and bracing is in place and prior to the installation of wall or ceiling membranes.
   3. *Final inspection:* To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

C. **Plumbing**
   1. *Underground inspection:* To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
   2. *Rough-in inspection:* To be made after the roof, framing, fireblocking and bracing is in place and all soil, waste and vent piping is complete, and prior to the installation of wall or ceiling membranes.
   3. *Final inspection:* To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

   Note: See Section 312 of the International Plumbing Code for required tests.

D. **Mechanical**
   1. *Underground inspection:* To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
   2. *Rough-in inspection:* To be made after the roof, framing, fire blocking and bracing are in place and all ducting and other concealed components are complete, and prior to the installation of wall or ceiling membranes.

3. *Final inspection:* To be made after the building is complete, the mechanical system is in place and properly connected, and tl ready for occupancy.

E. **Gas**

1. *Rough piping inspection:* To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.
2. *Final piping inspection:* To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection must include a pressure test.
3. *Final inspection:* To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes in order to insure compliance with all the requirements of the construction codes and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

Note: See Section 406 of the International Fuel Gas Code for required tests.

F. **Energy**

1. *Foundation inspection:* To be made before slab concrete is poured in place, and to verify that perimeter insulation has been installed correctly on any slab on grade foundations, if required.
2. *Frame inspection:* To be made before exterior wall insulation is concealed by wall board to check installation of exterior walls insulation and to inspect that all holes and cracks through the structure envelope have been sealed in an appropriate manner as to restrict air passage.
3. *Final inspection:* To be made after the building is completed and ready for occupancy, to verify installation and R-value of ceiling and floor insulation, and to verify correct SEER ratings on appliances.

G. **Swimming pool**

1. *Site inspection:* Required only for private swimming pools.
2. *Initial construction inspection:* To inspect reinforcing steel or basket inspection and erosion control inspection.
3. *Final inspection:* All swimming pool installations must be completed with all fences, gates, decks, plumbing equipment, filters, heaters and appliances in place. The pool must be completely filled with water and in operation before final inspection.

306-8.7. - Written Release

Work may not be done on any part of a building, structure, electrical, gas, mechanical or plumbing system beyond the point indicated in each successive inspection without first obtaining a written release from the Building Official. Such written release will be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing three inspections.

306-8.8. - Reinforcing Steel, Structural Frames, Insulation, Plumbing, Mechanical, or Electrical Systems

Reinforcing steel, structural frame, insulation, plumbing, work of any part of any building or structure may not be covered or concealed without first obtaining a release from the Building Official.

306-8.9. - Plaster Fire Protection

In all buildings where plaster is used for fire protection purposes, the permit holder or his agent must notify the Building Official after all lathing and backing is in place. Plaster may not be applied until the release from the Building Official has been received.

Sec. 306-9. - Certificates

306-9.1. - Certificate of Occupancy

A. **Building occupancy**

A new building may not be occupied or a change made in the occupancy, nature or use of a building or part of a building until after the Building Official has issued a certificate of occupancy. Said certificate may not be issued until all required electrical, gas, mechanical, plumbing and fire protection systems have been inspected for compliance with the construction codes and other applicable laws and ordinances and released by the Building Official.

B. **Issuing certificate of occupancy**

Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical and plumbing systems in accordance with the construction codes, reviewed plans and specifications, and after the final inspection, the Building Official will issue a certificate of occupancy that includes the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this Code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the Building Official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3, 2012 International Building Code currently in affect.
9. The type of construction as defined in Chapter 6, 2012 International Building Code currently in affect.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

C. **Temporary/partial occupancy**

A temporary/partial certificate of occupancy may be issued for a portion of a building, which may safely be occupied prior to final completion of the building.

D. **Existing building certificate of occupancy**

A certificate of occupancy for any existing building may be obtained by applying to the Building Official and supplying the information and data necessary to determine compliance with the construction codes for the occupancy intended. Where necessary, in the opinion of the Building Official, two sets of detailed drawings, or a general inspection, or both, may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of the construction codes and other applicable laws and ordinances for such occupancy, a certificate of occupancy must be issued.

E. **Revocation**

The Building Official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this Code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any provisions of this Code.

F. **Certificate of completion**

Upon satisfactory completion of a building, structure, electrical, gas, mechanical or plumbing system, a certificate of completion may be issued. This certificate is proof that a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This certificate does not grant authority to occupy or connect a building, such as a shell building, prior to the issuance of a certificate of occupancy.

306-9.2. - Service Utilities

A. **Connection of Service Utilities**

No person may make connections from a utility, source of energy, fuel or power to any building or system which is regulated by the construction codes for which a permit is required, until released by the Building Official and a certificate of occupancy or completion is issued.

B. **Temporary Connection**

The Building Official may authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems or for use under a temporary certificate of occupancy.

C. **Authority to Disconnect Service Utilities**

The Building Official has the power to authorize disconnection of utility service to the building, structure or system regulated by the construction codes, in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official must notify the serving utility, and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system must be notified in writing, as soon as practical thereafter.

Sec. 306-10. - Posting Floor Loads

306-10.1. - Occupancy

An existing or new building may not be occupied for any purpose which will cause the floors thereof to be loaded beyond their safe capacity. The Building Official may permit occupancy of a building for mercantile, commercial or industrial purposes by a specific business when he is satisfied that such capacity will not thereby be exceeded.

306-10.2. - Storage and Factory-Industrial Occupancies

It is the responsibility of the owner, agent, proprietor or occupant of Group S and Group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations must be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit must be filed as a permanent record of the building department.

306-10.3. - Signs Required

In every building or part of a building used for storage, industrial or hazardous purposes, the safe floor loads, as reviewed by the Building Official on the plan, must be marked on plates of approved design which must be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates may not be removed or defaced, and if lost, removed or defaced, must be replaced by the owner of the building.

ARTICLE 7. - MOVING AND DEMOLITION OF BUILDINGS

Sec. 307-1. - Condition Precedent to Permit

A. Whenever any dwelling or other structure formerly used for human habitation in excess of 150 sq. ft., or any commercial building or other structure formerly occupied in the conduct of any trade or business in excess of 150 sq. ft., is removed from a location within the city to another and different location, either within or without the city, or there is to be a demolition of the structure, the applicant for the permit to move or demolish such structure must agree in writing that they will leave the premises in a safe and sanitary condition and is required to do the following:
    1. Remove from such location or premises all trash, debris, garbage and other similar material.
    2. Fill all holes and depressions caused by the removal of any part of the structure or caused as a result of compliance with this article, which might become a harboring place for insects, rodents or vermin.
    3. Tear down and remove all underpinnings, pilasters, steps, plumbing connections and fixtures above ground level. All water, gas and sewer lines must be closed off, sealed and made to be gastight and watertight.
    4. Fill or cover all wells with a concrete cap.
B. Until the premises is completely restored to a safe and sanitary condition, the premises must be secured by a fence to prevent unauthorized entry.

Sec. 307-2. - Time Limits; Costs

A. All persons to whom this article is applicable must comply with its provisions within 30 days following the date of the removal of any structure specified herein.
B. If any such person fails to comply with the provisions of this article, the City, its agents, employees, designees or contractors are authorized to enter upon the premises and to perform the work necessary thereon to comply with this article. The work may be performed by City forces or by parties employed by the City and the cost thereof charged against the person failing or refusing to comply. Any person applying for a permit under this article grants to the City an easement on the premises to perform the work.

Sec. 307-3. - Permit to Move Building; Fees; Issuance; Bond

A. No person owning or leasing a building or a portion of a building to be moved, may move or authorize the moving of any house, dwelling, apartment building or other similar structure or any portion thereof from within the city to a point outside the city or from within the city to another point within the city; or from a point outside the city to a point within the city, or from a point outside the city through the city to another point outside the city without first having obtained a permit to do so. No person may be issued a permit to move or authorize the moving of any house, dwelling, apartment building or other similar structure or any portion thereof in the city or into the city or from the city to a point outside the city or through the city until they have paid a permit fee as set forth in the schedule of fees and charges.
B. Before moving a structure or any portion of a structure for which a permit has been issued the mover is required to give 2 days' notice to the Chief of Police of the Snellville Police Department prior to such moving.
C. Where application for a permit to move a structure or a portion thereof as identified in A above has been filed and the requisite permit fee paid, where written agreement regarding cleanup of the site has been signed and where all applicable ordinances of the City have been complied with, the Building Official is authorized to issue a permit to the applicant.
D. No permit to move a structure or any portion thereof from inside the city to a point inside or outside the city may be issued until the applicant posts with the City Clerk a cash bond in the amount set forth in the schedule of fees and charges.

Sec. 307-4. - Permit to Locate Building onto Vacant Land; Application Fee

When any person desires to move or authorize the moving of a house, apartment, duplex or other similar structure or any building,

excluding any house, dwelling, apartment or other structure formerly used for human habitation which is 150 square feet or less, onto any vacant land in the city, they must file an application for a permit with the City and must pay a fee as set forth in the schedule of fees and charges in addition to any other required fees or bonds specified in this article.

Sec. 307-5. - Placement on Vacant Land without Permit; Submission of Plan

A. It is unlawful to move any house or other structure onto vacant land without a permit. No permit to move a house or other building onto vacant land in the city may be granted, and no house or other structure may be placed on vacant land in the city, until the person desiring a permit to move a house or other structure must have submitted all required plans and specifications showing the proposed additions or changes to be made on the structure including foundation plans; plans for paving proposed driveways, if any; types of materials to be used in additions or changes; the proposed location on the plat of land; and any and all pertinent information required for new construction, where applicable. Provisions of this UDO and ordinances applicable to applying for permits to move houses or other buildings onto vacant land in the city and in improving houses and other buildings moved onto vacant land in the city must be followed and all resultant fees paid.
B. It be unlawful to move any structure onto any land within the city (whether the move is to be temporary or permanent) unless a permit has been granted therefor as provided in this article. Any violation of this section will be a continuing violation and each day of violation will constitute a new offense.

Sec. 307-6. - Demolition of Buildings

A. Whenever any person desires to demolish any house, dwelling, apartment or other similar structure formerly used for human habitation or any commercial, industrial, or other structure formerly used in the conduct of any trade or business, they must, before being entitled to the issuance of a permit, agree in writing that they will, following the demolition of the structure, take all necessary action including the following to ensure that the premises or location where the structure is demolished must be left in a sanitary condition and free from all trash, debris and structures which might become a harboring place for insects, rodents or vermin:
    1. Remove from such location or premises all trash, debris, garbage and other similar material.
    2. Fill all holes and depressions caused by the removal of any part of the structure, or caused as a result of compliance with this article, which might become a harboring place for insects, rodents or vermin.
    3. Tear down and remove all underpinnings, pilasters, steps, plumbing connections and fixtures above ground level. All water, gas and sewer lines must be closed off, sealed and made to be gastight and watertight.
    4. Fill or cover with a concrete cap all wells.
B. No permit to demolish a structure may be issued until the applicant posts with the City Clerk a cash bond in the amount set forth in the schedule of fees and charges. The cash bond is to be returned to the applicant after the permitted structure has been demolished and the applicant has placed the premises or location in the condition as set forth in this article. If the permit holder fails to comply with this requirement, all or any portion of the cash bond will be applied by the City to the cost of City forces entering upon the premises or location and placing them in the condition as specified in this article. No permit or bond is required for the demolition of sheds or other accessory buildings where the structure was not used for human habitation or any commercial, industrial, trade or business purpose, or any building not having gas, water, electricity and other utilities connected.
C. It is unlawful to demolish any house, dwelling or other similar structure formerly used for human habitation or any commercial, industrial or other structure formerly used in the conduct of any trade or business without a proper permit. Any violation of this section will be a continuing violation and each day of violation will constitute a new offense.

Sec. 307-7. - Transporting Structure

A. Any person transporting any house, dwelling, apartment or other structure formerly used for human habitation, or any

commercial building or other structure formerly occupied in the conduct of any trade or business across or along the public roads or highways of the City must establish that it is licensed by the State public service commission or must furnish proof that it has in effect public liability insurance with minimum coverage of $1,000,000.00 to protect the property and persons who may be damaged as a result of the moving of the structure.

B. A permit may be required by the State or federal departments of transportation for the transport of a structure on City, County, State or federal roads. Any required transport permit is the sole responsibility of the applicant.

Sec. 307-8. - Eminent Domain Proceedings; Exemption from Fees

When an owner of a single-family dwelling or the owner of a two-family dwelling who resides in the dwelling is effectively evicted by eminent domain proceedings or other governmental action, and desires to move his dwelling to another properly zoned location in the city where he will thereafter reside as his home, such owner must obtain a permit as specified in this article but is not required to pay the moving permit fees.

Sec. 307-9. - Penalties

Any violation of this article is punishable as provided in Sec. 1-11 of the Snellville Code of Ordinances.

ARTICLE 8. - TESTS

Sec. 308-1. - Generally

The Building Official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner or their agent, by an approved testing laboratory or other approved agency.

ARTICLE 9. - CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

Sec. 309-1. - Appointment

The Board of Appeals will act as the construction board of adjustment and appeals. The Director will be an ex-officio member of the Board of Appeals, without voting privileges, when any matter concerning this article is heard by the board of appeals.

Sec. 309-2. - Powers

The construction board of adjustments and appeals has the power, as further defined in Sec. 309-3, to hear the appeals of decisions and interpretations of the Building Official and consider variances of the construction codes.

Sec. 309-3. - Appeals

309-3.1. - Decision of the Building Official

The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the Building Official to the construction board of adjustment and appeals whenever any one of the following conditions are claimed to exist:

A. The Building Official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.

B. The provisions of the construction codes do not apply to this specific case.

C. That an equally good or more desirable form of installation can be employed in any specific case.

D. The true intent and meaning of the construction codes or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

309-3.2. - Variances

The construction board of adjustments and appeals, when so appealed to and after a hearing, may vary the application of any provision of the construction codes to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the construction codes or public interest, and also finds all of the following:

A. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.

B. That the special conditions and circumstances do not result from the action or inaction of the applicant.

C. That granting the variance requested will not confer on the applicant any special privilege that is denied by the construction codes to other buildings, structures or service system.

D. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.

E. That the grant of the variance will be in harmony with the general intent and purpose of the construction codes and will not be detrimental to the public health, safety and general welfare.

309-3.3. - Condition of Variances

In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required must be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with the construction codes. Violation of the conditions of a variance will be deemed a violation of the construction codes.

309-3.4. - Notice of Appeal

Notice of appeal must be in writing and filed within 30 days after the Building Official renders the decision. Appeals must be in a form acceptable to the Building Official.

309-3.5. - Unsafe or Dangerous Buildings or Service Systems

In the case of a building, structure, or service system, which, in the opinion of the Building Officials, is unsafe, unsanitary or dangerous, the Building Official may, in his order, limit the time for such notice of appeals to a shorter period.

Sec. 309-4. - Rules and Regulations

The board must establish rules and regulations for its own procedure not inconsistent with the provisions of these procedures. The board must meet on call of the chairman. The board must meet within 30 days after notice of appeal has been received.

309-4.1. - Decisions.

The construction board of adjustment and appeals must, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board must also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the Building Official or varies the application of any provision of the construction codes, the Building Official must immediately take action in accordance with such decision. Every decision must be promptly filed in writing in the office of the Building

Official and must be open to public inspection. A certified copy of the decision must be sent by mail or otherwise to the appellant and a copy must be kept publicly posted in the office of the Building Official for two weeks after filing. Every decision of the board will be final, subject however to such remedy as any aggrieved party might have at law or in equity.

CHAPTER 400. - LAND DEVELOPMENT

ARTICLE 1. - STREETS AND PUBLIC IMPROVEMENTS

Sec. 401-1. - General

401-1.1. - Applicability

This article applies to any development permit, land disturbance Permit, or building permit.

401-1.2. - Intent

The article is intended to promote good subdivision and site design that:

A. Creates a functional and attractive development for future inhabitants and users;
B. Minimizes adverse impacts on adjoining properties and residents;
C. Minimizes adverse impacts on the natural environment; and
D. Ensures that a project will be an asset to the community.

401-1.3. - Land Suitability and Site Analysis

A. **Primary Conservation Areas**
1. The following areas are unsuitable for development and are considered to be primary conservation areas:
    a. Unique and/or fragile areas, including wetlands as defined by the Army Corps of Engineers pursuant to the Clean Water Act;
    b. The regulatory 100-year floodplain;
    c. Steep slopes over 25%, as measured over a 20-foot horizontal interval, of at least 5,000 square feet contiguous area;
    d. Buffer zones of at least 75 feet width along all U.S.G.S. perennial and intermittent streams;
    e. Habitats for or populations of endangered or threatened wildlife, as identified on federal or State lists;
    f. Historically significant structures and sites, as listed on federal, State, City, or County lists of historic places; and
    g. Archaeological sites; cemeteries, and burial grounds.
2. Primary conservation areas:
    a. Must be used for open space;
    b. May not be subdivided for residential occupancy;
    c. May not be developed for any uses that may be reasonably concluded to be harmful to the health, safety, life, property, or general welfare; and
    d. Must be protected by a conservation easement in perpetuity in accordance with Georgia law and City regulations.
3. Relief from primary conservation area requirements may be approved by the Board of Appeals when an applicant demonstrated that conformance would be an unusual hardship and would be counter to the intent of this article.

B. **Secondary Conservation Areas**

1. The following are considered secondary open space areas and should be used as open space to the maximum extent possible:
   a. Existing healthy, native forests of at least 1 contiguous acre;
   b. Individual, existing healthy trees greater than 8 inches caliper, as measured at the diameter breast height (DBH);
   c. Other significant natural features and scenic viewsheds, such as ridgelines, peaks, and rock outcroppings, particularly those that can be seen from public roads;
   d. Important historic sites;
   e. Prime agricultural lands of at least 5 acres; and
   f. Existing trails that connect the tract to neighboring areas.

C. **Site Analysis Map Required**

1. A site analysis map must be made in the form of a sketch plat or concept plan of characteristics of the development site and site context including:
   a. Geology of soil, topography;
   b. Ecology;
   c. Existing vegetation;
   d. Surrounding structures and road networks;
   e. Visual features; and
   f. Past and present uses of the site.

   The development of the site must be based on the site analysis. To the maximum extent practicable, development must be located to preserve natural features, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features.

2. The design of the development must take into consideration all existing local and regional plans for the surrounding community including, but not limited to, the areas designated as conservation lands on the Future Land Use Map.
3. The development must be laid out to:
   a. Avoid adversely affecting groundwater and aquifer recharge;
   b. Reduce cut and fill;
   c. Avoid unnecessary impervious cover;
   d. Prevent flooding;
   e. Provide adequate access to lots and sites; and
   f. Mitigate adverse effects of shadow, noise, odor, traffic, drainage, and utilities on neighboring properties.
4. **Minimum Lot Sizes.** Primary conservation areas or secondary conservation areas must be:
   a. Located on their own lot meeting the minimum size requirements of the zoning district; or
   b. Placed in a buildable lot as excess land.

401-1.4. - Offers of Land Dedication

When a developer proposes the dedication of land to public use, and the reservation is not envisioned in the Comprehensive Plan or is otherwise deficient, the Director must obtain approval for the proposed reservation of land from the City Council before approval of the preliminary plat. If the Director finds that such land is neither required nor suitable for public use, the Director will require the rearrangement of lots to include such land in private ownership.

401-1.5. - Required Public Improvements

Improvements and associated lands required by this article must be provided at no cost to the City and must be dedicated or otherwise transferred, as required, to the public in perpetuity and without covenant or reservation, except as otherwise provided herein.

401-1.6. - Survey Monuments

A. **Marker requirements.**

All lot corners must be marked with an iron rebar or pin, at least 0.5 inch in diameter and 18 inches long and driven to extend no less than 1 inch above the finished grade.

B. **Floodplains**

On subdivisions containing floodplains, flood elevation references must be set in accordance with the requirements of the Flood Damage Prevention Ordinance.

401-1.7. - Standard drawings

A. **Maintenance**

The Department must maintain a set of Snellville and Gwinnett County Department of Planning and Development standard drawings on file for consultation and distribution. These drawings illustrate details of the construction and design of streets, stormwater drainage facilities, site improvements, and other elements related to the development of land in accordance with this UDO.

B. **Case-by-Case Basis**

The standard drawings provide minimum acceptable standards for land development activities authorized under this article and this UDO, but will not supersede more restrictive prudent design requirements or good engineering practice as may be applied by the Director to specific situations on a case-by-case basis.

C. **Minimum Standards**

The standard drawings are incorporated by reference as part of this UDO and establish the minimum standards for design and construction of required improvements, subject to the amendment and appeal provisions of Chapter 100 Article 3.

Sec. 401-2. - Open Space

401-2.1. - Open Space Conservation

A. **Applicability**

This subsection applies to the following developments and is in addition to any recreation areas required by Sec. 401-2.2:

1. Residential subdivisions over 10 acres in size, except in the TCO, TC, MU, NR, or RO districts; and
2. Residential developments over 5 acres in size or with more than 36 units, except in the TCO, TC, MU, NR, or RO districts.
3. Commercial, industrial, and mixed-use, developments over 10 acres in size, except in the TCO, TC, MU, NR, or RO districts.

B. **Intent**

The intent of this subsection is to require applicable new developments to provide open space, in order to achieve the following purposes:

1. Conserve open land, including those areas containing historic or cultural resources, or sensitive natural features and wildlife habitats;

2. Provide greater design flexibility and efficiency in the siting of utilities and streets and the opportunity to reduce the length of ro runs, and the amount of paving and land disturbance;
3. Reduce erosion and sedimentation by minimizing land disturbance;
4. Create developments with direct visual access to open land, open space amenities, and strong community identity;
5. Provide active and passive recreational opportunities for residents and other users of developments;
6. Provide multiple options for landowners in order to minimize the impact on environmental resources and provide standards reflecting the variety of circumstances and interests of individual property owners; and
7. Implement the Comprehensive Plan, and other adopted land use and transportation policies of the City of Snellville and Gwinnett County and to implement the Georgia Greenspace Act (O.C.G.A. §§ 36-22-1—36-2-12).

C. **Existing Features**

Subject to the review of the City Council, the Director may require that existing features which would add value to the planned development or to the city as a whole, such as trees, watercourses and falls, historic sites, and similar irreplaceable assets, be preserved.

D. **Open Space Requirement**

1. At least 20% of the site must be set aside as open space.
2. Open space required by this section may be used in a variety of ways, including natural areas for wildlife and ecological functions, parks, gardens, landscaped medians, squares, village greens, courtyards, recreational space, or recreational facilities, provided the use is consistent with the requirements of this section.
3. Land designated as unsuitable under Sec. 401-1.3 (Land Suitability and Site Analysis) counts toward the 20% open space requirement. Where the unbuildable area of a site is equal to or greater than 20% of the total area in the site, the open space requirement has been fulfilled. Where the unbuildable area is less than 20% of the total site area, additional land must be set aside so that the overall 20% open space requirement is fulfilled.
4. Open space may not include areas devoted to public or private streets or any land which has been, or is to be, conveyed to a public agency, via a purchase agreement for such uses as parks, schools, or other public facilities, or which lies within any required private recreation facility, overhead power easement, or stormwater detention facility. No more than 50% of required stream buffers, 100-year floodplain, delineated wetlands, and proposed permanent lakes may be credited as open space.

E. **Open Space Standards**

Open space required to meet the minimum requirements must comply with the following:

1. Undeveloped and natural
   a. *General.* Open space must remain undeveloped and natural except for the provision of non-motorized passive recreation opportunities such as running, walking, biking, and similar outdoor activities, except as provided in sentence E.1.b below.
   b. *Exceptions.* "Greens" may be constructed and maintained in open space. A "green" is a landscaped area larger than 0.33 acre constructed for gathering or play, or visual enhancement. "Greens" may not exceed 10% of the total open space. At least 75% of the open space must be contiguous with a minimum width of 40 feet.
2. The open space must adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space, as defined by the Comprehensive Plan, the Gwinnett County Open Space and Greenway Master Plan, the Snellville Greenway Master Plan, or any other official City plan or project.
3. Uses of open space may only include the following:
   a. Conservation of natural, archaeological, and/or historical resources.

b. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas.
c. Walking or bicycle trails, provided they are constructed of porous paving materials.
d. Passive recreation areas, such as open fields.
e. Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways. They may be credited to no more than 25% of the required open space or 10 acres, whichever is less, and may not be located within primary conservation areas. Active recreation areas over this limit must be located outside of the protected Active recreation areas and may include impervious surfaces. Parking facilities for the same must also be permitted provided they may not be included in the required minimum open space.
f. Agriculture, horticulture, silviculture, and/or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts and such activities are not conducted within primary conservation areas.
g. Pastureland for horses and other grazing livestock used solely for recreational purposes. Equestrian facilities, including commercial facilities, are permitted but may not consume more than 25% of the minimum required greenway land. Outdoor riding arenas are permitted. Rodeo facilities, indoor arenas, seating areas, and facilities for audiences are specifically excluded.
h. Outdoor open space amenities such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Department.
i. Golf courses may comprise up to 50% of the minimum required open space, but may not include driving ranges or miniature golf. Golf course parking areas and any associated structures may not count toward the minimum required area of open space.
j. Other conservation-oriented uses compatible with the purposes of this regulation.

4. Prohibited uses of open space include the following:
   a. Roads, parking lots and impervious surfaces, except as specifically authorized in this article.
   b. Agricultural and forestry activities not conducted according to accepted best management practices.
   c. Commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.
   d. Impoundments.
   e. Other activities as determined by the applicant and recorded on the legal instrument for permanent protection.
5. The use of certain areas to meet minimum open space requirements is restricted as follows:
   a. Environmentally critical areas such as required stream buffers, 100-year floodplains, delineated wetlands, and proposed permanent lakes only count at a ratio of 50% of their land area.
   b. Recreation area improvements. Impervious surfaces in recreation areas may be located in a protected open space but do not count towards requirements.
   c. Utility rights-of-way and/or easements for drainage, access, and underground utilities may be located in a protected open space but do not count towards requirements.
   d. Stormwater management facilities and practices do not be count towards requirements unless integrated into open spaces as follows:
      i. The open space containing the stormwater feature must be designed and stamped by a Landscape Architect licensed in the State of Georgia;
      ii. Stormwater features in open spaces must be designed as formal or natural amenities for the open space;
      iii. Stormwater features may not constitute more than 50% of the required open space;

iv. Exposed concrete is not allowed in the stormwater management facility. This includes concrete located in retention or de spillways, or basins;

v. Stormwater features may not be fenced or enclosed by retaining walls over 30 inches in height.

e. Land devoted to public or private streets or any land that has been, or is to be, conveyed to a public agency via a purchase agreement for such uses as parks, schools, or other public facilities do not count towards requirements.

F. **Conservation Surety**

1. Open space, except for "greens," must be permanently protected by the conveyance of (a) a covenant or scenic easement which runs in perpetuity under O.C.G.A. § 44-5-60 in favor of any corporation, trust, or other organization holding land for the use of the public or certain governmental entities; or (b) a conservation easement running in perpetuity to a third party "qualified organization" recognized by federal Treasury Regulation section 1.170A-14(c)(1). Qualified organizations recognized by this treasury regulation include, but may not be limited to: governmental entities, certain publicly supported charities, local and national land trusts, or other conservation groups that are organized or operated primarily or substantially for one of the conservation purposes specified in the Internal Revenue Code. Governmental entities qualifying to be named in covenants under O.C.G.A. § 44-5-60 or to receive conservation easements under the treasury regulation referred to above for purposes of this section include the federal government, the State of Georgia, Gwinnett County, or political subdivisions or authorities of the State of Georgia or Gwinnett County. If a covenant or conservation easement is recorded in favor of a governmental entity, the written acceptance of the covenant or conservation easement by the governmental entity must be obtained before the recording of the covenant or easement. The developer must record the necessary legal instrument to accomplish protection of the open space before, or concurrent with, the recording of the final subdivision plat.
2. The instrument for permanent protection must include clear restrictions on the use of the open space. These restrictions must include all restrictions contained in this article, as well as any further restrictions the applicant chooses to place on the use of the open space or the City Council imposes as a condition of zoning.

G. **Ownership Requirements**

Open space must be owned in fee-simple by a property owner's association; by the property owners; or by another entity approved in advance by the City. The developer must record the deed to the open space before, or concurrent with, the recording of the first final subdivision plat. An access easement following the alignment of future public streets is acceptable. However, "greens" may be deeded concurrent with the unit or phase of the final subdivision plat of which it is a part.

H. **Property Owner's Association**

When a property owner's association is established, its bylaws must include the following:

1. Governance of the association by the Georgia Property Owner's Association Act (O.C.G.A. § 44-3-220 et seq.) or a successor to that Act that grants lien rights to the association for maintenance expenses and tax obligations.
2. Responsibility for maintenance of the open space.
3. Responsibility for insurance and taxes.
4. Automatic compulsory membership of all lot purchasers and their successors; and compulsory assessments.
5. Conditions and timing for transferring control of the association from the developer to the lot owners.
6. Guarantee that the association will not be dissolved without the advance approval of the City Council.

I. **Maintenance**

1. The property owner's association, or other entity approved in advance by the City Council, is responsible for the continuous maintenance of buffers, open space, and recreation areas.
2. An open space management plan or private covenants must be prepared and submitted before the issuance of a site development permit. The open space management plan must:

a. Allocate responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon provisions for ongoing maintenance and long-term capital improvements;

b. Estimate the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space, and outlines how such funding will be obtained or provided;

c. Provide that any changes to the plan be approved by the City Council; and

d. Provide for the enforcement of the plan.

3. If the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the City may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the property owner, homeowner association, or to the individual property owners that make up the homeowner association, and may include administrative costs and penalties. Such costs will become a lien on all subdivision properties, when applicable.

J. **Tax assessment of open space**

When a legal instrument for permanent protection has been placed upon the open space, the City must reassess the open space at a lower value to reflect its more limited use. If the open space is used purely for passive recreational purposes and the terms of the instrument for permanent protection effectively prohibit any type of significant economic activity, then the assessment must be at a value of zero.

401-2.2. - Recreation Areas

A. **Applicability**

This subsection applies to the following and is in addition to any open space conservation required by Sec. 401-2.1:

1. Single-family detached subdivisions with more than 75 dwelling units and with an average residential lot size of less than 1 acre, except in TC, MU, NR, or RO districts; and
2. Two-family subdivisions with more than 50 dwelling units, except in TC, MU, NR, or RO districts; and
3. Single-family attached, townhouse, and multi-family developments greater than 5 gross acres in size or with more than 40 units, except in TC, MU, NR, or RO districts.

B. **General**

1. At least 6% of the site's gross land area must be provided for recreational use, but in no case will the area required exceed 6 acres, subject to the following:

   a. Not over 60% of the required recreational use land may be within the 100-year floodplain;

   b. The required recreational use land must be contiguous or separated only by parking areas and private drives; and

   c. The required recreational use land must be of suitable shape and condition for the construction of at least one swimming pool and one regulation-size tennis court.

2. In subdivisions, recreational use land required by clause 1 above that is not proposed for improvement by the developer must be deeded to a qualified property owners association or the City (upon approval of City Council). Such land must be deeded upon the approval of the final plat and may only be used for recreational purposes. Membership in the qualified property owner's association must be mandatory for all the owners in the subdivision, and must be established under the laws of Georgia; it shall be responsible for the perpetuation, maintenance and function of the recreation areas and all uses or facilities therein. The association must have the authority and duty to assess its members for such maintenance and improvements as set forth in the instrument creating the association. All covenants must be recorded simultaneously with the final subdivision plat.

3. If the developer builds recreational facilities as required and allowed by clause 1 above, the land area must be deeded to a

homeowner association or other legal entity incorporated under the laws of Georgia. The land must be deeded to said organization with a restriction that the land may only be used for recreational purposes and is available to all residents of the subdivision on an equal basis. The deed must be filed with the Department simultaneously with the final plat and must be held by the Department until a certificate of occupancy is issued for the recreational improvements, whereupon the deed must be recorded.

4. In multifamily rental or condominium projects, the land provided for recreational use in accordance with these requirements must be held in the ownership of the owner of the project.
5. The City may lease or sell land reserved for public parks to a qualified property owners association. Such land must include a deed restriction that it must be used exclusively for open space or public recreational purposes in perpetuity. The organization of a qualified property owners association and its adequate financing for the discharge of its responsibilities shall be assured through acceptable private deed covenants running with the land or other such documents as approved by City Council.

401-2.3. - Civic Space

A. **Applicability**
   1. This subsection applies in TC, MU, NR, and RO districts.
   2. Open space in C, MU, NR, and RO districts includes two types: civic space and amenity space.
   3. Open spaces must be incorporated into developments as required by district regulations, except as provided by a fee in lieu.
B. **Civic Space**
   1. **Defined.** Civic space is the portion of open space for public use defined by the combination of certain physical constants including the relationships among their intended use, their size, their landscaping, and their adjacent buildings.
   2. **Types.** Civic spaces are limited to the following types:
      a. **Park.** An open space available for structured or unstructured recreation. A park may be independent of surrounding buildings at its edges. Its landscape may consist of paths and trails, meadows and lawns, water bodies, and woodlands. Recreation fields and courts may also be included but may not exceed 50% of the individual park area. The minimum size for a park is 1 acre.
      b. **Square.** An open space available for unstructured recreation and civic purposes. A square is spatially defined by buildings or streets at its edges. Its landscape must consist of paths and trees and may also include lawns and non-asphalt paved surfaces. The minimum size for a square is 0.5 acre.
      c. **Plaza.** An open space, available for civic purposes and commercial activities. A plaza must be spatially defined by buildings or streets at its edges. Its landscape must consist primarily of non-asphalt paved surfaces and trees. The minimum size for a plaza is 0.25 acre.
      d. **Pocket Park.** An open space, available for unstructured recreation. A pocket park may be spatially defined by buildings or streets at its edges. Its landscape must consist of lawn and trees, or just trees when the pocket park is wooded. There is no minimum size for pockets parks.
      e. **Playground.** An open space designed and equipped for the recreation of children. A playground must be fenced and may include an open shelter. Playgrounds must be interspersed within residential areas, may be placed within a block, and may be included in parks and greens. There is no minimum size for playgrounds.
C. **Amenity Space**
   1. **Defined.** Amenity space is any covered or uncovered, but unenclosed, outdoor area of at least 100 square feet that is intended for use by the occupants, invitees and guests of the development and specifically excluding civic spaces and required sidewalks.

2. **Types.** Amenity spaces may include, but are not limited to:
   a. Rooftop decks;
   b. Balconies;
   c. Patios and porches;
   d. Outdoor dining areas;
   e. Pool areas;
   f. Tennis courts, basketball courts, and similar uses;
   g. Yards, lawns, and gardens;
   h. Hardscape areas improved for pedestrian enjoyment; and
   i. Wooded areas.

D. **General**

1. Wetlands, lakes, ponds, streams, rivers, flood zones, and stream buffers may only be considered open space when located within one of the five types of civic spaces identified in paragraph B.2 above.
2. No required buffer, except stream buffers, may be used to satisfy open space requirements.
3. Stormwater management facilities and practices do not be count towards open space requirements unless integrated into open spaces as follows:
   a. The open space containing the stormwater feature must be designed and stamped by a Landscape Architect licensed in the State of Georgia;
   b. Stormwater features in open spaces must be designed as formal or natural amenities for the open space;
   c. Exposed concrete is not allowed in the stormwater management facility. This includes concrete located in retention or detention ponds, spillways, or basins; and
   d. Stormwater features may not be fenced or enclosed by retaining walls over 30 inches in height.
4. No areas used for vehicles, except incidental service, maintenance, or emergency actions, may be used to satisfy open space requirements.

E. **Fee-in-Lieu**

If the required civic space cannot be provided on-site, the Director may approve a fee contribution to the City of Snellville Open Space Fund. The following standards are established for administering these contributions and fund:

1. The Director must review and approve all requests for fee-in-lieu compliance.
2. No permit may be issued until the required fee contribution has been made to the Open Space Fund.
3. The amount of the fee contribution is determined based on a developer-provided appraised value of the civic space acreage required. The appraisal must determine fair market value based upon an appraisal methodology consistent with the Uniform Standards of Professional Appraisals or other real estate valuation techniques approved and used by the State of Georgia when expending State funds for land acquisition. The appraisal must be prepared by a certified appraiser.
4. The City of Snellville Open Space Fund must be used for purchasing and maintaining public open spaces within or within 1 mile of (as measured in a straight line) of the Towne Center.

F. **Credit for Off-Site Public Open Spaces**

Developments within 500 feet of a public park or other public open space (measured in a straight line from the development lot line to the closest lot line of the park or open space) may use the area of such off-site open space to satisfy its open spaces requirements as follows:

1. The Director must review and approve all requests to use this credit;

2. Only credit from one off-site park or open space may be used per development;
3. The area from one public park or open space may provide credit to multiple developments on multiple occasions; and
4. If the credit area does not satisfy all open space requirements, additional open space must be provided on-site or by fee-in-lieu.

G. **Ownership Requirements**

Civic space, but not amenity space, must be owned in fee-simple by a property owner's association; by the property owners; or by another entity approved in advance by the City. The developer must record the deed to the civic space before, or concurrent with, the recording of the first final subdivision plat. An access easement following the alignment of future public streets is acceptable.

H. **Property Owner's Association**

When a property owner's association is established, its bylaws must include the following:

1. Governance of the association by the Georgia Property Owner's Association Act (O.C.G.A. § 44-3-220 et seq.) or a successor to that Act that grants lien rights to the association for maintenance expenses and tax obligations.
2. Responsibility for maintenance of the open space.
3. Responsibility for insurance and taxes.
4. Automatic compulsory membership of all lot purchasers and their successors; and compulsory assessments.
5. Conditions and timing for transferring control of the association from the developer to the lot owners.
6. Guarantee that the association will not be dissolved without the prior approval of the City Council.

I. **Maintenance**

1. The property owner's association, or other entity approved in advance by the City Council, is responsible for the continuous maintenance of buffers and civic space.
2. A civic space management plan or private covenants must be prepared and submitted before the issuance of a site development permit. The management plan must:
   a. Allocate responsibility and guidelines for the maintenance and operation of the civic space and any facilities located thereon, including provisions for ongoing maintenance and long-term capital improvements;
   b. Estimate the costs and staffing requirements needed for maintenance and operation of, and insurance for, the civic space, and outlines how such funding will be obtained or provided;
   c. Provide that any changes to the plan be approved by the City Council; and
   d. Provide for the enforcement of the plan.
3. If the party responsible for maintenance of the civic space fails to maintain all or any portion in reasonable order and condition, the City may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the property owner, homeowner association, or to the individual property owners that make up the homeowner association, and may include administrative costs and penalties. Such costs will become a lien on all subdivision properties, when applicable.

J. **Tax assessment of open space**

When a legal instrument for permanent protection has been placed upon the civic space, the City of Snellville must reassess the civic space at a lower value to reflect its more limited use. If the civic space is used purely for passive recreational purposes and the terms of the instrument for permanent protection effectively prohibit any type of significant economic activity, then the assessment must be at a value of zero.

Sec. 401-3. - Blocks and Access

401-3.1. - Intent

A. The intent of the block standards is to provide a well-connected street network. Large blocks with limited connectivity discourage walking, contribute to street congestion, and add driving distance that can negatively impact emergency services. New streets should be designed to consider future development.

B. The intent of access standards is to provide safe and convenient vehicular and pedestrian access within developments and between adjacent developments and to lessen traffic congestion and increase connectivity. Pedestrian, bike, and vehicular access should be safe, direct, and convenient.

401-3.2. - Blocks

A. **Layout**

The lengths, widths, and shapes of blocks shall be determined with regard to:

1. Provision of adequate building sites suitable to the special needs of the type of use contemplated;
2. Applicable zoning district requirements as to lot size and dimensions;
3. Needs for convenient access, circulation, control, and safety of street traffic; and
4. Limitations and opportunities of topography.

B. **Measurement**

1. A block is bounded by a public street or a private street built to public standards (excluding alleys).
2. Block perimeter is measured from intersecting street centerlines.
3. The Director may modify the block perimeter requirements by administrative variance when steep slopes over 25%, pre-existing development, tree protection areas, stream buffers, cemeteries, open space, or easements would make the provision of a complete block infeasible.

C. **Town Center Overlay, Town Center Districts, NR District, MU District**

1. The following applies to developments in the TCO, TC, NR, or MU districts that are more than 5 acres in size.
2. Developments must incorporate existing or new streets that terminate at other existing or new streets to form an interconnected network with the maximum block perimeter lengths shown in Table 401-3.3., except as provided in clauses C.3 and 4 below.

Table 401-3.3. Towne Center, NR, MU Block Sizes

Zoning Districts	Block Perimeter
TC-MU, MU	2,100 ft. max.
TC-R, NR	2,500 ft. max.
Town Center Overlay (not zoned TC-MU or TC-R	2,500 ft. max.

3. Blocks bounded by one or more State routes may increase their maximum permitted block perimeter lengths by an additional 100 feet for each abutting a State route.
4. There is no maximum block perimeter length when a block contains a civic space of at least 1 acre in size and when no other

use is located in said block.

5. Streets used to satisfy this requirement must conform to Sec. 401-5 (Streets).
6. Streets may not be gated.
7. Other than stub-out streets, dead-end streets are not allowed unless a variance is granted by the Board of Appeals or City Council for topographic hardship.

401-3.3. - Pedestrian Access

In block faces over 1,000 feet long, the Director may, when existing or proposed pedestrian circulation patterns or public gathering places so justify, require pedestrian ways or pedestrian access easements, as appropriate, through the block.

401-3.4. - Vehicular Access

A. **Vehicular Access Required**

Any lot or site required to provide minimum frontage by the zoning district in which it is located must provide vehicular access directly from a public street or public alley built to the standards in these regulations except as provided in paragraph G below (Vehicular Access Easements).

B. **Subdivisions**

1. **General**

a. When land is subdivided into larger parcels that would allow further subdivision into building lots, such parcels must be arranged and designed to allow for the opening of future streets and to provide access to those areas not presently served by streets. The right-of-way for such future streets must be reserved and dedicated on the preliminary and final plats.

b. No subdivision may be designed to eliminate all street access to adjoining parcels of land. Proposed streets must extend to the boundaries of the tract to be subdivided. Every development must be designed to facilitate either pedestrian or vehicular access to adjoining properties that are developed or anticipated to be developed. Locations of inter-parcel access will be as required by and subject to the approval of the Director.

c. A stub street must be provided to the boundary of a development when necessary to provide access to a land-locked abutting property, for planned continuity of future circulation, for improved access for public safety vehicles, or for the extension of public water or other utilities to neighboring lands. Such stub streets must be designed to allow their reasonable extension and must be located to be reasonably incorporated into a street design for the neighboring property. The stub street requirement may be waived by the Director, in consultation with the Director of the Departments of Public Safety and the Gwinnett County Department of Public Utilities.

d. Stub streets on an abutting property must be extended into a proposed development and incorporated into its street design. This requirement may be modified by the Director when a serious topographical hardship or dissimilar zoning exists which would create unacceptable land use conflicts between the two developments. This modification may be conditioned on the provision of easements necessary for the extension of public utilities, the provision of a cul-de-sac or other permanent turnaround on the stub street, or the removal of the stub street back to its nearest intersection.

C. **Town Center Overlay, Town Center Districts, NR District, MU District**

1. **Applicability**

The following applies to developments in the TCO, TC, NR, or MU districts that are more than 5 acres in size.

2. **Stub-out Streets Required**

a. Where a development abuts a parcel greater than 5 acres in size that is zoned TCO, TC-MU, TC-R, MU, NR, BG, OP, or CI,

stub-out streets within the development must be installed to meet the block standards of Sec. 401-3.2.C.2. This requirement applies regardless of whether subdivision is proposed.

b. The stub-out street right-of-way, pavement, and curbing must extend to the boundary of the abutting parcel to the point where the connection to the anticipated street is expected.

c. Stub-out streets must be located so that the portion of the block perimeter located on the development does not exceed 50% of the applicable block perimeter maximum.

3. **Connecting to an Existing Stub-Out Street**

   If a stub-out street exists on an abutting parcel, the street system of any new development must connect to the stub-out street to form a through street.

4. **Exception**

   The Director may grant an administrative variance to eliminate the requirement for a stub-out street or require pedestrian and bicycle-only access when steep slopes over 25%, highways, waterways, tree conservation areas, stream buffers, cemeteries, open space, civic space, or easements would make the provision of a stub-out street infeasible.

D. **Access Improvements for Single-Family Attached Subdivisions and Residential Subdivisions**

1. When property that abuts upon an existing or proposed City street is to be developed or redeveloped as a single-family attached or residential subdivision and the City street will provide access to the property, project access improvements to the City street (deceleration lanes, turn lanes, etc.) must be provided by the developer as required by this paragraph.
2. A deceleration lane is required at each subdivision street entrance that is accessed from a minor collector street or major thoroughfare. If a street has an existing or proposed median, and the developer desires to construct a median break to serve the subdivision, then a left turn lane leading to the median break must be provided by the developer and must meet these standards.
3. Deceleration lanes must follow the standards included in Chapter 4 of GDOT's Driveway and Encroachment Control Manual. Additional right-of-way to accommodate the deceleration lane and an 11-foot shoulder must be dedicated by the developer to the City at no cost. Associated drainage improvements as deemed necessary by the construction of the deceleration lane are also required.
4. Other project access improvements may be required upon the recommendation of the Director to ensure adequate site access, pedestrian access, convenience, and safety to the motoring public.
5. The developer must relocate public or private utilities and drainage structures, as may be occasioned by the required project access improvements.

E. **Access Improvements for Multifamily and Nonresidential Developments**

1. When property that abuts upon an existing or proposed City street is to be developed or redeveloped for multifamily or nonresidential uses and the City street will provide access to the property, access improvements to the City street (deceleration lanes, turn lanes, etc.) must be provided by the developer.
2. A deceleration lane is required at each project driveway or subdivision street entrance, as applicable, that is accessed from a minor collector street or major thoroughfare. If a street has an existing or proposed median, and the developer desires to construct a median break to serve the project, then a left turn lane leading to the median break must be provided by the developer and must meet these standards.
3. Deceleration lanes must follow the standards included in Chapter 4 of GDOT's Driveway and Encroachment Manual. Additional right-of-way to accommodate the deceleration lane and an 11-foot shoulder must be dedicated by the developer to the City at no cost. Associated drainage improvements deemed necessary by the construction of the deceleration lane are also required.

4. Other project access improvements may be required by the Department upon the recommendation of the Director to ensure ad access, pedestrian access, convenience, and safety to the motoring public.
5. The developer is responsible for the relocation of public or private utilities and drainage structures as may be occasioned by the required project access improvements.

F. **Dead End Streets**

1. Where a dead end street (other than a cul-de-sac) serves more than three lots, the developer must provide a temporary vehicular turnaround within the right-of-way. This requirement may be waived if an extension of the dead end street is approved and under construction before its inclusion in a final plat.
2. Where a street dead ends at the property boundary and the street exceeds 1,000 feet in length, a permanent cul-de-sac is required. In this situation, right-of-way to the property boundary is required, but the pavement may not extend to the property boundary beyond the edge of the paved cul-de-sac turnaround. In no case may a dead end street exceed 2,000 feet in length unless approved by the Director due to unusual topographic conditions or property configurations.

G. **Vehicular Access Easements**

1. **Applicability**

   The following applies when vehicular access is required by paragraph A above (Vehicular Access Required).

2. **General**

   Vehicular access may be provided from a public street indirectly via easement in any one or more of the following circumstances:

   a. The property is a buildable lot of record, as defined herein, but does not meet the minimum frontage requirement of the applicable zoning district. The property must be served by an exclusive access easement which must be limited to the provision of access to only one principal use or structure.
   b. The access easement serves a single-family residence on a lot which is otherwise a buildable lot of record, and which is sharing a common driveway with no more than one other single-family residence.
   c. The access easement was lawfully established as such under the Code, ordinances, or regulations of the City of Snellville before the adoption of this UDO.
   d. The access easement coincides with a private street approved under this UDO.
   e. The access easement serves a buildable lot of record which meets the minimum frontage requirements of this UDO, but at which point the access is not achieved.

H. **Inter-parcel Access**

1. **Applicability**

   The following applies in the TCO, TC, RM, RX, MU, NR, BG, HSB, LM, OP, or CI districts along State routes, arterial streets, and collectors when lots of any size abut a lot zoned TCO, TC, RM, MU, NR, BG, HSB, LM, OP, or CI.

2. **General**

   a. Internal vehicular circulation areas must be designed and installed to allow for cross-access between abutting lots.
   b. Vehicle cross-access may not be gated.
   c. When an abutting lot is vacant or already developed, a stub for a future cross-access connection must be provided at the point where the connection to the abutting parcel is expected to occur in the future.
   d. If a cross-access driveway stub exists on an abutting parcel, the internal vehicular circulation area must connect to the stub to form a cross-access connection.
   e. When cross-access for vehicles is deemed impractical by the Director based on topography, the presence of natural

features, or vehicular safety factors, relief from the requirement for cross-access may be granted by administrative variance. Bicycle and pedestrian connections must be provided between abutting parcels when cross-access relief is granted.

f. Property owners who establish cross-access easements must:

i. Allow pedestrian and vehicular access to all properties on the same block face as the property owner establishing the cross-access. Pedestrian and vehicular access is contingent upon the granting of reciprocal vehicular, bicycle and pedestrian access rights to the granting property;

ii. Record an easement allowing cross-access to and from properties served by the cross-access easement;

iii. Record a joint maintenance agreement requiring each property owner to maintain the vehicular, bicycle and pedestrian access areas on their lot;

iv. Contain a provision prohibiting the erection of fences, walls, and other obstructions that prevent the use of vehicular, bicycle and pedestrian access ways;

v. Include a statement that the cross-access agreement is conveyed with the land, is binding on all successors, heirs, and assignees, and that the easement rights are perpetual; and

vi. The cross-access agreement must be signed by all of the owners of the granting property.

Sec. 401-4. - Streetscapes

401-4.1. - General

A. **Applicability**

Streetscapes must be installed when one or more of the following applies:

1. When a new public or private street is constructed; or
2. When a building is built, renovated, or repaired along an existing public street, except as provided in paragraph B below.

B. **Exceptions**

Streetscapes are not required to be installed when one or more of the following applies:

1. When a building or site is renovated or repaired, and when there is no increase in floor area, and when there is no increase in the improved site area, and when said activity is not considered a substantial building permit.
2. When a building or site is increased in floor area or improved site area cumulatively by less than 25% and when said activity is not considered a substantial building permit.
3. When a single-family detached dwelling along an existing street is built, renovated, or repaired.

C. **Administrative Variances**

The Director may grant administrative variances to the requirements of this section when one or more of the following applies:

1. When the required streetscapes would result in loss of an existing street tree, specimen tree, or special tree;
2. When an existing building is being renovated, repaired, or expanded and its existing placement limits the space available for the required streetscape;
3. When an existing building is being renovated, repaired, or expanded and existing topography prevents the installation of the required streetscape without requiring the construction of retaining walls 3 or more feet in height; or
4. When an existing building is being renovated or repaired and implementing the required streetscape would make a site non-conforming with regards to parking.

D. **Location Standards**

When streetscapes are required, they must be installed:

1. On both sides of new public and private streets; and
2. Along the entire property frontage.

E. **State Routes**

1. Any development that abuts a State route must conform to the requirements of GDOT for access or improvements along State routes. Where a conflict exists between a requirement of this section and a GDOT requirement, the GDOT requirement applies.
2. An approved permit for proposed access or improvements is required by GDOT and must be incorporated into the construction drawings for the project before the issuance of a Land Disturbance Permit.

401-4.2. - Streetscapes Required

A. **General**

1. All streetscapes that are required or installed must conform to Table 401-4.2.

Table 401-4.2. Streetscape Table

Street Type	Zoning District	Development Type	Planter	Sidewalk
Local	All districts except TC-R, TC-MU, NR, MU	Residential Subdivision	5 ft. min.	4 ft. min.
Local	TC-R, NR, MU	All development types	5 ft. min.	6 ft. min.
Local	TC-MU	All development types	5 ft. min.	10 ft. min.
Principal Arterial, Major Arterial, Minor Arterial, Major Collector	All districts except TC-R, TC-MU, MU	All development types	5 ft. min.	6 ft. min.
Principal Arterial, Major Arterial, Minor Arterial, Major Collector	TC-R, TC-MU, MU	All development types	5 ft. min.	10 ft. min.
Alley	All districts	All other development types	Not required	Not required

2. On existing public streets where there is insufficient right-of-way for the required streetscape improvements, the right-of-way needed for such improvements may be expanded by mutual agreement between the property owner and the entity holding the right-of-way, or a public access easement may be dedicated to the City to meet the required improvements.
3. Where an easement is provided to the City:
   a. The back of the minimum required sidewalk (adjacent to the lot) easement area is considered the lot line for the purpose

of establishing required setbacks;

b. The easement area is not included in lot coverage calculations; and

c. The easement area does not count towards the minimum lot size requirements for new lots.

4. A greenway or multi-use trail may be required instead of a sidewalk along any new or existing street when the location has been identified for one in the Snellville Greenway Master Plan greenway, in any other official City plan or project, or by GDOT. See Sec. 401-5.2.B.

B. **Towne Center Districts**

1. All streetscapes that are required or installed must conform to Table 401-4.2.
2. Where a publicly funded streetscape using alternative planter standards was installed after January 1, 2010, the planter standards of the Table 401-4.2.B do not apply.
3. Where streetscape is required and a property abuts a parcel where no streetscape is required, the streetscape within 20 feet of such parcel must taper to provide a smooth transition to the existing sidewalk. If no existing sidewalks exist, the sidewalk must taper to a width of 6 feet.
4. Street trees must be planted in the planter as follows:
   a. Street trees must conform to Sec. 207-3.4, except as otherwise specifically provided below.
   b. Each tree must have a minimum of 40 square feet pervious planting area. The entire planting area must be planted with evergreen ground cover or a tree grate must be installed.
   c. Street trees may count toward the landscape strip requirements of Sec. 207-3.2.
   d. The area between required plantings must either be planted with evergreen ground cover or paved in accordance with clause B.6 below.
   e. The Director must approve all plantings, planting replacements, and planting removals.
5. Tree grates are not required if sidewalk width requirements are met unless otherwise determined by the Director. If grates are installed, they must be at least 4 feet by 8 feet in size and of a type specified by the Director.
6. All paving must be approved by the Director.
7. No awning or canopy may extend over the planter.
8. Trash receptacles or similar elements, when installed, must be of a type specified by the Director in accordance with design standards utilized by the City for placement of such objects in the public right-of-way.
9. Decorative pedestrian lights must be installed as follows:
   a. Lights must be installed in the planter, except as provided in "B.9.c" below, a maximum of 40 feet on center and spaced equal distance between street trees.
   b. Lights must be of a type approved by the City for placement in the Towne Center public right-of-way.
   c. Lights may be installed in an adjacent yard when GDOT prohibits placing them in the planter.
10. Utilities must be buried or placed to the rear of structures to allow for unobstructed use of sidewalks.

401-4.3. - Design Standards

All streetscapes that are required or installed must conform to the following unless an administrative variance is granted by the Director:

A. Streets trees must be located in the planter in conformance with Sec. 207-3.4.

B. Concrete curb and gutter are required where streetscapes are installed.

C. Sidewalks must be constructed of concrete and must be a minimum of 4 inches thick. The concrete must be class "B" (as defined by GDOT) and have a strength of 2,200 psi at 28 days.

D. All new sidewalks must match and provide a smooth transition to any existing sidewalks with no steps. Curb ramps must be prov curb termini.

E. Expansion joints must be provided at all property lines (extended) and driveway crossings. Control joints must be provided every 10 feet.

F. Disturbed areas resulting from sidewalk construction must be backfilled, stabilized and grassed.

G. All sidewalks must continue across any intervening driveway including any control or expansion joints. Hatched or stamped pattern concrete sidewalk must be used in the event the driveway apron consists of concrete.

401-4.4. - Installation Deadlines

A. All required streetscapes must be installed before the issuance of a certificate of occupancy or final plat approval in accordance with this subsection unless a performance bond is posted. The cost of streetscape installation may be set aside in escrow where proposed road improvements may impact the location of the sidewalk.

B. Streetscapes required on residential building lots must be installed before the issuance of a certificate of occupancy for each individual dwelling.

C. Streetscapes required in recreation areas, open spaces, and retention/detention ponds must be installed before final plat approval.

D. Streetscapes required on other projects must be installed before issuance of a certificate of occupancy or certificate of completion, as appropriate.

Sec. 401-5. - Streets

401-5.1. - General

A. **Applicability**

This section applies to all existing or new streets, both public and private.

B. **Private Streets**

1. Private streets must be designed and constructed to public standards.
2. Private street maintenance is the responsibility of private parties and must be clearly established on the final plat of the development.
3. Lots used exclusively for private streets (including alleys) are not required to conform to the minimum size, width, lot coverage, setback, or other zoning district or use standards of this UDO unless such standard also applies to a public street or is specifically required for private streets.
4. Private streets may be gated when approved by the Director upon finding that adequate provisions are made for emergency responder access and other public purposes.

C. **Improvements Required**

Street improvements are required in accordance with this section, except as otherwise approved by the City Council.

D. **Dedication of Street Right-of-Way**

Rights-of-way for existing and proposed public streets must be dedicated as follows:

1. Existing streets or thoroughfares must have additional right-of-way dedicated along their frontage;
2. In accordance with the street classifications as shown on the Gwinnett County DOT long-range road classification map included in the Gwinnett County Comprehensive Transportation Plan (CTP); and
3. In accordance with the widths required in Table 401-5.2.

401-5.2. - Right-of-Way and Improvements

A. **Right-of-way and Pavement Widths**

Public and private streets must be built according to one of the categories in Table 401-5.2. The Director will determine classifications by referencing Gwinnett County DOT's road classification list for existing streets included in the County's CTP, where applicable. Minimum widths for new construction (streets or project access improvements) must conform to Table 401-5.2.

B. **Greenway Trails**

Public and private streets must incorporate width for a greenway or multi-use trail when the location has been identified for one in the Snellville Greenway Master Plan greenway, in any other official City plan or project, or by GDOT. The greenway or multi-use trail must either be in the roadway or in place of the required streetscape, per Sec. 401-4.2.A.4. The Director may conduct a review of up to 90 days from the date of the permit application to determine the necessary location and design requirements of the facility. If, after the 90-day review, the Director is unable to reach a decision, there may not be any further delay of a requested permit for this situation.

C. **Street Rights-of-Way**

The minimum width of public street right-of-way must be dedicated based upon the street categories shown in the Gwinnett DOT's long-range road classification map and this UDO.

1. Right-of-way beyond the width shown in Table 401-5.2 must be dedicated when the width is inadequate to accommodate any of the following improvements when required by this UDO or required to accommodate traffic, bicycle, and pedestrian safety:
   a. Utility easement as required by the Gwinnett County Department of Public Utilities;
   b. Deceleration lanes;
   c. Sidewalks and streetscapes;
   d. Greenway trails and bicycle facilities;
   e. Turning lanes; Storage lanes;
   f. Medians; and
   g. Intersection realignments.
2. If the CTP, Gwinnett County, or the State of Georgia proposes a new street across a property, then right-of-way for the proposed street must be incorporated into the subdivision and dedicated to the City. The Director may conduct a review of up to 90 days from the date of the permit application to determine the necessary location and design requirements of the City, County, or State. If, after the 90-day review, the Director is unable to reach a decision, there may not be any further delay of a requested permit for this situation.

Table 401-5.2 Minimum Widths for New Streets and Project Access Improvements

Street Category	Design Speed	Minimum Right-of-Way[1]	Minimum Roadway[2]
Principal Arterial	55 mph	120 to 150 ft.	6 through lanes with a median
Major Arterial	35-55 mph	100 to 120 ft.	67 ft; 4 to 6 through lanes with a median
Minor Arterial	45 mph	80 to 100 ft.	52 to 66 ft.; 4 through lanes

			with a median
Major Collector	35 mph	80 ft.	52 ft.
Minor Collector	35 mph	60 to 80 ft.	28 ft.
Local Street **•Nonresidential** **•Nonresidential cul-de-sac**	25 mph N/A	60 ft. 60 ft. radius	32 ft. 50 ft. radius
Local Street **•Residential - Urban** **•Residential - Urban cul-de-sac**	25 mph N/A	50 ft. 50 ft. radius	27 ft. 40 ft. radius
Local Street **•Residential - Rural** **•Residential - rural cul-de-sac**	25 mph N/A	60 ft. 60 ft. radius	24 ft. 40 ft. radius
Alley	10 mph	2 ft.	16 ft

Table Notes:

[1] The greater right-of-way width applies under circumstances described in Sec. 401-5.2, 401-1.1.A (Access Improvements for Single-Family Attached Subdivisions and Residential Subdivisions). Rights-of-way may be public or private.

[2] Roadway width dimensions exclude curb and gutter.

D. **New Streets**

1. In residential subdivisions, a dead end ("stub") street required by Sec. 401-3.4.B to provide access to an abutting property may be exempted from the construction of roadway improvements and public utilities under the following circumstances:
   a. No lot within the proposed subdivision will gain access from the stub street.
   b. A concept plan has not been submitted or approved on the neighboring tract.
   c. The "stub" street must be fully designed as part of the development plans. However, the right-of-way may only be cleared and rough graded in accordance with the approved plans, and all disturbed areas grassed.
   d. Connections for future extension of all public utilities must be constructed as part of the subdivision. Curb returns must be constructed as part of the subdivision. Curb returns must be provided to the future "stub" street roadway location, and curb and gutter must be installed across the roadway stub at the right-of-way line (extended).
   e. The right-of-way for the "stub" street must be dedicated as part of the final plat. Slope easements or construction easements, if required by the street design, must be shown on the final plat.

E. **Substandard Streets**

1. If a development has access to an abutting substandard street (i.e., a dirt or gravel road), the street must be upgraded by the developer to a paved roadway from the project entrance to the nearest standard paved road along the route of access.

2. Off-site project access improvements required by "E.1" above must, at a minimum, result in a full-section roadway meeting the requirements of a local residential rural roadway (24 feet edge to the edge of the pavement, with drainage swale ditches as neec Responsibilities are as follows:
   a. The developer must design the road and provide the labor, equipment, and materials required for roadway improvements and necessary drainage improvements.
   b. If the City desires the roadway to be improved to a standard greater than that for a local residential rural roadway, the City must provide or pay the cost of the additional materials and labor.
   c. All right-of-way required for these off-site improvements must be acquired by the developer at no expense to the City. If the developer is unable to acquire the right-of-way, the City must initiate acquisition proceedings, at the expense of the developer, after authorization by the City Council.

F. **Improvements along State Highways**

For any development which abuts a State route or other right-of-way controlled by the State of Georgia, improvements to the roadway and the location and design of any street or driveway providing access from the State route must comply with the standards and requirements of Chapter 4 of GDOT's Driveway and Encroachment Control Manual. A permit for the proposed access or improvements must be approved by GDOT and incorporated into the construction drawings for the project before the issuance of a development permit.

401-5.3. - General Layout Requirements

A. **Conformance**

The arrangement, character, extent, width, grade, and location of all streets must conform at a minimum to the standards that apply to their functional classification as determined by the Gwinnett County DOT and this UDO.

B. **Local Streets and Minor Arterials or Collectors**

Local streets must be laid out that their use by high-speed through traffic will be discouraged. Minor arterials or major collectors must be provided to channel through traffic movements within a development, where appropriate to the design and a major thoroughfare is not proposed by the Gwinnett County CTP. Major collectors or minor arterials also may be provided as central routes within large residential subdivisions, where appropriate to the design, based on project traffic demands exceeding 2000 trips per day (ADT).

C. **Cul-de-sac Streets**

1. Dead end streets designed to have one end permanently closed must provide a cul-de-sac turnaround and may not exceed 1,000 feet in length. Additional length necessitated by topography or property configuration may be approved by the Director.
2. The length of a cul-de-sac street is measured from the center of the cul-de-sac to the center of the intersection with another street that is part of the connected street network. Connections of cul-de-sac streets onto other cul-de-sac streets are prohibited.
3. Eyebrow cul-de-sacs (half cul-de-sacs) are prohibited.
4. Cul-de-sacs must conform to the layout and dimensional requirements as shown in the Standard Drawings.

D. **Service Roads**

Where a development borders on or contains a railroad right-of-way, or limited access highway right-of-way or major thoroughfare, a public street may be required to be constructed and dedicated within the development approximately parallel to and on each side of such right-of-way. The service road must be separated from the major thoroughfare by a landscaped median, as shown in the City's standard drawings.

E. **Half-streets**

Half-streets (new boundary streets with one-half of the minimum required right-of-way or pavement width) are not allowed nor is access to them permitted if they exist.

F. **Reserve Strips**

Land in private ownership adjacent to public rights-of-way which could control or are intended to control access to streets, alleys, or public lands are not permitted unless their control is given to the City under ownership, dedication, or easement conditions approved by the City Attorney or acceptable to the Director. No development may be designed to deny access to abutting properties.

G. **Alleys**

1. **Where Allowed.** Public or private alleys may be provided:
   a. Where existing topography prevents feasible access to a public street on the front of the lots; or
   b. Where lots front a major arterial and traffic conditions make alley access safer and more desirable; or
   c. Where allowed or required by the applicable zoning district; or
   d. Where desirable to reduce pedestrian and vehicular conflicts.
2. **Administration.** The use and design of alleys must be approved by the Director.
3. **Design.** All alleys:
   a. Must connect to a public street or a private street built to public standards;
   b. Must have a minimum public right-of-way or private easement width of 20 feet;
   c. Must have a minimum paved surface of 16 feet;
   d. May not be used to meet fire lane access requirements; and
   e. Are not required to provide curb and gutter or sidewalks.
4. **Maintenance.** Private alleys must be owned and maintained by a mandatory homeowner association.

H. **Street Jogs**

1. Street jogs must either directly align or have offsets of a minimum of 125 feet for local residential subdivision streets and a minimum of 200 feet for local, nonresidential subdivision streets, as measured between centerlines of said streets.
2. All principal arterials, minor arterials, major collectors, and minor collectors must provide offsets as required by the Department, where alignment is not desirable or feasible, but in no case be spaced less than 600 feet apart as measured between centerlines of said streets.

I. **Traffic Calming**

1. Residential subdivision streets must be designed in accordance with the Gwinnett County Traffic Calming Guide The maximum length of a roadway section between speed control points, as defined by the Traffic Calming Guide, is 500 feet.
2. The traffic calming plan is subject to review and approval by the Director. The Director may administratively grant modifications.

401-5.4. - Traffic Control Devices

A. **Traffic Control Signs**

Street signs, traffic control signs, and devices such as striping must be provided through the payment of fees to the City. Estimates of fees for other traffic control signs and devices may be determined by consulting a construction cost catalog, such as RS Means.

B. **Street Name Signs**

Street name signs must have a green background with white legends mounted on channelized posts. Alternate post materials are subject to the review and approval of the Director. The posts and signs will be furnished and installed by the City at all street intersections. The developer (or homeowner association in the event an alternate signpost is chosen at a later date) must pay the City's costs.

C. **Traffic Signals and Signs**

All traffic signals and signs must conform to the Manual on Uniform Traffic Control Devices (no decorative traffic control devices will be allowed).

D. **Striping Requirements**

All newly constructed streets with four or more lanes (including auxiliary lanes) and existing streets being widened with one or more additional lanes must be striped or the payment of said striping costs are required from the developer by the Director before the approval of development conformance for the project. Striping must be accomplished with paint meeting GDOT standards conforming to the Manual on Uniform Traffic Control Devices.

E. **Payment of Fees**

Payment for materials and installation of street names and traffic control signs in new developments is required by the Director before the approval of development conformance.

F. **Street Lights**

1. The installation of all street lighting fixtures within City rights-of-way must be approved by the Development before such installation.
2. Within residential subdivisions, decorative street lighting approved by the Director must be used. Payment for the light pole, fixture, and installation, and 1 year's power must be supplied by the developer before final plat approval.
3. Street lights must comply with the applicable requirements of Sec. 207-5 Lighting.

401-5.5. - Specifications

Unless otherwise specifically set forth herein, all of the materials, methods of construction, and workmanship for the work covered in reference to street construction must conform to the latest specifications of GDOT.

401-5.6. - Street Subgrade Preparation

A. **Georgia DOT Specifications**

Subgrade preparation must be in accordance with GDOT specifications and these regulations.

B. **Removal of Unsuitable Material**

If any sections of the subgrade are composed of topsoil, organic matter, or other unsuitable or unstable material, such material must be removed and replaced with suitable material and then thoroughly compacted as specified for fill or stabilized with stone, a geo-textile, or a geo-grid.

C. **Fill**

Fill must be placed in uniform, horizontal layers not more than 8 inches thick (loose measurement). Moisture content must be adjusted as necessary to compact material to 95% of maximum dry density except for the top 12 inches which must be compacted to 100% of maximum dry density.

D. **Utility Installation**

After the earthwork has been completed, all storm drainage, water, and sanitary sewer utilities have been installed within the right-of-way as appropriate, and the backfill in all such ditches thoroughly compacted, the subgrade must be brought to the lines, grades, and typical roadway section shown on the plans.

E. **Trenches**

Utility trenches cut in the subgrade must be backfilled as specified herein. Compaction tests at the rate of one per 150 feet of the trench length must be provided to verify compaction.

F. **Proofrolling**

The subgrade must pass roll testing before the placement of the base material. A geotextile or grid may be used to stabilize a subgrade that does not pass proofrolling.

G. **Traffic Surface Before Completion**

When the street is to be used for construction traffic before the paving work is completed, a layer of stone (except crusher run) must be laid as a traffic surface. This material may not be used as a part of the base material. It may be worked into the subgrade, or it must be removed before the base course is set up for paving.

H. **Drainage**

Provisions must be made to drain low points in the road construction when the final paving is delayed. A break in the berm section is required when the curbing has not been constructed. After installation, drainage under the curb to side slopes is required using minimum 4-inch diameter pipe sections. See the diagram below.

401-5.7. - Access Improvement Standards

A. **Sections 5 Feet or Greater in Width**

For sections 5 feet or greater in width, the section must use Class A concrete and comply with GDOT's standards and detail. The base course must pass roll testing before paving. If a delay in paving is reasonably expected by the developer or the Department, the base must be sealed and retested before paving.

B. **Sections Less than 5 Feet in Width**

For sections less than 5 feet wide, 7 inches of class A concrete base (5 inches on local and minor collector streets) are required and sections must comply with GDOT standards.

401-5.8. - New Local, Minor Collector Streets

A. All new local and minor collector streets must conform to this subsection.

1. **Asphalt Streets.** The following types of base materials may be used:

a. **Crushed Stone Base.** The base course must consist of at least 8 inches of graded aggregate base. After being thoroughly compacted and brought to the proper section, an intermediate course of 2 inches of 19 mm Superpave must be applied. If a delay in paving is reasonably expected by the developer or the Department, the base must be primed the same day it is compacted, and cured in accordance with GDOT standards.

b. **Soil Cement Base.**

i. If the base material (resident soil) is unsatisfactory to the Director, a soil cement mix design with engineer test results acceptable to the Director must be submitted. The design must come from a geotechnical firm with the results certified by a professional engineer registered in the State of Georgia. The tests required for the design are ASTM D558 or AASHTO T134 or ASTM D559 and/or 560 or AASHTO T135 and 136.

ii. The minimum base course must consist of at least 6 inches of suitable soil (high mica content not suitable) stabilized with 10% of Portland cement by volume (approximately 42.3 pounds per square yard). Depending on whether the street is to be constructed as a one-pass or two-pass street. Binder and/or paving must conform to Sec. 401-1.1.A.1.a. Where the grade of the street is 5% or greater, a single surface treatment course must be applied before the binder.

c. **Concrete Streets.** Due to their difficult maintenance requirements, the City discourages the installation of concrete streets. Special design plans must be submitted by the applicant to the Department for review and approval before installation.

401-5.9. - New Major Thoroughfares

Major thoroughfares must be constructed in accordance with designs prepared by the City, Gwinnett County, or GDOT.

401-5.10. - Curb and Gutter

A. **Required**

All new public and private streets, public and private project access improvements, and public and private non-single-family detached dwelling parking lots must be provided with curb and gutter. All gutters must drain smoothly with no areas of ponding. Parking wheel stops are required in non-single-family detached dwelling parking lots with stormwater management low impact development (LID) measures to promote shield flow to channels/stormwater management facilities.

B. **Residential Curbing**

Residential curbing must meet the following requirements:

1. Concrete must be class "A" (as defined by GDOT) and have a minimum strength of 3,000 psi at 28 days.
2. The typical minimum section is 6" × 24" × 12".
3. Vertical curbing only.

C. **Industrial or Commercial Curbing**

Industrial or commercial curbing must meet the following requirements:

1. Concrete must be class "A" (as defined by GDOT) and have a minimum strength of 3,000 psi at 28 days.
2. The typical minimum section is 8" × 24" × 14".
3. Vertical curbing only, except median curbs, should be sloped similar to GDOT Type 7, to allow emergency vehicles to mount

curb.

D. **Principal Arterial and Major Arterial Curbing**

Principal arterial and major arterial curbing must meet the following requirements:

1. Concrete must be class "A" (as defined by GDOT) and have a minimum strength of 3,000 psi at 28 days.
2. The typical minimum section is 8" × 30" × 14".
3. Vertical curbing only, except median curb, should be sloped similar to GDOT Type 7, to allow emergency vehicles to mount curb.

E. **Construction Methods**

1. Curb and gutter must be set true to line and grade, must be horizontal, must be field staked, and must be finished to the section shown on the plans. Along project access improvements of a road which the City maintenance department has identified for resurfacing within 1 year of the new construction, the grade of the new gutter must be placed 1 inch above the project access improvement pavement grade in areas where drainage will not be adversely affected.
2. Line and grade must be set by the developer's engineer or surveyor on grades less than 2% and over 12%, and within 100 feet in both directions from all low points.
3. One-half inch expansion joints or premolded bituminous expansion joint material must be provided at all structures and radius points and at intervals not to exceed 250 feet in the remainder of the curb and gutter.
4. Inferior workmanship or unprofessional construction methods resulting in unacceptable curb and gutter will be cause for rejection of the finished work.
5. Disturbed areas along all curbing must be backfilled, stabilized and grassed.

401-5.11. - Roadway Design

A. **Street Grades and Design Speeds**

1. The minimum allowed grade for local and minor collector streets is 0.3%. The minimum for major collector and arterial streets must conform to GDOT practice.
2. A minimum grade of less than 0.3% on a local street may be approved by the Department, based on adequate engineering designs, where at least 0.3% cannot reasonably be achieved due to topographical limitations imposed by the land. In such cases, a record drawing and such computations as necessary must be provided after construction to establish that the street will drain in accordance with these regulations. Street sections where unacceptable pooling, excessive spread at catch basins, or other hazardous conditions occur must be reconstructed or otherwise improved to eliminate such conditions.
3. Minimum vehicle design speeds and maximum grades allowable in the City by street classification are as shown in Table 401-5.11.
4. The maximum grade on any cul-de-sac turnaround is 6%.

Table 401-5.11A Design Speeds and Grades

Street Category	Maximum Grade	Design Speed
Principal arterial	6%	55 MPH
Major arterial	8%	35—55 MPH
Minor arterial	10%	25—35 MPH

Major collector	10%	25—30 MPH
Minor collector	10%	20—25 MPH
Local	15%[1]	20—25 MPH

Table Note

[1] Grades between 12% and 14% may not exceed a length of 150 feet and require an "as graded" survey before the installation of the curb or utilities. The distance is measured as the tangent length between points of curvature.

B. **Vertical Street Alignment**

1. All changes in street profile grades with an algebraic difference greater than 1% must be connected by a parabolic curve with a minimum length (L) equal to the product of the algebraic difference between the grades in percent (A) and the design constant (K) assigned to the street according to its category (i.e., L = KA).
2. Constant (K) values are shown in Table 401-5.11B. Constant (K) Values for Vertical Curves for both desirable and minimum acceptable ("hardship") conditions. In all cases, the "desirable" value must be used, unless it cannot be achieved due to topographic conditions beyond the developer's control. In such hardship situations, the Director may approve a lesser value to the extent required by the hardship situation, but in no event less than the value shown in the table as "minimum."

Table 401-5.11B. Constant (K) Values for Vertical Curves

	Crest Curves		**Sag Curves**	
Street Category	**Min.**	**Desirable**	**Min.**	**Desirable**
Principal arterial	151	151	136	136
Major arterial	84	84	96	96
Minor arterial	43	44	64	64
Major collector	43	44	64	64
Minor collector	20	20	37	37
Local	10	10	17	17

C. **Horizontal Street Alignment**

1. All new streets must adhere to the following standards governing horizontal curvature and superelevation:

Table 401-5.11C Horizontal Curves

Street Category	Minimum Radius	Maximum Superelevation
Principal arterial	1,333 ft	0.06
Major arterial	833 ft	0.06
Minor arterial	485 ft	0.06
Major collector	485 ft	0.06
Minor collector	231 ft	0.06 [1]
Local	81 ft	0.06

Table Note

[1] No superelevation is allowed on minor collectors internal to residential subdivisions.

2. Superelevation for horizontal curves must be calculated utilizing the following formula:

R = min. radius curve	v = vehicle design speed (MPH)
	e = rate of superelevation (decimal of a foot rise per foot of roadway

R =	(mb=6q) v(mb=0)(mb=4q)2(mb=0) 15(e + f)
	f = side friction factor, as follows:
Vehicle design speed (v)	30 40 50 60
Side friction factor (f)	.27 .23 .20 .18

3. Widening section along existing streets must be designed reflecting existing curvature and superelevation, if any, unless the existing street has been included in a specific design by the County or GDOT which calls for different standards, in which case the project will be coordinated with the overall design.
4. Roadway edge curves must be provided for tangent runout (bringing edge from a normal crown to centerline elevation) and superelevation runoff (from the end of tangent runout to the point of design superelevation) in accordance with design

standards of GDOT or other professional engineering standards.

5. Between reverse horizontal curves there may be no less than the minimum centerline tangents shown in Table 401-5.11D unless otherwise specified by GDOT. Compound radii curves are prohibited. At least the "desirable" length must be provided unless hardship conditions of topography or property configuration will not allow lengths greater than those shown as "minimum." For compound circular curves, the ratio of the flatter radius to the sharper radius may not exceed 1.5 to one.

Table 401-5.11D Tangents

Street Category	**Minimum Tangent Length**	**Desirable Tangent Length**
Principal arterial	150 ft	180 ft
Major arterial	125 ft	150 ft
Minor arterial	100 ft	120 ft
Major collector	100 ft	120 ft
Minor collector	75 ft	90 ft
Local	50 ft	60 ft

Table Note

Minimum tangents are based on the distance traveled in 1.7 seconds at the design speed for each category of the street. Desirable length is based on distance traveled in 2.0 seconds.

D. **Horizontal and Vertical Clearance**

1. **Horizontal Clearances**
   a. A shoulder of no less than 11 feet from the back of the curb or the edge of the pavement, appropriately graded and with gentle slopes of not more than 0.5 inch per 1 foot and rounded cross-sectional design, must be maintained along all streets. Beyond the shoulder but within the right-of-way, slopes may not exceed 1 foot of rise for every 2 feet of horizontal distance on a cut slope, and 1 foot of fall for each 3 feet of horizontal distance on a fill slope.
   b. Along all public streets, a clear zone must be provided for a minimum distance of 6 feet from the back of the curb or the edge of the pavement wherein nothing may be located above ground level except for traffic and street signs, public utility structures, and mailboxes.
   c. At selected locations, such as the outside of a sharp curve, a wider clear zone with greater horizontal clearances provided to any roadside obstruction may be required.
   d. The Department, in accordance with Georgia Law 32-6-51, is authorized to remove or direct the removal of any sign, signal, device, or other structure erected, placed, or maintained on the right-of-way of a public road that, because of its nature, construction, or operation, constitutes a danger to, or interferes with the vision of, drivers of motor vehicles.
2. **Vertical Clearances.** Vertical clearance at underpasses must be at least 16.5 feet over the entire roadway width.

401-5.12. - Street Intersections

A. **Angle of intersection**

1. Intersections must generally be at right angles.
2. Intersections may not be at an angle of less than 85 degrees unless approved by the Director.
3. Intersections may not be at an angle less than 70 degrees unless the intersection is signalized and approved by the Director.

B. **Maximum Grade**

Street intersections should be designed with a flat grade wherever possible, but in no case should the grade exceed 2% in normal situations (or 4% in topographical hardship situations on local streets).

C. **Approach Horizontal Alignment**

1. New local streets that approach an intersection with a street in a category higher than itself on a horizontal curve with a centerline radius less than 240 feet must provide a tangent section of roadway at least 30 feet long. Minor collectors approaching an intersection with a major thoroughfare on a horizontal curve with a centerline radius of less than 550 feet must also provide the 30-foot tangent section. The tangent length is measured along the centerline of the street, from the right-of-way line of the intersecting street, extended, to the point of tangency with the centerline of the curved section.
2. New major thoroughfares must provide tangent sections at intersections with streets in equal or higher categories as needed to provide adequate stopping distances at their design speeds.

D. **Approach Vertical Alignment**

1. For intersections with local or minor collector streets, a leveling of the street at a grade not exceeding 2% must be provided but no level approach distance is required for streets approaching at less than 7%, and a minimum 25-foot level approach distance may be provided for streets approaching at a grade of 7% or more. (See standard drawings).
2. As a street approaches an intersection with a major thoroughfare, there must be a suitable leveling of the street at a grade not exceeding 2% and for a distance not less than the following minimums:

Table 401-5.12D Approach Distances at Major Intersections

Approaching Street Category	Minimum Approach Distance[1]
Principal arterial	100 ft
Major arterial	100 ft
Minor arterial	100 ft
Major collector	75 ft
Minor collector	75 ft
Local	50 ft

Table Note

[1] Distance of the approach is measured from the edge of the pavement of the intersecting street to the point of curvature in tl street.

E. **Intersection Radii**

Intersection radii for roadways measured at the back of the curb and for the right-of-way lines must be as follows. For intersecting streets of different classification, the larger radii must be provided. In all cases, adequate right-of-way must be provided to maintain a minimum of 11 feet from the back of the curb. Larger radii may be required for streets intersecting at angles less than 90 degrees. Roadway radii must be increased to 75 feet on roads with heavy truck traffic.

Table 401-512E Intersection Radii

Street Category	Minimum Roadway Radii	Maximum Roadway Radii	R-O-W Radii [1]
Arterial	35 ft	50 ft	20 ft
Major collector	35 ft	50 ft	20 ft
Minor collector—Residential	35 ft	50 ft	9 ft
Minor collector—Nonresidential	35 ft	50 ft	20 ft
Local—Residential	35 ft	50 ft	9 ft
Local—Commercial or office	35 ft	50 ft	11 ft
Local—Industrial	35 ft	50 ft	25 ft

Table Note

[1] Intersecting right-of-way lines may be joined by an arc with the minimum radius shown, or by a miter which cuts across the right-of-way lines connecting the points where the required radius would have otherwise been tangent.

F. **Islands**

Islands in street intersections must conform to the design requirements of the City's standard drawings. In no case may anything in an island extend more than 3 feet above the street grade within the right-of-way, except traffic regulatory devices and other infrastructure erected or approved by the City. No island may be approved which contains less than 100 square feet.

G. **Intersection Corner Sight Distance**

1. Intersections must be designed with adequate corner sight distance for each street which approaches a street in an equal or higher street category (except an intersection of two local streets). Where necessary, backslopes must be flattened and horizontal or vertical curves lengthened to provide the minimum required sight distance.
2. The minimum corner sight distance from the approaching street must be equal to or exceed ten times the regulated speed of

the intersecting street, as measured from the center of the approaching street in both directions along the right-of-way line of the intersecting street. As an alternative, the minimum corner sight distance requirement may be calculated using AASHTO's "Policy on Geometric Design of Highways and Streets," chapter 9 (at-grade intersections), latest edition. The sight distance must provide clear visibility of an object 4 feet above the intersecting street viewed from the centerline of the approaching street at the right-of-way line of the intersecting street, at a height of 3.5 feet above the ground.

H. **Obstructing Visibility at Intersections**

On any corner lot, the requirements of Sec. 201-1.8 (Intersection Visibility) also apply.

I. **Turning Lanes at Intersections**

1. Left turning lanes are required on all new internal project streets, classified as a minor collector or major thoroughfare, intersecting a major thoroughfare, and may be required in other locations to meet traffic demand and safe operations. Right turning lanes may be required to meet traffic demands or safety concerns. When provided, turning lanes must meet the following criteria:
   a. *Storage length.* A minimum of 150 feet of storage length for turning lanes on any arterial roadway must be used. A minimum of 100 feet of storage length for turning lanes on all collectors must be used.
   b. *Taper length.* The minimum taper length is 50 feet.
2. Left turning lanes from arterial roads are subject to longer storage lengths and tapers as determined on a case by case basis.

401-5.13. - Driveways

A. **Angle and Improvements**

Driveways must generally intersect streets at right angles. All private driveways must be paved. The portion of a driveway located within a public right-of-way must be paved. Driveways providing access to parking lots that contain six or more spaces must be paved in accordance with the parking lot requirements of this UDO.

B. **Design Standards**

1. Driveways serving single-family detached or two-family dwellings may be no less than 10 feet wide at the right-of-way line and must provide a radius to the back of the curb or the edge of the pavement of the roadway of no less than 5 feet. All other driveway curb cuts on public streets must conform to the standards shown on the driveway details contained in the City's standard drawings, by land use type as follows:
   a. Driveway detail 1 (32-foot width, 25-foot radius) for:
      i. Gas stations;
      ii. Commercial sites (over 80,000 square feet);
      iii. Office/institutional complexes (over 100,000 square feet); and
      iv. Residential developments, except residential subdivisions (over 200 units).
   b. Driveway detail 2 (28-foot width, 25-foot radius) for:
      i. Commercial sites (80,000 square feet or less);
      ii. Office/institutional complexes (100,000 square feet or less); and
      iii. Residential developments, except residential subdivisions (200 units or fewer).
   c. Driveway detail 3 (32-foot width, 40-foot radius) for:
      i. Industrial sites.
   d. Driveway detail 4 (optional design with island) for:
      i. Private commercial/office street entrances.

e. Private entrances to residential developments, except residential subdivisions (over 200 units).

2. All driveways and driveway curb cuts on State routes must conform to GDOT Driveway and Encroachment Control Standards unless City requirements are more restrictive.

C. **Auxiliary Lanes**

Along any major thoroughfare, a deceleration lane, acceleration lane, larger turning radius, traffic islands, or other devices or designs may be required to avoid specific traffic hazards that would otherwise be created by the proposed driveway location.

D. **Corner Sight Distance along Minor Collectors or Major Thoroughfares**

All driveways approaching a minor collector or major thoroughfare must provide adequate corner sight distance. The minimum corner sight distance from the driveway must be equal to or exceed the standards of AASHTO's "Policy on Geometric Design of Highways and Streets," chapter 9 (at-grade intersections). The sight distance must provide clear visibility of an object 4 feet above the intersecting street viewed from the centerline of the driveway at the right-of-way line of the intersecting street, at a height of 3.5 feet above the ground.

E. **Separation and Spacing**

All driveways except those serving residential units on individual lots are recommended to meet the following criteria:

1. Minimum separation from a street intersection: 100 feet from the centerline of a driveway to the nearest right-of-way line of the intersecting street, extended. For any driveway on a major thoroughfare with a centerline between 100 feet and 200 feet from the intersecting street right-of-way line, access restriction may be imposed to avoid traffic hazards. Greater separation may be required for the safe operation of a free-right lane, acceleration or deceleration lane, etc.
2. Minimum separation between driveways along the same side of a major thoroughfare: 100 feet between centerline as measured along the roadway edge or back of curb.
3. Whenever possible, proposed driveways along one side of a street must coincide with existing or proposed driveways on the opposite side of such street.
4. Maximum number of driveways serving a single project: one for every 400 feet of property frontage, or fraction thereof per street, along a major thoroughfare. This is not meant to be a spacing standard but only an expression of the total number of driveways that are permitted serving a single project.

ARTICLE 2. - GRADING, EROSION, AND SEDIMENTATION

Sec. 402-1. - Grading

402-1.1. - Grading Plan

A. Grading must be done in accordance with the contour lines and grades shown on the approved Grading Plan.
B. Grading plans must show existing and proposed contour lines at an interval of no more than 2 feet. Grading plans shall outline the areas which are required to remain undisturbed (i.e., Tree Protection Areas, buffers, etc.) and must indicate protective fencing or staking to be placed surrounding such areas.
C. Grading for roads and improved ditches must be shown.
D. A grading plan, showing building pad locations, must be submitted for single-family detached dwelling and two-family dwelling subdivisions zoned for a lot size of less than 12,000 square feet or a density of 4 units per acre or more unless a modification application is approved.
E. Single-family detached dwelling and two-family dwelling subdivision lots must be graded to ensure adequate lot-to-lot drainage.

Granting a modification will not nullify the intent of this UDO when the layout has a minimum lot area of 14,520 square feet and a minimum lot width of 90 feet. The grading plan may be used as a construction document before the approval of the Final Plat or as a guidance document for the individual lot grading after approval of the final plat.

402-1.2. - Embankments

Embankment layering must be consistent with the Gwinnett County Stormwater Management Manual.

402-1.3. - Maximum Slopes

A. The maximum slope for cut and/or fill is 2:1 (2 feet of horizontal run for each foot of rise or fall), except: 1) for earthen dam embankments; 2) rock cuts; 3) where certified by a professional geotechnical engineer; or 4) as discussed in paragraph B below.
B. The maximum slope for earthen dam embankments is 3:1 unless a modification application is approved. The earthen dam embankment slope regulation intends to provide for public safety, soil stability, and dam maintenance considerations. The depth of cut referred to herein is the maximum cut or fill allowed to occur in any one section of cut or fill. The slope of cut or fill must be uniform throughout for each section of cut or fill unless benching is approved by the City.
C. Maximum slopes must otherwise be consistent with the Gwinnett County Stormwater Management Manual.

402-1.4. - Soil Stabilization

Special conditions for soil with low shearing resistance and cohesion are required as specified in the Gwinnett County Stormwater Management Manual.

Sec. 402-2. - Soil Erosion and Sedimentation Control

402-2.1. - Title

This section is known as the "Soil Erosion and Sedimentation Control Ordinance."

402-2.2. - Applicability

A. **Design standards**

This section applies when any land disturbance is proposed that requires a permit under this section and continues to apply until the project has been completed.

B. **Abandoned projects**

Any project whose permit has lapsed under the terms of this UDO must immediately have all disturbed areas stabilized. This responsibility falls upon the owner, developer, contractor, or other responsible parties involved in the land disturbance activity.

402-2.3. - Exemption

This section applies 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 1 acre and is not a part of a larger common plan of development or sale with a planned disturbance or equal to or greater than 1 acre and not otherwise

exempt under this subsection; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. § 12-7-7 and this Paragraph D. For single-family residence construction covered by the provisions of this paragraph there shall be a buffer zone between the residence and any State waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such stream buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of O.C.G.A. § 12-7-6(b) and the buffer zones provided by this paragraph shall be enforced by the issuing authority.

E. Agricultural operations as defined in O.C.G.A. § 1-3-3, "definitions," to include:

1. Raising, harvesting or storing of products of the field or orchard;
2. Feeding, breeding or managing livestock or poultry;
3. 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;
4. Producing plants, trees, fowl or animals; and
5. The production of aquaculture, horticultural, dairy, livestock, poultry, eggs and apiarian products, and 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 stream buffer, as established in Sec. 402-2.4.C.15 and Sec. 402-2.4.C.16, no other land-disturbing activities, except for normal forest management practices, are allowed on the entire property upon which the forestry practices were conducted for 3 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 1 acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater 1 acre or within 200 feet of the bank of any State waters. For the purposes of this Paragraph H, the term "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 1 acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the local issuing authority from regulating any such project which is not specifically exempted by paragraphs A, B, C, D, E, F, G, I, or J of this section.

I. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the department of transportation, the 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 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. § 35-18-1, 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.

402-2.4. - Minimum Requirements

A. **General Provisions**

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance and the NPDES general permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this section shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices must conform to the minimum requirements of Sec. 402-2.5.B and Sec. 402-2.5.C. 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 the requirements of this section and the NPDES general permit.

B. **Minimum Requirements/BMPs**

1. Best management practices as set forth in Sec. 402-2.5.B and Sec. 402-2.5.C are required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices will constitute a complete defense to any action by the Director or to any other allegation of noncompliance with clause 2 immediately below or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to subsection O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act." As used in this paragraph the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6(b).
2. Discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained will constitute a separate violation of any land-disturbing permit issued by a local issuing authority or of any State general permit issued by the division pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act," for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than 10 nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters will be measured in accordance with guidelines to

be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single-family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than 5 acres.

3. Failure to properly design, install, or maintain best management practices will constitute a violation of any land-disturbing permit issued by a local issuing authority or of any State general permit issued by the division pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act," for each day on which such failure occurs.
4. The Director may require, in accordance with regulations adopted by the Board of Natural Resources, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.
5. The LIA may set more stringent buffer requirements than stated in paragraphs C.15 and C.16 below in light of O.C.G.A. § 12-7-6(c).

C. **Manual for Erosion and Sediment Control in Georgia Adopted**

The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. § 12-7-1 et seq. to govern land-disturbing activities will require, at a minimum, protections at least as stringent as the State general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

1. Stripping of vegetation, regrading, and other development activities must be conducted in a manner to minimize erosion;
2. Cut-fill operations must be kept to a minimum;
3. Development plans must conform to topography and soil type to create the lowest practicable erosion potential;
4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
6. Disturbed soil shall be stabilized as quickly as practicable;
7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
9. To the extent necessary, sediment in runoff 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 clause, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1 et seq.;
10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
11. Cuts and fills may not endanger adjoining property;
12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
13. Grading equipment must cross flowing streams using bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
14. Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in this section;
15. Except as provided in clause C.16 immediately below, there is established a 25-foot buffer along the banks of all State waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment,

where otherwise allowed by the Director pursuant to O.C.G.A. § 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. As used in this provision, the term "ephemeral stream" means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the groundwater table year-round; for which groundwater 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 clause. The following requirements shall apply to any such buffer:

a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for their own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) stream crossings for water lines; or (ii) stream crossings for sewer lines; and

16. There is established a 50-foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any State waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act," except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25-foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board of Natural Resources, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

a. No land-disturbing activities may be conducted within a buffer and a buffer must 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 their own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

b. The buffer does not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) stream crossings for water lines; or (ii) stream crossings for sewer lines.

D. **Stream Buffer Requirements**

Nothing contained in O.C.G.A. § 12-7-1 et seq. will prevent any local issuing authority from adopting rules and regulations, ordinances or resolutions which contain stream buffer requirements that exceed the minimum requirements in this section.

E. **Presumption of Violation**

The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of, nor create a presumption of a violation of the standards provided for in this section or the terms of the permit.

402-2.5. - Application/Permit Process

A. **General**

The property owner, developer and designated planners and engineers must design and review before submittal the general development plans. The local issuing authority must review the tract to be developed and the area surrounding it. They must consult the zoning ordinance, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this section, 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.

B. **Application Requirements**

Application requirements are as follows:

1. No person may conduct any land-disturbing activity within the City of Snellville without first obtaining a permit from the City of Snellville to perform such activity and providing a copy of the notice of intent submitted to EPD if applicable.
2. The application for a permit must be submitted to the Department and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans must include, at a minimum, the data specified in paragraph C below. 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 Sec. 402-2.4.B and Sec. 402-2.4.C will be met. Applications for a permit will not be accepted unless accompanied by three 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 before the creation of the plan in accordance with EPD Rule 391-3-7-.10.
3. In addition to the local permitting fees, fees will also be assessed pursuant to O.C.G.A. § 12-5-23(a)(5), provided that such fees may 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 must be paid before the issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to O.C.G.A. § 12-7-8(a), half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which must give notice pursuant to O.C.G.A. §§ 12-7-17(9) or (10) must be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.
4. Immediately upon receipt of an application and plan for a permit, the local issuing authority must refer the application and plan to the Gwinnett Soil and Water Conservation District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation, and pollution control plan. The Gwinnett Soil and Water Conservation District shall approve or disapprove a plan within 35 days of receipt. Failure of the Gwinnett Soil and Water Conservation District to act within 35 days will be considered an approval of the pending plan. The results of the Gwinnett Soil and Water Conservation District review will be forwarded to the local issuing authority. No permit will be issued unless the plan has been approved by the Gwinnett Soil and Water Conservation District, and any variances required by Sec. 402-2.4.C.15 and Sec. 402-2.4.C.16 have been obtained, all fees have been paid, and bonding, if required by clause B.6 below, been obtained. Such a review will not be required if the local issuing authority and the Gwinnett Soil and Water Conservation District have entered into an agreement

that allows the local issuing authority to conduct such review and approval of the plan without referring the application and plan to the Gwinnett Soil and Water Conservation District. The local issuing authority with plan review authority shall approve or disapprove a revised plan submittal within 35 days of receipt. Failure of the local issuing authority with plan review authority to act within 35 days shall be considered an approval of the revised plan submittal.

5. If a permit applicant has had two or more violations of previous permits, this section, or the Erosion and Sedimentation Act, as amended, within 3 years before the date of filing the application under consideration, the local issuing authority may deny the permit application.
6. 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, before 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 will 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.

C. **Plan Requirements**

1. Plans must be prepared to meet the minimum requirements as contained in Sec. 402-2.4.B and Sec. 402-2.4.C, or through the use of more stringent, alternate design criteria that conform to sound conservation and engineering practices. The Manual for Erosion and Sediment Control in Georgia is hereby incorporated by reference into this section. The plan for the land-disturbing activity must consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances and State laws. Maps, drawings, and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the Georgia State Soil and Water Conservation Commission and in consultation with the section and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.
2. Data required for the site plan includes all the information required from the appropriate erosion, sedimentation, and pollution control plan review checklist established by the Georgia State Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted.

D. **Permits**

1. Permits must be issued or denied as soon as practicable but in any event not later than 45 days after receipt by the local issuing authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid before permit issuance. The permit must include conditions under which the activity may be undertaken.
2. No permit may be issued by the local issuing authority unless the erosion, sedimentation and pollution control plan has been approved by the Gwinnett Soil and Water Conservation District and the local issuing authority has affirmatively determined that the plan complies with this section, any variances required by Sec. 402-2.4.C.15 and Sec. 402-2.4.C.16, bonding requirements, if necessary, as per paragraph B.6 above, 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 must be furnished to the applicant.
3. Any land-disturbing activities by a local issuing authority will be subject to the same requirements of this section, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.

4. If the tract is to be developed in phases, then a separate permit will be required for each phase.
5. The permit may be suspended, revoked, or modified by the local issuing authority, as to all or any portion of the land affected by the plan, upon finding that the holder or their successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or their successor in title is in violation of this section. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
6. The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within 3 years before the date of the application, in light of O.C.G.A. § 12-7-7(f)(1).

402-2.6. - Inspection and Enforcement

A. **Inspection and Enforcement**

1. The City inspector 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 will regulate primary, secondary and tertiary permittees as such terms are defined in the State general permit. Primary permittees will be responsible for the installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees will be responsible for the installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees will be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this section, a written notice to comply must be served upon that person. The notice must set forth the measures necessary to achieve compliance and must 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 section.
2. The local issuing authority must amend its ordinances to the extent appropriate within 12 months of any amendments to the Erosion and Sedimentation Act of 1975.
3. The City of Snellville shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this section, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
4. No person may refuse entry or access to any authorized representative or agent of the local issuing authority, the Georgia State Soil and Water Conservation Commission, the Gwinnett Soil and Water Conservation 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 their official duties.
5. The Gwinnett Soil and Water Conservation District or the Georgia State Soil and Water Conservation Commission or both will 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 Gwinnett Soil and Water Conservation District or the Georgia State Soil and Water Conservation 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 Gwinnett Soil and Water Conservation District or the Georgia State Soil and Water Conservation Commission shall notify the division and request investigation by the division if any deficient or ineffective local program is found.
6. The division may periodically 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). Such review may include, but is not 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

Gwinnett Soil and Water Conservation 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 must notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified will have 90 days within which to take the necessary corrective action to retain certification as a local issuing authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division will revoke the certification of the county or municipality as a local issuing authority.

402-2.7. - Penalties and Incentives

A. **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 section without first obtaining said permit, the person will be subject to revocation of their 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.

B. **Stop Work Orders**

1. For the first and second violations of the provisions of this section, the Director or the local issuing authority must issue a written warning to the violator. The violator will have 5 days to correct the violation. If the violation is not corrected within 5 days, the Director or the local issuing authority must issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the State or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the local issuing authority must issue an immediate stop-work order in lieu of a warning.
2. For a third and each subsequent violation, the Director or the local issuing authority must issue an immediate stop-work order.
3. All stop-work orders will be effective immediately upon issuance and will be in effect until the necessary corrective action or mitigation has occurred.
4. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the local issuing authority or by the Director, 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. 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 will apply to all land-disturbing activity on the site except for the installation and maintenance of temporary or permanent erosion and sediment controls.

C. **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 must be served upon that person. The notice must set forth the measures necessary to achieve compliance with the plan and must 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 will be deemed in violation of this section and, in addition to other penalties, shall be deemed to have forfeited their performance bond, if required to post one under the provisions of Sec. 402-2.5.B.6. The local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

D. **Monetary Penalties**

Any person who violates any provisions of this section, or any permit condition or limitation established pursuant to this section, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued 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, municipal courts will be authorized to impose a penalty not to exceed $2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of County ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this section under County ordinances approved under this section will be authorized to impose penalties for such violations not to exceed $2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

402-2.8. - Education and Certification

A. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity must meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the Georgia State Soil and Water Conservation Commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.
B. 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, must 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 Georgia State Soil and Water Conservation 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.
C. Persons or entities involved in projects not requiring a State general permit but otherwise requiring certified personnel on-site may contract with certified persons to meet the requirements of this section.
D. If a State general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of O.C.G.A. § 12-7-19(b)(1), then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in O.C.G.A. § 12-7-19(b)(4) and will not be required to meet any educational requirements that exceed those specified in said paragraph.

402-2.9. - Appeals

A. **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; will entitle the person submitting the plan or holding the permit to a hearing before the board of zoning appeals within 30 days after receipt by the local issuing authority of written notice of appeal.

B. **Judicial Review**

Any person, aggrieved by a decision or order of the local issuing authority, after exhausting their administrative remedies, shall have the right to appeal de novo to the Superior Court of Gwinnett County.

402-2.10. - Liability

A. Neither the approval of a plan under the provisions of this section, nor the compliance with provisions of this section 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 the Gwinnett Soil and Water Conservation 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 neither constitutes proof of nor creates a presumption of a violation of the standards provided for in this section or the terms of the permit.

C. No provision of this section permits 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 3. - ENVIRONMENTAL PROTECTION

Sec. 403-1. - Stream Buffer Protection

403-1.1. - Title

This section is known as the "City of Snellville Stream Buffer Protection Ordinance."

403-1.2. - Findings and Purposes

A. **Findings**

1. Whereas, the City Council finds that stream buffers provide numerous benefits including:
   a. Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources.
   b. Removing pollutants delivered in urban stormwater.
   c. Reducing erosion and controlling sedimentation.
   d. Protecting and stabilizing stream banks.
   e. Providing for infiltration of stormwater runoff.
   f. Maintaining base flow of streams.
   g. Contributing organic matter that is a source of food and energy for the aquatic ecosystem.
   h. Providing tree canopy to shade streams and promote desirable aquatic habitat.
   i. Providing riparian wildlife habitat.
   j. Furnishing scenic value and recreational opportunity.
   k. Providing opportunities for the protection and restoration of greenspace.

B. **Purposes**

It is the purpose of this section to protect the public health, safety, environment, and general welfare; to minimize public and private losses due to erosion, siltation and water pollution; and to maintain stream water quality by provisions designed to:

1. Create buffer zones along the streams of the city for the protection of water resources; and
2. Minimize land development within such buffers by establishing buffer zone requirements and by requiring authorization for any such activities.

403-1.3. - Applicability

A. **General**

This section applies to all land development activities on property containing a stream protection area. These requirements are in addition to, and do not replace or supersede, any other applicable stream buffer requirements established under State law and approval or exemption from these requirements do not constitute approval or exemption from stream buffer requirements established under State law or from other applicable local, State, or federal regulations.

B. **Grandfather Provisions**

This section does not apply to the following activities:

1. Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this UDO.
2. Existing development and on-going land disturbance activities including, but not limited to, existing agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new development or land disturbance activities on such properties are subject to all applicable stream buffer requirements.
3. Any land development activity that is under construction, fully approved for development, scheduled for permit approval or has been submitted for approval as of the effective date of this UDO.
4. Land development activity that has not been submitted for approval, but that is part of a larger master development plan, such as for an office park or other phased development that has been previously approved within 2 years of the effective date of this UDO.

C. **Exemptions**

The following specific activities are exempt from this section. Exemption of these activities does not constitute an exemption for any other activity proposed on a property.

1. Activities for the purpose of building one of the following:
   a. A stream crossing by a driveway, transportation route or utility line;
   b. Public water supply intake or public wastewater outfall structures;
   c. Intrusions necessary to provide access to a property;
   d. Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;
   e. Unpaved foot trails and paths;
   f. Activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used;
   g. Stormwater outfalls to the stream, by pipe or channel, necessary to protect the buffer from erosion caused by high flow velocities due to steep slopes.
2. Public sewer line easements paralleling the creek, except that all easements (permanent and construction) and land disturbance should be at least 25 feet from the top of the bank. This includes such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures. This exemption shall not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material, except for access for the uses specifically cited in this section.
3. Land development activities within a right-of-way existing at the time this section takes effect or approved under the terms of this section.
4. Within an easement of any utility existing at the time this section takes effect or approved under the terms of this section, land disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility, including, but not limited to, manholes, vents, and valve structures.
5. Emergency work necessary to preserve life or property. However, when emergency work is performed under this section, the

person performing it must report such work to the Department on the next business day after the commencement of the work. Within 10 days thereafter, the person must apply for a permit and perform such work within such time period as may be determined by the Department to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.

6. Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the stream buffer that would otherwise be prohibited, then no other land-disturbing activity other than normal forest management practices are allowed on the entire property for 3 years after the end of the activities that intruded on the stream buffer.
7. Exemption of these activities does not constitute an exemption for any other activity proposed on a property.

D. **Land Development within Buffer**

Any land development activity within a stream buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted pursuant to this section.

403-1.4. - Land Development Requirements

A. **Stream Buffer and Setback Requirements**

All land development activity subject to this section must meet the following requirements:

1. An undisturbed natural vegetative stream buffer must be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.
2. An additional setback must be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative stream buffer, in which all impervious cover is prohibited. Grading, filling and earthmoving must be minimized within the setback.
3. No septic tanks or septic tank drain fields are permitted within the stream buffer or the setback.

B. **Relief**

1. Relief from the requirements of this section may only be granted as provided for in paragraphs C and D below.
2. Requests for relief from the requirements of this section must be submitted on an application form provided by the Director, along with required fees.

C. **Administrative variances**

Administrative variances from the requirements of this section on single-family residential lots of record platted before May 23, 2005, may be granted if the applicant submits a residential site drainage plan approved by the Director, in accordance with the following:

1. The lot or parcel's shape, topography, or other existing physical condition prevents land development consistent with this section, and the Director finds and determines that the requirements of this section prohibit the otherwise lawful use of the property by the owner.
2. If a variance is requested from the required 50-foot undisturbed natural vegetative stream buffer, the request is for 10% or less (5 feet or less) of the required buffer.
3. If a variance is requested from the required, additional 25-foot impervious surface setback, the request is for 20% or less (5 feet or less) of the required, additional setback, and no impervious cover is proposed within the reduced, additional setback.
4. If an applicant is requesting a variance from both the undisturbed natural vegetative stream buffer and the required, additional 25-foot impervious surface setback, and the requests meet all the criteria listed above, the Director may grant an administrative variance for both requests.
5. Additional water quality treatment practices appropriate for single-family residential lots, such as the incorporation of bio-

retention areas, pervious paving that is at least 40% pervious, and sustainable landscaping, may be allowed by approval of the Director.

D. **Other variances**

The Director will coordinate the review of each variance request with all other affected City departments and must forward such comments or recommendations as may be received to the Board of Appeals for action in their normal course of business.

Variances from the requirements of this section, except as provided for in "C" above, may only be granted in accordance with the following:

1. Where a lot was platted before May 23, 2005, and its shape, topography or other existing physical condition prevents land development consistent with this section, and the Director finds and determines that the requirements of this section prohibit the otherwise lawful use of the property by the owner, the Board of Appeals may grant a variance from the buffer and setback requirements hereunder, provided such variance requires mitigation measures to offset the effects of any proposed land development on the lot.
2. Except as provided above, the Board of Appeals may grant no variance from any provision of this section without first conducting a public hearing on the application for a variance and authorizing the granting of the variance by an affirmative vote of the Board of Appeals. The City must give public notice of each such public hearing in a newspaper of general circulation within the city. The City must require that the applicant post a sign giving notice of the proposed variance and the public hearing. The sign must be of a size and posted in such a location on the property as to be clearly visible from the primary adjacent road right-of-way.

   Variances will be considered only in the following cases:

   a. When a property's shape, topography or other physical conditions existing at the time of the adoption of this section prevents land development unless a stream buffer variance is granted.
   b. Unusual circumstances when strict adherence to the minimal stream buffer requirements in the ordinance would create an extreme hardship.
3. Variances will not be considered when, following the adoption of this section, actions of any property owner of a given property have created conditions of hardship on that property.

   At a minimum, a variance request must include the following information:

   a. A site map that includes locations of all streams, wetlands, floodplain boundaries, and other natural features, as determined by field survey;
   b. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
   c. A detailed site plan that shows the locations of all existing and proposed structures and other impervious covers, the limits of all existing and proposed land disturbance, both inside and outside the stream buffer and setback. The exact area of the stream buffer to be affected must be accurately and clearly indicated;
   d. Documentation of unusual hardship should the stream buffer be maintained;
   e. At least one alternative plan, which does not include a stream buffer or setback intrusion, or an explanation of why such a site plan is not possible;
   f. A calculation of the total area and length of the proposed intrusion;
   g. A stormwater management site plan, if applicable; and
   h. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.
4. The following factors will be considered in determining whether to issue a variance:

a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
b. The locations of all streams on the property, including along property boundaries;
c. The location and extent of the proposed stream buffer or setback intrusion;
d. Whether alternative designs are possible which require less intrusion or no intrusion;
e. The long-term and construction water-quality impacts of the proposed variance;
f. Whether issuance of the variance is at least as protective of natural resources and the environment.

403-1.5. - Big Haynes Creek Watershed

A. **Applicability**

In addition to the provisions of this section, the following requirements apply. Whichever provisions are more restrictive or impose higher protective standards for human health or the environment will be considered to take precedence.

B. **Variances**

The variance procedures of this section do not apply here. Applicable variances are outlined in paragraph E below.

C. **Authority**

This regulation is adopted pursuant to the Georgia Department of Natural Resources Rules for Environment Planning Criteria.

D. **Requirements**

Within the designated Big Haynes Creek and Watershed Protection Area the following additional stream protection requirements must be met where applicable:

1. Natural buffer zones and setbacks for impervious surfaces are required adjacent to both sides of perennial streams as measured from the stream bank as follows:

Distance to Water Supply Intake or Water Supply Reservoir*	Minimum Buffer	Minimum Impervious Surface Setback
(Big Haynes Creek Watershed) Within 7 Mile Radius	100 feet	150 feet
(Big Haynes Creek) Outside 7 Mile Radius	50 feet	75 feet

*Radial distances as measured upstream of a governmentally owned public drinking water supply intake or water supply reservoir.

2. Septic tanks and septic tank drain fields are prohibited within the required setback area. Utilities are exempt from the above stream buffer and setback provisions in accordance with the following conditions if the utilities to be located in the stream buffer or setback areas cannot feasibly be located outside these areas: The utilities must be located as far from the stream bank as reasonably possible, except that all easements (permanent and construction) and land disturbance should be at least 25 feet from the top of bank.
   a. The installation and maintenance of the utilities must be such as to protect the integrity of the stream buffer and setback

areas as best as reasonably possible.

b. Roadways, bridges, and drainage structures may encroach upon required stream buffers and setbacks where such structures are necessary to provide access. Such roadways and bridges must cross streams perpendicularly where reasonably possible. The number of such stream crossings and associated structures must be minimized to the greatest extent possible.

E. **Lots of Record**

All lots or parcels of record as of October 28, 1997, in the Big Haynes Creek Watershed and all lots or parcels which have been submitted by way of preliminary plat and approved by the Department in accord with the provisions of the 1985 Zoning Resolution of Gwinnett County, as of October 28, 1997, within the Big Haynes Creek Watershed, that are made unbuildable by the stream buffer and setback provisions, may still be developed on a case-by-case basis. Requests for development of these lots must be made to the Director as administrative variances. If development is allowed, the maximum possible impervious surface setback and stream buffer width, given the configuration of the lot, must be maintained.

403-1.6. - Compatibility with Other Buffers

This section is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law. The requirements of this section should be considered minimum requirements, and where any provision of this section imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment will be considered to take precedence.

403-1.7. - Additional Information Required

Any permit applications for a property requiring stream buffers and setbacks hereunder must include the following:

A. A site plan showing:
   1. The location of all streams on the property;
   2. Limits of required stream buffers and setbacks on the property;
   3. Stream buffer zone topography with contour lines at no greater than 5-foot contour intervals;
   4. Delineation of forested and open areas in the stream buffer zone; and
   5. Detailed plans of all proposed land development in the stream buffer and of all proposed impervious cover within the setback;
B. A description of all proposed land development within the stream buffer and setback; and
C. Any other documentation that the Department may reasonably deem necessary for review of the application and to ensure that the stream buffer zone ordinance is addressed in the approval process.
D. All stream buffer and setback areas must be recorded on the final plat of the property following plan approval.

403-1.8. - Responsibility

Neither the issuance of a development permit nor compliance with the conditions thereof, nor with the provisions of this section relieves any person from any responsibility otherwise imposed by law for damage to persons or property; nor will the issuance of any permit hereunder serve to impose any liability upon the City, its officers or employees, for injury or damage to persons or property.

403-1.9. - Administration

A. **Inspection**
   1. The Department may cause inspections of the work in the stream buffer or setback to be made periodically during the course

thereof and must make a final inspection following completion of the work. The permittee must assist the Department in making such inspections. The City will have the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this section, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land development activities within the protection area.

2. No person may refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor may any person obstruct, hamper or interfere with any such representative while in the process of carrying out official duties.

B. **Violations, Enforcement, and Penalties**

Any action or inaction which violates the provisions of this section or the requirements of an approved site plan or permit may be subject to the enforcement actions outlined in this section. Any such action or inaction, which is continuous with respect to time, is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

1. **Notice of violation.** If the Department determines that an applicant or other responsible party has failed to comply with the terms and conditions of a permit, an approved site plan or the provisions of this section, it must issue a written notice of violation to such applicant or another responsible party. Where a person is engaged in an activity covered by this section without having first secured the appropriate permit therefor, the notice of violation shall be served on the owner or the responsible party in charge of the activity being conducted on the site.

   The notice of violation must contain:

   a. The name and address of the owner or the applicant or the responsible party;
   b. The address or other description of the site upon which the violation is occurring;
   c. A statement specifying the nature of the violation;
   d. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved site plan or this section and the date for the completion of such remedial action;
   e. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
   f. A statement that the determination of violation may be appealed to the Board of Appeals by filing a written notice of appeal within 30 days after the notice of violation (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice will be sufficient).

2. **Penalties.** In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Department must first notify the applicant or other responsible party in writing of its intended action and must provide a reasonable opportunity, of not less than 10 days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice will be sufficient) to cure such violation. In the event the applicant or other responsible party fails to cure such violation after such notice and cure period, the Department may take any one or more of the following actions or impose any one or more of the following penalties.

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

b. **Withhold certificate of occupancy.** The Department may refuse to issue a certificate of occupancy for the building or other i constructed or being constructed on the site until the applicant or other responsible party has taken the remedial measures notice of violation or has otherwise cured the violations described therein.

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

d. **Civil penalties.** In the event the applicant or other responsible party fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within 10 days (or such greater period as the Department may deem appropriate) (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice will be sufficient) after the Department has taken one or more of the actions described above, the Department may impose a penalty not to exceed $1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

e. **Criminal penalties.** For intentional and flagrant violations of this section, the Department may issue a citation to the applicant or another responsible party, requiring such person to appear in the City municipal court to answer charges for such violation. Upon conviction, such a person will be punished by a fine not to exceed $1,000.00, or imprisonment for 60 days or both. Each act of violation and each day upon which any violation occurs will constitute a separate offense.

Sec. 403-2. - Wetlands

403-2.1. - Official Wetlands Map

The National Wetland Inventory Maps, prepared by the United States Fish and Wildlife Service, is the official wetland maps of the City of Snellville. These maps show the general locations of wetlands and should be consulted by persons contemplating activities in or near wetland areas.

403-2.2. - Plans

A. **Wetlands Indicated**

Design professionals, after consulting the National Wetland Inventory Maps, must indicate wetlands on plans required for land disturbance permit applications.

B. **Design professional statement**

Before the issuance of a land disturbance permit, the design professional who prepared the required plans accompanying the permit application, must add a statement to the plan sheet indicating land disturbance and the statement must read as follows:

Wetland Certification:

The design professional, whose seal appears hereon, certifies the following: 1) the National Wetland Inventory Maps have been consulted; and, 2) the appropriate plan sheet □ DOES/□ DOES NOT (mark appropriate box) indicate areas of United States Army Corps of Engineers jurisdictional wetlands as shown on the maps; and, 3) if wetlands are indicated, the land owner or developer has been advised that land disturbance of protected wetlands shall not occur unless the appropriate federal wetlands alteration ("section 404") permit has been obtained.

Sec. 403-3. - Illicit Discharge and Illegal Connection

403-3.1. - Title

This section is known as the "Illicit Discharge and Illegal Connection Ordinance."

403-3.2. - Findings and Purpose

A. **Findings**

It is hereby determined that:

1. Discharges to the municipal separate storm sewer system that are not composed entirely of stormwater contribute to increased nonpoint source pollution and degradation of receiving waters;
2. The municipal separate storm sewer system was designed and installed to manage stormwater so as to prevent localized flooding, damage to property and risk to public safety;
3. The municipal separate storm sewer system was not designed or installed as a receiving system for non-stormwater discharges; these non-stormwater discharges occur due to spills, dumping and improper connections to the municipal separate storm sewer system from residential, industrial, commercial or institutional establishments;
4. These non-stormwater discharges not only impact local waterways individually but geographically dispersed, small volume non-stormwater discharges can have cumulative impacts on receiving waters;
5. The impacts of these non-stormwater discharges adversely affect public health and safety, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters;
6. These impacts can be minimized through the regulation of spills, dumping and discharges into the municipal separate storm sewer system;
7. Localities in the State of Georgia are required to comply with a number of State and federal laws, regulations and permits which require a locality to address the impacts of nonpoint source pollution due to improper non-stormwater discharges to the municipal separate storm sewer system;
8. The Clean Water Act requires the management and maintenance of the municipal separate storm sewer system and the management of discharges to that system;
9. Therefore, in order to prohibit such non-stormwater discharges to the municipal separate storm sewer system, it is determined that the regulation of spills, improper dumping, and discharges to the municipal separate storm sewer system is in the public interest and will prevent threats to public health and safety, and the environment.

B. **Purposes**

The purpose of this section is to protect the public health, safety, environment, and general welfare through the regulation of non-stormwater discharges to the municipal separate storm sewer system to the maximum extent practicable as required by federal law. This section establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this section are to:

1. Comply with all Georgia Department of Natural Resources (DNR) and federal Environmental Protection Agency (EPA) stormwater regulations developed pursuant to the Clean Water Act; and
2. Regulate the contribution of pollutants to the municipal separate stormwater system by any person; and
3. Prohibit illicit discharges and illegal connections to the municipal separate storm sewer system; and
4. Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the municipal separate storm sewer system; and
5. To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to

ensure compliance with this section.

403-3.3. - Administration

A. The Department of Planning and Development administers, implements, and enforces the provisions of this section and any procedures, standards, and guidelines established under the authority of this section. Such power includes the right to maintain an action or procedure in any court of competent jurisdiction to compel compliance with or restrain any violation of this section.
B. The Department is responsible for the conservation, management, maintenance (where applicable), extension and improvement of the municipal separate storm sewer system, including activities necessary to control stormwater and activities necessary to administer and implement the stormwater management programs incorporated by reference into the City's NPDES stormwater permit.
C. The Department may develop, and update periodically, a stormwater management design manual for the guidance of persons preparing stormwater management plans, designing or operating stormwater management systems, and designing or operating facilities that may contribute non-stormwater discharges to the municipal's separate storm sewer system.
D. The Department may:
    1. Establish or oversee the establishment of standards and guidelines for controlling stormwater; and
    2. Determine the manner in which conveyances should be operated; and
    3. Inspect private systems which discharge to the municipal separate storm sewer system; and
    4. Advise other departments on issues related to stormwater; and
    5. Protect facilities and premises controlled by the City and prescribe how they are to be used by others; and
    6. Require facilities or activities that create new, increased, or significantly changed stormwater contributions to the municipal's separate storm sewer system to comply with the terms of this section; and
    7. Develop programs or procedures to control the discharge of pollutants into the municipal separate storm sewer system.

403-3.4. - Prohibition of Illicit Discharges

A. It is a violation of this section for any person to throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the municipal separate storm sewer system any pollutants or waters containing any pollutants, other than stormwater.
B. Discharges from the following sources are exempt from the prohibition in Paragraph A immediately above:
    1. Water line flushing performed by a government agency, other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants;
    2. Discharges or flows from firefighting, and other discharges specified in writing by the City as being necessary to protect public health and safety.

403-3.5. - Illegal Connection Prohibition

A. It is a violation of this section for any person to construct, connect, use, maintain, or allow the continued existence of any illegal connection to the municipal separate storm sewer system.
B. This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
C. Illegal connections must be disconnected. The Department may require that illegal connections be disconnected and redirected if necessary, to an approved on-site sewage management system or the sanitary sewer system. Such redirected connections must

be approved by the agency responsible for administering and operating those systems.

D. The Department may require any underground or above-ground pipe, drain or other conduit, that has not been documented in plans, maps or equivalent, and which may be connected to the municipal's separate storm sewer system, to be located by the owner or occupant of that property upon receipt of written notice from the Department. Such notice must specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. The results of these investigations are to be documented and provided to the Department. Failure to comply with the terms of the written notice mentioned here will constitute a violation of this section.

403-3.6. - Industrial or Construction Discharges

Any person subject to an industrial or construction activity NPDES stormwater discharge permit must comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City before allowing discharges to the municipal separate storm sewer system.

403-3.7. - Access and Inspection

A. **Access and inspection.**

The Director is permitted to enter and inspect premises, properties, and facilities at reasonable times as often as may be necessary to determine compliance with this section.

1. If a property or facility has security measures in force, which require proper identification and clearance before entry into its premises, the owner or operator must make the necessary arrangements to allow access to the Director.
2. The owner or operator must allow the Director ready access to all parts of the premises for the purposes of inspection, investigation, observation, monitoring, measurement, recording, enforcement, sampling, and testing, photography and videotaping for the purpose of ensuring compliance with the provisions of this section. The owner or operator must allow the Director to examine and copy any records that are required under the conditions of an NPDES permit. The Director must duly notify the owner of said property or the representative on-site, except in the case of an emergency.
3. The Director has the right to set up on any premises, property or facility such devices as are necessary in their opinion to conduct monitoring and/or sampling of discharges.
4. The Director may require the owner or operator to install monitoring equipment and perform monitoring as necessary and make the monitoring data available to the Department. This sampling and monitoring equipment must be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense. All devices used to measure flow and quality must be calibrated to ensure their accuracy. Measurements, tests and analyses performed must be completed in accordance with 40 CFR Part 136, unless the Director approves another method.
5. Any temporary or permanent obstruction to safe and easy access to the premises, property or facility to be inspected and/or sampled must be promptly removed by the owner or operator at the written or oral request of the Director and may not be replaced. The costs of clearing such access must be borne by the owner or operator.
6. Unreasonable delays in allowing the Director access to a facility, property or premises will constitute a violation of this section.
7. If the Director has been refused access to any part of a premises, property or facility from which stormwater is or would likely be discharged, and the Director is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify

compliance with this section or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the Department may seek issuance of a search warrant from any court of competent jurisdiction.

B. **Schedule**

The Director may determine inspection schedules necessary to enforce the provisions of this section.

403-3.8. - Notification of Accidental Discharges and Spills

A. Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or non-stormwater from that facility or operation which is resulting or may result in a discharge of those pollutants or non-stormwater into the municipal separate storm sewer system, State waters, or waters of the United States, said person must take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

B. Said person must notify the Department within the requirements of the City's Municipal Separate Storm Sewer System (MS4) Permit Enforcement Response Plan (ERP), or the timeline contained in this UDO in Sec. 402-4.8.C, whichever is more stringent.

C. Said person must notify the Department by phone, facsimile or in-person within 24 hours of discovering the discharge. Such notification must detail the nature, quantity and time of occurrence of the discharge. Notifications in person or by phone must be confirmed by written notice addressed and mailed to the Department within 3 business days of the phone or in-person notice. If the discharge emanates from a commercial or industrial establishment, the owner or operator of such establishment must also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records must be retained for at least 3 years. Said person must also take immediate steps to ensure no recurrence of the discharge or spill.

D. In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies must be immediately notified.

E. Failure to provide notification of a release or discharge as provided above is a violation of this section.

403-3.9. - Violations, Enforcement, and Penalties

A. **Violations**

1. It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this section. Any person, who has violated or continues to violate the provisions of this section, may be subject to the enforcement actions outlined in it. Each day of noncompliance is considered a separate offense. The Department may institute appropriate action or proceedings at law or equity for the enforcement of this section. Any court of competent jurisdiction may have the right to issue restraining orders, temporary or permanent injunctions, and other appropriate forms of remedy or relief. Nothing herein contained will prevent the Department from taking such other lawful action as is necessary to prevent or remedy any violation, including an application for injunctive relief.

2. In the event the violation constitutes an immediate danger to public health or public safety, the Department has the right but not the duty, to enter upon the subject private property or premises, without giving prior notice, and take any and all measures necessary to abate the violation and/or restore the property. The Department is authorized to seek costs of the abatement as outlined in paragraph E below.

B. **Notice of Violation**

Whenever the Department finds that a violation of this section has occurred, the Department may order compliance by written notice of violation.

1. The notice of violation must contain:

a. The name and address of the alleged violator; and
b. The address when available or a description of the building, structure, premises or land upon which the violation is occurring, or has occurred; and
c. A statement specifying the nature of the violation; and
d. A description of the remedial measures necessary to restore compliance with this section and a time schedule for the completion of such remedial action; and
e. A statement of the penalty or penalties that will or may be assessed against the person to whom the notice of violation is directed; and
f. A statement that the determination of violation may be appealed to the Department by filing a written notice of appeal within 30 days of service of notice of violation.

2. Such notice of violation may require without limitation:
   a. The performance of monitoring, analysis, and reporting;
   b. The elimination of illicit discharges and illegal connections;
   c. That violations must cease and desist;
   d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
   e. Payment of costs to cover administrative and abatement costs;
   f. The implementation of pollution prevention practices;
   g. The development and provision to the Department of written remediation or action plans;
   h. The development and provision to the department of documents showing the location and discharge points of conveyances, pipes, channels, or drains; and
   i. Any other actions that will lead to the remedy of a condition of the violation.

C. **Appeal of Notice of Violation**

Any person receiving a notice of violation may appeal the determination of the Director. The notice of appeal must be received by the Department within 30 days from the date of the notice of violation. Hearing on the appeal before the Director will take place within 15 days from the date of receipt of the notice of appeal. The decision of the Director will be final.

D. **Enforcement Measures**

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation or, in the event of an appeal, within 3 days of the decision of the Director upholding the decision of the Director, then, in addition to any other remedies that may be available, representatives of the Department or its contractors may enter upon the subject private premises, property or facility, where they are then authorized to take any and all actions or measures necessary to abate the violation and/or restore the property. Such measures or actions include but not be limited to repairs, maintenance, containment, cleanup, and remediation. It is unlawful for any person, owner, agent or person in possession of any premises, property or facility to refuse to allow the Department or designated contractor to enter upon the premises for the purposes set forth above.

E. **Costs of Abatement of the Violation**

1. Within 10 business days after abatement of the violation by the department or its contractors, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the assessment or to the amount of the assessment within 10 business days of such notice. If the amount due is not paid within 30 days after receipt of the notice, or if an appeal is taken, within 30 days after a decision on said appeal, the charges must become a special assessment against the property and must constitute a lien on the property for the amount of the assessment.

2. Any person violating any of the provisions of this section will become liable to the City by reason of such violation.

F. **Civil Penalties**

In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within 10 days, or such greater period as the City deems appropriate, after the Department has taken one or more of the actions described above, the Department may impose a penalty not to exceed $1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

G. **Criminal Penalties**

For violations of this section, the Department may issue a citation to the alleged violator requiring such person to appear in a court of competent jurisdiction to answer charges for such violation. Upon conviction, such person will be punished by a fine not to exceed $1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation occurs will constitute a separate offense.

H. **Violations Deemed A Public Nuisance**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this section is a threat to public health, safety, welfare, and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law.

I. **Remedies Not Exclusive**

1. The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, State, or local law and the Department may seek cumulative remedies.
2. The Department may recover attorney's fees, court costs, and other expenses associated with enforcement of section, including sampling and monitoring expenses. If the amount due is not paid within 30 days after receipt of a notice requiring payment of such costs, or if an appeal is taken, within 30 days after a decision on said appeal, the charges will become a special assessment against the property and will constitute a lien on the property for the amount of the assessment.

Sec. 403-4. - Floodplain Protection

403-4.1. - General

A. **Title**

This Section is known as the "City of Snellville Flood Damage Protection Ordinance" or "Flood Damage Protection Ordinance."

B. **Findings**

It is hereby determined that:

1. The flood hazard areas of the City of Snellville are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare;
2. Flood hazard areas can serve important stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation, and ecological purposes when permanently protected as undisturbed or minimally disturbed areas;
3. Effective floodplain management and flood hazard protection activities can: (1) Protect human life and health; (2) Minimize damage to private property; (3) Minimize damage to public facilities and infrastructure such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains; and (4) Minimize expenditure of public money for costly flood control projects associated with flooding and generally undertaken at the expense of the general public; and

4. Article IX, Section II of the Constitution of the State of Georgia and O.C.G.A. § 36-1-20(a) have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Snellville, Georgia, does ordain this section and establishes this set of floodplain management and flood hazard reduction policies for the purpose of regulating the use of flood hazard areas. It is determined that the regulation of flood hazard areas and the prevention of flood damage are in the public interest and will minimize threats to public health and safety, as well as to private and public property.

C. **Requirements**

This section applies to all Special Flood Hazard Areas in the City of Snellville, as defined in this section and Chapter 100 of this UDO.

D. **Statement of Purpose**

It is the purpose of this section to protect, maintain, and enhance the public health, safety, environment, and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas, as well as to protect the beneficial uses of floodplain areas for water quality protection, streambank and stream corridor protection, wetlands preservation and ecological and environmental protection by provisions designed by:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to flooding or erosion hazards or which increase flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction or renovation;
3. Limit the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging and other development which may increase erosion or flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and
6. Protect the stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation and ecological functions of natural floodplain areas.

E. **Flood Area Maps and Studies**

For the purposes of defining and determining "Areas of Special Flood Hazard," "Areas of Future-Conditions Flood Hazard," "Areas of Shallow Flooding," "Base Flood Elevations," "Floodplains," "Floodways," "Future-conditions Flood Elevations," "Future conditions Floodplains," potential flood hazard or risk categories as shown on FIRM maps, and other terms used in this section, the following documents and sources may be used for such purposes and are adopted by reference thereto:

1. The most recent Flood Insurance Study (FIS) and Flood Insurance Rate Map prepared by FEMA for the City, with accompanying maps and other supporting data and any revision thereto.
2. Other studies which may be relied upon for the establishment of the base flood elevation or delineation of the 100-year flood-prone areas including:
   a. Any flood or flood-related study conducted by the United States Corps of Engineers or the United States Geological Survey or any local, State, or federal agency applicable to the City of Snellville.
   b. Any base flood study authored by a currently registered professional engineer in the State of Georgia which has been prepared utilizing FEMA-approved methodology and approved by the City of Snellville Department of Planning and Development.
3. Other studies, which may be relied upon for the establishment of the future-conditions flood elevation or delineation of the future conditions flood-prone areas, including:

a. Any flood or flood-related study conducted by the United States Corps of Engineers, the United States Geological Survey or a State, or federal agency applicable to the City of Snellville; and

b. Any future-conditions flood study conducted by a registered professional engineer in the State of Georgia which has been prepared utilizing FEMA approved methodology approved by the City of Snellville Department of Planning and Development.

4. The repository for public inspection of the FIS, accompanying maps and other supporting data is located at the following location:

   The City of Snellville Department of Planning and Development
   2342 Oak Road
   Snellville Ga, 30078

F. **Interpretation**

1. In the interpretation and application of this section all provisions will be:

   a. Considered as minimum requirements;

   b. Liberally construed in favor of the City of Snellville; and

   c. Deemed neither to limit nor repeal any other powers granted under State statutes.

2. Where interpretation is needed as to the exact location of floodplain or floodway boundaries (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Department of Planning and Development will make the necessary interpretation based on data submitted by the applicant. The person contesting the location of the boundary must be given a reasonable opportunity to appeal the interpretation as provided in this section.

3. Where flood plain elevations have been defined, the floodplain will be determined based on flood elevations rather than the area graphically delineated on the floodplain maps.

G. **Drainage Easement Established**

On behalf of the public, a drainage easement is hereby established for the sole purpose of preserving and protecting the free flow of surface waters inside the future conditions flood contour elevations and along all watercourses. Where debris has accumulated in such a manner as would increase the need for flood protection, raise the flood level, or increase the risk of hazardous inundation of adjacent communities or jurisdictions, the City is hereby authorized to enter upon such watercourse and clear or remove such debris or obstructions as are hazardous to the public safety. The cost thereof will be charged to the owner of the property where such debris and/or obstruction was generated. Where erosion has occurred in such a manner as would endanger a building or a structure, the city is hereby authorized to enter upon such watercourse and stabilize the channel for public safety. The cost thereof will be charged to the owner of the property where the erosion has occurred and/or caused the erosion.

H. **Establishment of Development Permit**

1. No owner or developer may perform any development activities on a site where an Area of Special Flood Hazard or Area of Future-conditions Flood Hazard is located without first meeting the requirements of this section before commencing the proposed activity.

2. Unless specifically excluded by this section, any landowner or developer desiring a permit for a development activity must submit to the City a permit application on a form provided by the City for that purpose.

3. No permit will be approved for any development activities that do not meet the requirements, restrictions, and criteria of this section.

I. **Floodplain Management Plan Requirements**

An application for a development project within any Area of Special Flood Hazard or Area of Future-conditions Flood Hazard located on the site shall include a floodplain management/flood damage prevention plan. This plan shall include the following items:

1. Site plan drawn to scale, which includes but is not limited to:
    a. Existing and proposed elevations of the area in question and the nature, location and dimensions of existing and/or proposed structures, earthen fill placement, amount and location of excavation material, and storage of materials or equipment;
    b. For all proposed structures, spot ground elevations at building corners and 10-foot or smaller intervals along the foundation footprint, or 1-foot contour elevations throughout the building site;
    c. Proposed locations of water supply, sanitary sewer, and utilities;
    d. Proposed locations of drainage and stormwater management facilities;
    e. Proposed grading plan;
    f. Base flood elevations and future-conditions flood elevations;
    g. Boundaries of the base flood floodplain and future-conditions floodplain;
    h. If applicable, the location of the floodway; and
    i. Certification of the above by a registered professional engineer or surveyor.
2. Building and foundation design details, including but not limited to:
    a. Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
    b. Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;
    c. Certification that any proposed nonresidential floodproofed structure meets the criteria in Sec. 403-4.4.A.2;
    d. For enclosures below the base flood elevation, location and total net area of flood openings as required in Sec. 403-4.4.F (Elevated Buildings);
    e. Design plans certified by a registered professional engineer or architect for all proposed structure(s).
3. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;
4. Hard copies and digital files of computer models, if any, copies of work maps, comparison of pre- and post-development conditions base flood elevations, future-conditions flood elevations, flood protection elevations, Special Flood Hazard Areas and regulatory floodways, flood profiles and all other computations and other information similar to that presented in the FIS;
5. Copies of all applicable State and federal permits necessary for the proposed development, including but not limited to permits required by Section 404 of the federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334; and
6. All appropriate certifications required under this section.
7. The approved floodplain management/flood damage prevention plan must contain a certification by the applicant that all development activities will be done according to the plan or previously approved revisions. Any and all development permits and/or use and occupancy certificates or permits may be revoked at any time if the construction and development activities are not in strict accordance with approved plans.

J. **Warning and disclaimer of liability**

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by manmade or natural causes. This section 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 section shall not create liability on the part of the City of Snellville or by any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

K. **Duties and Responsibilities of the Administrator**

The duties of the Director include, but are not be limited to:

1. Review all development applications and permits to assure that the requirements of this section have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;
2. Require that copies of all necessary permits from governmental agencies from which approval is required by federal or State law, including but not limited to Section 404 of the federal Water Pollution Control Act Amendments of 1972,33 U.S.C. 1334, be provided and maintained on file;
3. When base flood elevation data or floodway data have not been provided, then the Director shall require the applicant to obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, State, or other sources in order to meet the provisions of Sec. 403-4.3 (Standards for Development) and Sec. 403-4.4 (Standards for Buildings);
4. Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures;
5. Review and record the actual elevation, in relation to mean sea level to which any substantially improved structures have been floodproofed;
6. When floodproofing is utilized for a nonresidential structure, the Director must review the design and operation/maintenance plan and obtain certification from a registered professional engineer or architect;
7. Notify affected adjacent communities and the Georgia Department of Natural Resources before any alteration or relocation of a watercourse and submit evidence of such notification to FEMA;
8. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions) the Director 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 section. Where floodplain elevations have been defined, the floodplain is determined based on flood elevations rather than the area graphically delineated on the floodplain maps;
9. All records pertaining to the provisions of this section must be maintained in the office of the Director and must be open for public inspection;
10. Coordinate all FIRM revisions with the GA DNR and FEMA; and
11. Review variance applications and make recommendations to the Board of Zoning Appeals.

403-4.2. - Administration

A. **General Permit Procedures**

An application for a development permit on any property where a special flood hazard area is located or is proposed to be altered or disturbed in any way must be made to the Department on appropriate forms before any development activities. The application must include, but not be limited to, plans drawn to scale of the property showing the floodplain, floodway and the nature, location, dimensions, and elevations of existing or proposed structures, fill, storage of materials, and drainage facilities.

B. **Floodway Encroachments**

1. **Application procedure.** An application for a development permit that proposes any encroachment into or alteration of a floodway requires submittal to the Department complete plans and engineering calculations as required by this section for

"no rise" certification. The Department must review and authorize such encroachments before the issuance of a development permit and must obtain from the applicant an engineering "no-rise" certification signed by a professional engineer stating that the proposed development will not create any change to the pre-project base flood elevations, floodway elevations, or floodway widths. If the applicant proposes to revise the floodway boundaries or base flood elevations, no permit authorizing an encroachment into or the alteration of the floodway may be issued by the Department until an affirmative conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable, is issued and "no rise" certification is approved by the Department. An application for a map revision must be submitted first to the Department. As-built surveys and calculations must be provided to the Department by the applicant at the time of completion of the encroachment. Payment of any review fees associated with the review and approval of the encroachment is the responsibility of the applicant. Final plats or certificates of occupancy will not be issued by the Department until an affirmative letter of map revision (LOMR) or letter of map amendment (LOMA), whichever is applicable, is issued.

2. **Flood Levels Resulting from Floodway Encroachments.** Located within Areas of Special Flood Hazard are areas designated as a floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, floodways must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:
   a. Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development are within the regulatory floodway, except for activities specifically allowed in "B.2.b" below.
   b. Encroachments for bridges, culverts, roadways, and utilities within the regulatory floodway may be permitted provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment will not result in an increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
   c. If the applicant proposes to revise the floodway boundaries, no permit authorizing the encroachment into or alteration of the floodway shall be issued by the City of Snellville until an affirmative Conditional Letter of Map Revision (CLOMR) is issued by FEMA or a no-rise certification is approved by the City.
   d. If the applicant proposes to revise the floodway boundaries, no permit authorizing the encroachment into or alteration of the floodway shall be issued by the City of Snellville until an affirmative Conditional Letter of Map Revisions (CLOMR) is issued by FEMA or a no-rise certification is approved by the City of Snellville.

C. **Other Permits or Approvals**
   1. Copies of any additional federal or State permits or approvals as may be required by the Corps of Engineers, Georgia Department of Natural Resources, FEMA, or others must be provided by the developer upon their approval and maintained on file in the Department.
   2. The Department must notify adjacent communities and the Georgia Department of Natural Resources before any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

D. **Maintenance Requirements**

The property owner shall be responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on the property so that the flood-carrying or flood storage capacity is maintained. The City of Snellville may direct the property owner (at no cost to the City) to restore the flood-carrying or flood storage capacity of the floodplain if the owner has not performed maintenance as required by the approved floodplain management plan on file with the City.

403-4.3. - Standards for Development

A. **Definition of Floodplain Boundaries**
   1. Studied "A" zones, identified in the City of Snellville Flood Insurance Study (FIS) shall be used to establish base flood elevations

whenever available.

2. For all streams with a drainage area of 100 acres or greater, the future-conditions flood elevations shall be provided by the Department. If future-conditions elevation data is not available from the Department, then it shall be determined by a registered professional engineer using a method approved by FEMA and the City of Snellville.

B. **Definition of Floodway Boundaries**

1. The width of a floodway shall be determined from the FIS or FEMA approved flood study. For all streams with a drainage area of 100 acres or greater, the regulatory floodway shall be provided by the Department. If floodway data is not available from the Department, then it must be determined by a registered professional engineer using a method approved by FEMA and the Department.
2. Following a pre-design conference with the Department, the boundaries or limits of the floodway must be shown on the development plan containing existing topographic information.

C. **General Standards**

1. No development shall be allowed within any Area of Special Flood Hazard or Area of Future-conditions Flood Hazard that could result in any of the following:
   a. Raising the base flood elevation or future-conditions flood elevation equal to or more than 0.01 foot.
   b. Reducing the base flood or future-conditions flood storage capacity. All compensation must occur either within the boundaries of ownership of the property being developed, or within a permanent, recorded flood control easement (which will be a part of the departmental record), and must be within reasonable proximity to the location of the encroachment. Acceptable means of providing required compensation include: lowering of natural ground elevations within the floodplain; or lowering of adjoining land areas to create additional floodplain; or raising of the future conditions flood elevation within the boundaries of ownership of the property being developed. All cut areas are to be graded to a slope of no less than 2%. In no case may any required compensation be provided via bottom storage or by excavating below the elevation of the top of the natural (pre-development) stream channel unless such excavation results from widening or relocation of the stream channel. A step-backwater analysis is required to verify no rise conditions, flood storage volumes, and flow characteristics.
   c. Changing the flow characteristics as to the depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the development area. Verification must be provided via a step-backwater analysis.
   d. Creating hazardous or erosion-producing velocities, or result in excessive sedimentation.
2. Any development within any Area of Special Flood Hazard or Area of Future-conditions Flood Hazard allowed under clause 1 above also meet the following conditions:
   a. Compensation for storage capacity shall occur between the average groundwater table elevation and the base flood elevation for the base flood, and between the average found water table elevation and the future-condition flood elevation for the future-conditions flood and lie either within the boundaries of ownership of the property being developed and shall be within the immediate vicinity of the location of the encroachment. Acceptable means of providing required compensation include lowering of natural ground elevations within the floodplain or lowering adjoining land areas to create additional floodplain storage. In no case shall any required compensation be provided via bottom storage or by excavating below the elevation of the natural (pre-development) stream channel unless such excavation results from the widening or relocation of the stream channel;
   b. Cut areas must be stabilized and graded to a slope of no less than 2%;
   c. Effective transitions shall be provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased;

d. Verification of no-rise conditions (less than 0.01 foot), flood storage volumes, and flow characteristics shall be provided via a backwater analysis meeting the requirements of Section 10.4.5.D.

e. Public utilities and facilities, such as sanitary sewer, gas, electrical and water systems, shall be located and constructed to minimize or eliminate infiltration or contamination from floodwaters.

f. Any significant physical changes to the base flood floodplain shall be submitted as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. The CLOMR submittal shall be subject to approval by the Department using the Community Concurrence forms before forwarding the submittal package to FEMA for final approval. The responsibility for forwarding the CLOMR to FEMA and for obtaining the CLOMR approval is the responsibility of the applicant. Within 6 months of the completion of development, the applicant must submit as-built surveys for a final letter of map revision (LOMR). A letter of map revision (LOMR) or letter of map amendment (LOMA) must be issued before the final plat can be approved or a certificate of occupancy can be issued. Significant changes or revisions are defined as any change to the City of Snellville FIRM easily observed when plotted at a scale of one" = 500'. The changes or revisions may be due to but are not limited to more current and/or superior topographic information or compensatory cut and fill grading done as a part of the development.

3. On-site waste disposal systems must be located so as to avoid impairment to them or contamination from them during flooding.

4. All development proposals must have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage.

D. **Engineering Study Requirements for Floodplain Encroachments**

An engineering study is required (as appropriate to the proposed development activities on the site) when a base flood or future conditions floodplain is located on the property proposed for development. This study must be prepared by a currently registered professional engineer in Georgia and made a part of the application for a development permit. This information must be submitted to and approved by the Department before the approval of any permit that would authorize the development.

1. Description of the extent to which any watercourse or floodplain will be altered or relocated as a result of the proposed development.

2. Any report that must be submitted for review, in accordance with this section, must use a step backwater analysis approved by the Department. Cross-sections (which may be supplemented by the applicant) and flow information from the existing FIS will be obtained whenever available. Where applicable, computations will be shown duplicating FIS results and then computations will be rerun with the proposed modifications to determine the new base flood and future conditions flood profiles.

3. Floodplain storage calculations based on cross-sections (at least one every 100 feet) showing existing and proposed floodplain conditions must be provided to show that future conditions floodplain storage capacity will not be diminished by the development.

4. If changes to the base flood or future conditions flood elevations are proposed, profiles of the channel showing the existing and proposed base flood and future conditions flood elevations must be provided.

5. The study shall include a preliminary plat, grading plan, or site plan, as appropriate, which shall clearly define all future conditions floodplain encroachments.

6. The floodway will be determined when any encroachment in the floodplain is proposed or a detailed study is performed to determine flood profiles.

7. Detailed flood studies in areas where the floodplain has been established but the base flood elevation (BFE) and/or the floodway has not been established and in areas beyond the limits of study on the FIRM, which may contain a watercourse, and have greater than 100 acres of surface drainage area above the property, must be submitted showing the base flood

elevations, future conditions flood elevations, and the floodway. Approval of the study must be received before the final plat of the affected lots can be approved or a certificate of occupancy can be issued.

E. **Maintenance Requirements**

The property owner is responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on their property so that the flood-carrying or flood storage capacity is not diminished. The City of Snellville may direct the property owner (at no cost to the City) to restore the flood-carrying or flood storage capacity of the floodplain if the owner has not, in the opinion of the City pursuant to the approved plans and floodplain report on file with the Department, performed satisfactory maintenance.

F. **Standards for Utilities**

1. All new and replacement water supply and sanitary sewerage systems must be designed to minimize or eliminate:
   a. Infiltration of floodwaters into the systems; and
   b. Discharges from the systems into floodwaters.
2. On-site waste disposal systems must be located outside the floodplain to avoid impairment to them, or contamination from them during flooding.

G. **Standards for Subdivisions**

1. All subdivision proposals must identify the special flood hazard area and provide base flood elevation data and future-conditions flood elevation data;
2. All residential lots in a subdivision proposal must have sufficient buildable area outside of the future-conditions floodplain such that encroachments into the future-conditions floodplain for residential structures will not be required unless all requirements of Sec. 403-4.2 (Administration) and Sec. 403-4.3 (Standards for Development) have been met;
3. All subdivision plans must provide the elevations of proposed structures in accordance with Sec. 403-4.2.B;
4. All subdivision proposals must be consistent with the need to minimize flood damage;
5. All subdivision proposals must have public utilities and facilities such as water, sanitary sewer, gas, and electrical systems located and constructed to minimize or eliminate infiltration of floodwaters, and discharges from the systems into floodwaters; and
6. All subdivision proposals must include adequate drainage and stormwater management facilities per the requirements of the development regulations to reduce potential exposure to flood hazards.

403-4.4. - Standards for Buildings

A. **Structures and Buildings Authorized in the Floodplain**

1. **Residential Buildings**
   a. **New construction.** New construction of principal buildings, including manufactured homes, is not allowed within the limits of the future conditions floodplain unless all requirements of Sec. 403-4.2 (Administration) and Sec. 403-4.3 (Standards for Development) have been met. If all of the requirements of both sib-sections have been met, all new construction must have the lowest floor, including basement and access to the building, elevated no lower than 3 feet above the base flood elevation or 1 foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters must be provided in accordance with standards of paragraph F below (Elevated Buildings).
   b. **Substantial improvements.** For substantial improvements to existing principal residential buildings, the requirements of Sec. 403-4.2 (Administration) and Sec. 403-4.3 (Standards for Development) apply and the elevation of the lowest floor, including basement and access to the building, must be elevated at least 3 feet above the level of the highest base flood

(100-year) elevation adjacent to the building or at least 1 foot above the future conditions flood elevation whichever is highest. Openings sufficient to facilitate the unimpeded movements of floodwaters must be provided in accordance with paragraph F below (Elevated Buildings).

2. **Nonresidential Buildings**
   a. **New construction.** New construction of principal buildings, including manufactured homes, is not allowed within the limits of the future conditions floodplain unless all requirements of Sec. 403-4.2 (Administration) and Sec. 403-4.3 (Standards for Development) have been met. If all of the requirements both sub-sections have been met, the elevation of the lowest floor, including basement and access to the building, must be at least 1 foot above the level of the highest base flood (100-year) elevation adjacent to the building or at least as high as the future conditions flood elevation whichever is highest. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters must be provided in accordance with paragraph F below (Elevated Buildings).
   b. **Substantial improvements.** Substantial improvements to existing principal nonresidential buildings may be authorized by the Department to be floodproofed in lieu of being elevated, in accordance with paragraph F (Elevated Buildings), provided that all areas of the building less than 1 foot above the base flood elevation or below the future conditions flood elevation, whichever is highest, are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect must certify to the Department that the standards of this subsection are satisfied and must provide the Department a floodproofing certificate including floodproofing level immediately after floodproofing is completed. The certification must be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The requirements of Sec. 403-4.2 and Sec. 403-4.3 apply.
3. **Accessory and nonhabitable buildings and structures.** Accessory and nonhabitable structures (i.e., barns, sheds, gazebos, and other similar structures) which are permitted to be located within the limits of the floodplain under the provisions of Article 2 through Article 7 must be designed and constructed of flood-resistant materials to pass all floodwater and be anchored to prevent flotation, collapse, or lateral movement of the structure in a manner consistent with this section.
4. **Drainage structures and impoundments.** Drainage structures and impoundments may be authorized provided they are designed and constructed pursuant to the requirements of the development regulations of the City of Snellville, are approved by the Department, and are consistent with the requirements of this section. Detention facilities may be located within the future conditions floodplain if the future conditions flood storage capacity is not reduced by the dam and water impounded behind the dam as required in Sec. 403-4.3.C.

B. **Structures and Buildings Authorized Adjacent to the Future Conditions Floodplain**
1. **Residential buildings.** For new construction or substantial improvement of any principal residential building or manufactured home, the elevation of the lowest floor, including basement and access to the building, must be at least 3 feet above the level of the highest base flood (100-year) elevation adjacent to the building or at least 1 foot above the future conditions flood elevation whichever is highest.
2. **Nonresidential buildings.** For new construction or substantial improvement of any principal nonresidential building, the elevation of the lowest floor, including basement and access to the building, must be at least 1 foot above the level of the highest base flood (100-year) elevation adjacent to the building or at least as high as the future conditions flood elevation whichever is highest.

C. **Building Permit Requirements**

Before the issuance of a building permit for site which contains or is adjacent to the floodplain, a drawing which shows the elevation of the proposed lowest floor of the building, including basement, the limits of the floodplain, and the highest future conditions flood elevation and base flood (100-year) elevation adjacent to the building, must be submitted to the Department for

approval. If the proposed development is located in multiple flood zones or multiple base flood elevation cross the proposed building site, the higher or more restrictive base flood elevation or future condition elevation and development standards will take precedence at the building site. Proposed grading encroachments must be shown on this drawing. Elevations must be referenced to an accurate topographical reference (e.g., a recorded final plat whereon the future conditions and the base floodplain is shown).

D. **Construction Stage**

1. Upon completion of construction of the lowest floor of any building permitted under paragraph B above or substantial improvement permitted under paragraph A above, the permit holder must submit to the Department a certification of the as-built lowest floor elevation. A final elevation certificate must be provided after completion of construction including grading of the site. For buildings adjacent to the floodplain, this requirement will not apply, however, if the separation between the lowest floor elevation and the future conditions flood elevation shown on the drawing submitted as part of the permit application is greater than 10 feet. Said certification must be prepared by a land surveyor currently registered in the State of Georgia.
2. Any work undertaken before submission and approval of the certification will be at the permit holder's risk. No framing inspection may be completed or approved by the Department until such required certification is received and verified by the Department. Deficiencies detected by such review must be corrected by the permit holder immediately and before further progressive work being allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby, will cause to issue a stop work order for the project.

E. **Provisions for Flood Hazard Reduction**

All new construction or substantial improvement of existing structures within or adjacent to special flood hazard areas must comply with the following:

1. Must be constructed with materials and utility equipment resistant to flood damage;
2. Must be constructed by methods and practices that minimize flood damage;
3. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities must be constructed or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
4. New and replacement water supply systems must be designed to minimize or eliminate infiltration of floodwaters into the system;
5. New and replacement sanitary sewage systems must be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;
6. New construction and substantial improvements of existing structures must be anchored to prevent flotation, collapse or lateral movement or the structure;
7. On-site waste disposal systems must be located and constructed to avoid impairment to them or contamination from them during flooding;
8. Manufactured homes must 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 is in addition to and consistent with applicable State requirements for resisting wind forces; and
9. Any alteration, repair, reconstruction or improvement to a structure that is not compliant with the provisions of this section, may only be undertaken if the nonconformity is not furthered, extended or replaced.

F. **Elevated Buildings**

All new construction or substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls must be designed so as to be an unfinished or flood-resistant enclosure. The enclosure must be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic

entry and exit of floodwater.

1. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
   a. Provided a minimum of two openings with a total net area of not less than 1 square inch for every 1 square foot of enclosed area subject to flooding;
   b. The bottom of all openings may be no higher than 1 foot above grade; and
   c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.
2. So as not to violate the "lowest floor" criteria of this section, the unfinished or flood-resistant enclosure may 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
3. The interior portion of such an enclosed area may not be partitioned or finished into separate rooms.

G. **Building Standards for Residential Single-lot Developments on Streams without Established Base Flood Elevations and/or Floodway (A-Zones)**

For a residential single-lot development not part of a subdivision that has areas of special flood hazard, where streams exist but no base flood data have been provided (A-Zones), the Director will review and reasonably utilize any available scientific or historic flood elevation data, base flood elevation and floodway data, or future-conditions flood elevation data available from a federal, State, local or other source, in order to administer the provisions and standards of this section.

If data are not available from any of these sources, the following provisions will apply:

1. No encroachments, including structures or fill material, may be located within an area equal to twice the width of the stream or 50 feet from the top of the bank of the stream, whichever is greater; and
2. In special flood hazard areas without base flood or future-conditions flood elevation data, new construction and substantial improvements of existing structures must have the lowest floor of the lowest enclosed area (including basement) elevated no less than 3 feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters must be provided in accordance with paragraph F above.

H. **Standards for Recreational Vehicles**

All recreational vehicles placed on sites must either:

1. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
2. The recreational vehicle must meet all the requirements for residential buildings—substantial improvements, including the anchoring and elevation requirements.

403-4.5. - Appeals and Variances

A. **Appeals**

Appeals from the interpretation or requirements of this section must be made in accordance with the procedures and requirements of this subsection.

1. Requests for variances from the requirements of this section must be submitted to the Department. All such requests will be heard and decided in accordance with the procedures outlined in Article 12; stormwater systems and facilities installation standards and specifications and as set forth by Section 5-4-1 of the Official Code of Georgia Annotated. At a minimum, such

procedures must include notice to all affected parties and the opportunity to be heard.

2. Any person adversely affected by any decision of a request for variance has the right to appeal the decision to the Board of Appeals in their normal course of business. At a minimum, such procedures must include notice to all affected parties and the opportunity to be heard.

B. **Evaluation of Variance Requests**

1. In passing upon variance applications for relief from the provisions of this section, all technical evaluations, all relevant factors, all standards specified in other sections of this section, and the items listed in the stormwater systems and facilities installation standards and specifications must be considered.
2. Upon consideration of the factors listed in the stormwater systems and facilities installation standards and specifications, and the stated purposes of this section, such conditions to the granting of a variance as it deems necessary or appropriate, consistent with the purposes of this section may be attached to the variance.
3. Variances may not be approved within any designated floodway if any increase in flood levels outside the boundaries of ownership of the property being developed or drainage easement during the future conditions or the base flood discharge would result.
4. Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this section are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
5. Any person requesting a variance must, from the time of the request until the time the request is acted upon, submit such information and documentation as deemed necessary to the consideration of the request.
6. Variances may not be issued "after the fact."

C. **Historic Structures**

Variances from the requirements of this section may be approved for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical designation, and provided further that the requirements of paragraph E below are met.

D. **Conditions for Variance Approval**

1. Variances may only be approved upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
2. Variances may only be issued upon a finding of the following:
   a. A showing of good and sufficient cause;
   b. A determination that failure to grant the variance would result in exceptional hardship; and
   c. A determination that the granting of the 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.
3. No variance from the provisions of this section may be approved which would allow a structure or use of land otherwise prohibited in the flood hazard area under the provisions of the zoning resolution.
4. Any person to whom a variance is granted must 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.

E. **Records and Reports**

The Department must maintain the records of all appeal actions and report any variances to the federal Emergency Management Agency upon request.

403-4.6. - Effective Date

A. Any subdivision or other project for which a development permit has been issued before the effective date of this UDO may, at the developer's option, proceed to completion under the terms of said permit and the regulations of the City of Snellville in place before said effective date.
B. Any subdivision or other project for which only a clearing, clearing and grubbing, or grading permit was issued before the effective date of this UDO must be brought into conformance with this section before issuance of a development permit.
C. Nothing in this section be construed to affect the validity of any building permit lawfully issued before the effective date of this UDO.

403-4.7. - Amendments

A. This section may be amended from time-to-time by resolution of the City Council.
B. Any subdivision or other project for which a development permit has been issued before the adoption of an amendment to this section may, at the developer's option, proceed to completion as though no amendment had been approved.
C. Any subdivision or other project for which only a clearing, clearing and grubbing, or grading permit has been issued before the adoption of an amendment to this section must be brought into conformance with the amendment (if applicable) before issuance of a development permit.
D. No amendment to this section will be construed to affect the validity of any building permit lawfully issued before the adoption of said amendment.

403-4.8. - Violations, Enforcement, and Penalties

A. **Violations, Enforcement, and Penalties**

Any action or inaction that violates the provisions of this section or the requirements of an approved plan or permit will be subject to the enforcement actions or penalties outlined herein. Any such action or inaction that is continuous with respect to time is deemed to be a public nuisance and also may be abated by injunctive or other equitable relief. The imposition of any of the enforcement actions or penalties described herein will not prevent such equitable relief.

B. **Enforcement Procedures**

The following are the enforcement procedures authorized by this section:

1. **Notices of violation.** Enforcement will begin with the issuance of a written notice of violation to the owner or responsible party by the Director. The notice may be delivered personally or sent by first-class mail. The notice of violation must contain at least the following information:
   a. The name and address of the owner or responsible party;
   b. The location or address of the site upon which the violation is occurring;
   c. A description of the nature of the violation;
   d. A description of the remedial actions or measures necessary to bring an action or inaction into compliance with a permit, approved plan or this section;
   e. The deadline or completion date for any such remedial actions or measures;
   f. A statement of the penalty or penalties that may be assessed against the owner or responsible party to whom the notice of violation is directed.

In the event the owner or responsible party fails to correct the violations after the deadline contained in the notice of violation, the Director is authorized to take or impose any one or more of the additional actions contained herein.

2. **Stop work orders.** The Director is authorized to issue stop work orders to an owner or responsible party. Stop work orders are effective immediately and will remain in effect until the necessary corrective actions or remedial measures set forth in the notice of violation have occurred. Stop work orders may be withdrawn or modified by the Director in order to enable an owner or responsible party to take the necessary remedial actions or measures to correct the violations.
3. **Refusal to issue certificates of occupancy or completion.** The Director is authorized to refuse to issue certificates of occupancy or completion for the building or other improvements constructed or being constructed on a site until the owner or responsible party has taken the remedial actions or measures set forth in the notice of violation or has otherwise corrected the violations described therein.
4. **Suspension, revocation, or modification of permit.** The Director is authorized to suspend, revoke or modify a permit that was issued authorizing development. The Director is authorized to reinstate a suspended, revoked or modified permit after the owner or responsible party has taken the remedial actions or measures stated in the notice of violation or has otherwise corrected the violations described therein. The Director is also authorized to reinstate such permit, which may include conditions as the Director may deem necessary, to enable the owner or responsible party to take the necessary remedial actions or measures to correct the violations.
5. **Refusal to approve final subdivision plats.** The Director is authorized to refuse to approve final plats until the owner or responsible party has taken the remedial actions or measures set forth in the notice of violation or has otherwise corrected the violations described therein.
6. **Issuance of citations or summons to court.** The Director is authorized to issue a citation or summons to the owner or responsible party requiring such person to appear in a court of competent jurisdiction to answer charges for violations of this section.

C. **Legal Penalties and/or Remedies**

1. **Fine and/or sentence.** Any person convicted by a court of competent jurisdiction of violating any provision of this section will be guilty of violating a duly adopted ordinance of the City and will be punished either by a fine not less than $100.00 per day and not greater than $1,000.00 per day, or by a sentence of imprisonment not to exceed 60 days in jail, or both a fine and jail or work alternate. Each day that a violation continues after due notice has been served will be deemed a separate offense.
2. **Other legal remedies.** In any case in which a violation of this section has occurred, the City, in addition to other remedies provided by law, may petition for a restraining order, injunction, abatement, or take any other appropriate legal action or proceeding through a court of competent jurisdiction to prevent, restrain, or abate such unlawful use or activity.

ARTICLE 4. - STORMWATER

Sec. 404-1. - Stormwater Conveyances

404-1.1. - Improvements Required

Stormwater conveyance systems, which include but are not limited to culverts, storm drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, and ditches, shall be provided for the protection of public right-of-way and private properties adjoining project sites and/or public rights-of-way. Stormwater conveyance systems that are designed to carry runoff from more than one lot, existing or proposed, must meet the requirements of this UDO.

404-1.2. - Design Criteria

All stormwater conveyance systems design calculations must be certified by a Professional Engineer currently registered in the State of Georgia. (See Sec. 404-2.5.)

A. Methods to calculate stormwater flows shall be in accordance with the Gwinnett County Stormwater Management Manual.
B. All portions of a stormwater conveyance system shall be analyzed using the same methodology.
C. Runoff coefficients used for the Rational Method and runoff Curve Numbers used for the SCS Method shall be consistent with those shown in the Gwinnett County Stormwater Management Manual.
D. Conveyance system design is to be in accordance with the methods contained in the Gwinnett County Stormwater Management Manual.
E. The 100-year ponding limits at and upstream of the culvert shall be shown on the Development Plans and on the Final Plat (if applicable).

404-1.3. - Standard Specifications

A. Unless otherwise specifically set forth herein all of the materials, methods of the construction, and workmanship for the work covered in reference to stormwater conveyances must conform to Gwinnett County's most recent minimum requirements.
B. All piped stormwater conveyances dedicated to the City must be Reinforced Concrete Pipe (RCP).
C. Only Reinforced Concrete Pipe (RCP) shall be used for all dams 9 feet or more in height unless the Georgia Safe Dams Program requires another material.

404-1.4. - Piped Outfall Location

A. Piped Outfalls (such as headwalls) may not be located closer to the project site's property line with an adjoining property than the greater of the distance necessary to construct velocity protection or a flow distance equal to six pipe diameters. For non-circular conduits, this distance shall be six times the rise dimension of the conduit.
B. The invert elevation of a piped conveyance system outfall shall be no more than 2 feet above the elevation of the bottom of the receiving watercourse.

404-1.5. - Concentrated Flows

A. The maximum post-developed flow velocity at the project site's downstream property line with an adjoining tract may not exceed the maximum pre-developed flow velocity. Calculations are required to support this velocity standard.
B. The discharge of concentrated flows of stormwater into public roadways must be avoided as practicable. In no case shall such concentrated flows, including flows from swales, ditches, draws, driveways, or piped systems, exceed the allowable peak flow rates in the table below.

Street Classification	**Allowable Peak Flow Rate for a 2-Year Storm**
Local	2.0 cfs
Minor Collector	1.0 cfs
Other	0.5 cfs

C. In residential subdivisions, the drainage area contributing to the peak flow along any property line between lots within 50 feet of the building setback line for either lot may not exceed 2 acres, unless contained within a piped drainage system or maintained in a natu watercourse. The stormwater conveyance shall be in a drainage easement.

404-1.6. - Public Drainage Systems

A. Public drainage systems include any stormwater drainage structure located within the public right-of-way (ROW) engineered and constructed to manage stormwater passing parallel to or crossing the public ROW. These structures include, but are not limited to: catch basins, drop inlets, curb and gutter, culverts under roadways, and channels within the right-of-way.

B. Piped drainage systems that originate and terminate on private property, or piped systems that depart the roadway right-of-way but are not in a dedicated drainage easement, will not be maintained by the City without the establishment of the appropriate easement that is dedicated to the City and recorded in accordance with City requirements. If a private piped system crosses roadway ROW, only that portion of the drainage system located within the right-of-way will be maintained by the City.

404-1.7. - Drainage Easements

A. **Drainage Easement Requirements**

1. Drainage easements are required for any part of the drainage system which is designed to carry stormwater runoff from more than one lot, existing or proposed.
2. Drainage easements for drainage conveyances must be provided according to the minimum requirements found in Easements for Storm Drain Pipes Table and must conform to City standards. The minimum easement width is based on the pipe diameter (span) plus 2 feet plus two times the pipe invert depth. This value must be rounded to the nearest 5 feet. For pipes exceeding 16 feet in depth, a pre-submittal conference must be held with the Director to determine any potential, additional requirements.

Easements for Storm Drain Pipes Table

Maximum Pipe Invert Depth (in feet)													
Pipe Size (in inches)							**Minimum Easement Width (in feet)**						
	4	**5**	**6**	**7**	**8**	**9**	**10**	**11**	**12**	**13**	**14**	**15**	**16**
15	20	20	20	20	20	25	25	30	30	30	35	35	40
18	20	20	20	20	20	25	25	30	30	30	35	35	40
24	20	20	20	20	20	25	25	30	30	30	35	35	40
30	20	20	20	20	25	25	25	30	30	35	35	35	40
36	20	20	20	20	25	25	25	30	30	35	35	35	40
42		20	20	20	25	25	30	30	30	35	35	40	40
48		20	20	20	25	25	30	30	30	35	35	40	40

54		20	25	25	25	30	30	35	35	35	35	40	40
60			20	25	25	25	30	30	35	35	35	40	40
66				25	25	30	30	30	35	35	40	40	40
72				25	25	30	30	30	35	35	40	40	40

B. **Minimum Sanitary Sewer Easement Widths**

Permanent sanitary sewer easements may be no less than 20 feet in width when no other parallel utilities are located therein. When warranted, temporary construction easement widths shall be determined by the Gwinnett County Department of Water Resources.

See Chapter 200 Article 7 for other utility easement requirements.

C. **Common Easement**

A common easement for sanitary sewer and drainage purposes is allowed if the pipes are parallel and at least 10 feet is provided between pipes (on center).

See stormwater easements for minimum widths of common easements.

D. **Watercourse**

Drainage easements must be provided where a development is traversed by or contains a watercourse, impoundment, detention facility, improved channel, floodplain, natural stream or channel. It may conform substantially to the flooding limits of the 100-year storm based on fully developed conditions per the land use but may be no less than 20 feet in width.

E. **Property owner responsibility**

Drainage easements off the street right-of-way must be clearly defined on the final plat. The property owner must keep the easement free of obstruction in such a way as to assure the maximum designed flow at all times. The property owner may not alter any drainage improvements without prior written approval from the City. No structure except driveways may be constructed or erected in an easement without the prior written approval from the City. Driveways must cross an easement as close to perpendicular as practical. Property owners may plant landscaping in an easement that is piped; however, the City is not responsible for replacing the landscape material located in the easement when it is removed to maintain the drainage system.

F. **Stabilization Measures**

All easements which were required to be cleared must be fine graded and grassed within 10 days of completing construction work. The use of sediment control measures may be required to protect the area until a comprehensive vegetative cover is obtained.

Sec. 404-2. - Stormwater Management

404-2.1. - Introduction

It is hereby determined that:

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 the regulation of stormwater runoff quantity and quality from new development and redevelopment, by the use of both structural facilities as well as nonstructural measures, such as the conservation of open space and greenspace areas. The preservation and protection of natural area and greenspace for stormwater management benefits is encouraged through the use of incentives or "credits." The Georgia Greenspace Program provides a mechanism for the preservation and coordination of those greenspace areas which provide stormwater management quality and quantity benefits;

E. Localities in the State of Georgia are required to comply with a number of both State and federal laws, regulations, and permits which require a locality to address the impacts of post-development stormwater runoff quality and nonpoint source pollution;

Therefore, the City of Snellville has established this set of stormwater management policies to provide reasonable guidance for the regulation of post-development stormwater runoff to protect local water resources from degradation. It has determined that it is in the public interest to regulate post-development stormwater runoff discharges to control and minimize increases in stormwater runoff rates and volumes, post-construction soil erosion and sedimentation, stream channel erosion, and nonpoint source pollution associated with post-development stormwater runoff.

404-2.2. - Purpose and Intent

The purpose of this section is to protect, maintain and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. Additionally, the City of Snellville must comply with several State and federal laws, regulations, permit, and the requirements of the Metropolitan North Georgia Water Planning District's regional water plan related to managing the water quantity, velocity, and quality of stormwater post-development. This ordinance seeks to meet that purpose through the following objectives:

A. Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;

B. Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, streambank erosion, nonpoint source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats;

C. Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;

D. Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;

E. Encourage the use of nonstructural stormwater management and stormwater better site design practices, such as the preservation of greenspace and other conservation areas, to the maximum extent practicable. Coordinate site design plans, which include greenspace, with the County's greenspace protection plan;

F. Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstruc stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to safety; and

G. Establish administrative procedures for the submission, review, approval, and disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow up.

404-2.3. - Applicability

A. **General**

This section applies to all land development, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt under Paragraph B immediately below. These standards apply to any new development or redevelopment site that meets one or more of the following criteria:

1. New development that involves the creation of 5,000 square feet or more of impervious cover, or that involves other land development activities of 1 acre or more;
2. Redevelopment that includes the creation, addition or replacement of 5,000 square feet or more of impervious cover, or that involves other land development activity of 1 acre or more;
3. Any new development or redevelopment, regardless of size, that is defined by the administrator to be a hotspot land use; or
4. Land development activities that are smaller than the minimum applicability criteria set forth in clauses 1 and 2 above if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.

B. **Exemptions**

The following activities are exempt from this section:

1. Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;
2. Additions or modifications to existing single-family or duplex residential structures;
3. Agricultural or silvicultural land management activities within areas zoned for these activities; and
4. Repairs to any stormwater management facility or practice deemed necessary by the administrator.

404-2.4. - Adoption of County Manual

A. In implementing this section, the City must use and require compliance with all relevant design standards, calculations, formulas, methods, and other guidance from the Gwinnett County Stormwater Management Manual as well as all related appendices.

B. This section is not intended to modify or repeal any other article, ordinance, rule, regulation or other provision of law, including but not limited to, any applicable stream buffers under State and local laws, and the Georgia Safe Dams Act and Rules for Dam Safety. In the event of any conflict or inconsistency between any provision in the City's MS4 permit and this section, the provision from the MS4 permit will control. In the event of any conflict or inconsistency between any provision of this section and the Gwinnett County Stormwater Management Manual, the provisions from this section shall control. In the event of any other conflict or inconsistency between any provision of this section and any other ordinance, rule, regulation, or other provision of law, the provision that is more restrictive or imposes higher protection standard for human health or the environment shall control.

404-2.5. - Permits

A. **Permit Application Requirements**

No owner or developer may perform any land development activities without first meeting the requirements of this section before commencing the proposed activity.

Unless specifically exempted by this section, any owner or developer proposing a land development activity shall submit to the City a permit application on a form provided by the City for that purpose.

Unless otherwise exempted by this section, a permit application must be accompanied by the following items in order to be considered:

1. Stormwater concept plan and consultation meeting certification in accordance with paragraph B below;
2. Stormwater management plan in accordance with Paragraph C below;
3. Inspection and maintenance agreement in accordance with Paragraph D below, if applicable;
4. Performance bond in accordance with Paragraph E below, if applicable; and
5. Permit application and plan review fees in accordance with Paragraph F below.

B. **Stormwater Concept Plan and Consultation Meeting**

Before any stormwater management permit application is submitted, it is recommended that the landowner or developer meet with the City for a consultation meeting on a concept plan for the post-development stormwater management system to be utilized in the proposed land development project. This consultation meeting should take place at the time of the preliminary plan of subdivision or another early step in the development process. The purpose of this meeting is to discuss the post-development stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential ideas for stormwater management designs before the formal site design engineering is commenced.

To accomplish this goal the following information should be included in the concept plan which should be submitted in advance of the meeting

1. **Existing Conditions/Proposed Site Plans.** Existing conditions and proposed site layout sketch plans, which illustrate at a minimum:
   a. Existing and proposed topography;
   b. Perennial and intermittent streams;
   c. Mapping of predominant soils from soil surveys (when available);
   d. Boundaries of existing predominant vegetation and proposed limits of clearing and grading; and
   e. Location of existing and proposed roads, buildings, parking areas, and other impervious surfaces.
2. **Natural Resources Inventory.** A written or graphic inventory of the natural resources at the site and surrounding area as it exists before the commencement of the project, including:
   a. Soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site.
   b. The location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.).
   c. Identification of environmentally sensitive features that provide particular opportunities or constraints for development.
3. **Stormwater Management System Concept Plan.** A written or graphic concept plan of the proposed post-development stormwater management system including:
   a. Preliminary selection and location of proposed structural stormwater controls;
   b. Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths;
   c. Location of floodplain/floodway limits;
   d. Relationship of the site to upstream and downstream properties and drainages; and
   e. Preliminary location of proposed stream channel modifications, such as bridge or culvert crossings.

4. Local watershed plans, the County greenspace projection plan (if applicable), and any relevant resource protection plans will be in the discussion of the concept plan.

C. **Management Plan Requirements**

The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this section, including the performance criteria set forth in Sec. 404-2.6. This plan must be in accordance with the criteria established in this section and be prepared under the direct supervisory control of either a registered Professional Engineer or a registered Landscape Architect licensed in the State of Georgia. Clauses C.3, 4, 5, and 6 below must be prepared under the direct supervisory control of a registered Professional Engineer, who shall seal and sign the work. Portions of the overall plan may be prepared and stamped by a registered Land Surveyor licensed in the State of Georgia as appropriate, such as boundary surveys, contour maps, erosion, and sedimentation control plans.

The stormwater management plan must ensure that the requirements and criteria in this section are being complied with and that opportunities are being taken to minimize adverse post-development stormwater runoff impacts from the development.

The plan must consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan shall include all of the information required in the Stormwater Management Site Plan checklist found in the stormwater design manual. This includes:

1. Common address and legal description of the site.
2. Vicinity Map.
3. **Existing Conditions Hydrologic Analysis.** The existing condition hydrologic analysis for stormwater runoff rates, volumes, and velocities, which must include:
   a. A topographic map of existing site conditions with the drainage basin boundaries indicated;
   b. Acreage, soil types and land cover of areas for each subbasin affected by the project;
   c. All perennial and intermittent streams and other surface water features; all existing stormwater conveyances and structural control facilities;
   d. Direction of flow and exits from the site; analysis of runoff provided by off-site areas upstream of the project site;
   e. Methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology;
   f. Predevelopment conditions for the portion of the site undergoing land development activities shall be modeled assuming one of the following applicable conditions:
      i. For new development, use the associated runoff curve number assuming land cover type to be wooded in good condition. All site areas, which are clearly defined on plans to remain undisturbed land throughout project development, can use curve number values associated with the actual land cover that exists.
      ii. For redevelopment of land without existing stormwater management Facilities, use the curve number value associated with the current land cover condition of the site, which may not exceed the composite curve number associated with the land-use cover types indicated on the permitted development plan on record. Also, for land use cover types that are not clearly defined on permitted development plan on record, assume that all non-impervious areas are wooded in good condition.
      iii. For the redevelopment of previously developed land with existing stormwater management facilities either:
         a. Use the associated curve number, assuming the land cover type for the predevelopment condition is wooded in good condition; or
         b. Use the curve numbers based on the existing land cover; however, predevelopment hydrologic conditions must consider routing stormwater runoff through existing stormwater management facilities. When routing,

stage/storage and stage/discharge for these facilities/practices shall be based on original permitted stormwater management report and/or approved as-built on record. The existing non-wooded land cover types and associated areas must be similar to and not exceed the land cover types and associated areas indicated within the approved stormwater management report and/or as-built stormwater management report on record.

4. **Post-Development Hydrologic Analysis.** The post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities, which must include:
   a. A topographic map of developed site conditions with the post-development drainage basin boundaries indicated;
   b. Total area of post-development impervious surfaces and other land cover areas for each subbasin affected by the project;
   c. Calculations for determining the runoff volumes that need to be addressed for each subbasin for the development project to meet the post-development stormwater management performance criteria in Sec. 404-2.6;
   d. Location and boundaries of proposed natural feature protection and conservation areas;
   e. Documentation and calculations for any applicable site design credits that are being utilized;
   f. Methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology;
   g. If the land development activity on a redevelopment site constitutes more than 50% of the entire site area, then the performance criteria in Sec. 404-2.6 must be met for the stormwater runoff from the entire site.
5. **Stormwater Management System.** The description, scaled drawings and design calculations for the proposed post-development stormwater management system, which must include:
   a. A map and/or drawing or sketch of the stormwater management facilities, including the location of nonstructural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes;
   b. A narrative describing how the selected structural stormwater controls will be appropriate and effective; cross-section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria;
   c. A hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs);
   d. Documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in Sec. 404-2.6;
   e. Drawings, design calculations, elevations, and hydraulic grade lines for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catch basins, channels, swales and areas of overland flow; and
   f. Where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local greenspace protection plan.
6. **Post-Development Downstream Analysis.** A downstream peak flow analysis which includes the assumptions, results and supporting calculations to show the safe passage of post-development design flows downstream.
   a. The analysis of downstream conditions in the report shall address each and every point or area along the project site's boundaries at which runoff will exit the property.
   b. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the project area is 10% of the total basin area.
   c. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes.

d. The analysis shall be in accordance with the stormwater design manual.

e. The analysis must include all culverts, obstructions, existing and potential erosion problems, elevations of existing improvements, existing drainage complaints, and any other existing modifications to natural conditions.

f. The downstream watercourses and receiving conveyance must be analyzed to ensure that the channel velocities do not exceed values recommended in the stormwater design manual nor does the pipe system exceed the current design criteria of these regulations.

g. If the existing downstream conditions are overburdened by the pre-developed flows in the stream, then the developer shall work with the City to resolve the problem. The meaning of "overburdened" shall include but not be limited to situations where 25-year velocities exceed the non-erosive velocity of the stream and/or habitable structures are shown to be subject to flooding for any frequency up to an including the regulatory flood and stormwater facilities that cannot carry the design storm in accordance with the stormwater design manual or other applicable regulations.

7. **Construction-Phase Erosion and Sedimentation Control Plan.** An erosion and sedimentation control plan in accordance with the Georgia Erosion and Sedimentation Control Act (or reference to the local Erosion and Sedimentation Control Ordinance) or NPDES Permit for Construction Activities. The plan shall also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls.

8. **Landscaping and Open Space Plan.** A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and practices. The landscaping plan must also include:

   a. The arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan;

   b. Clearly specify the type of trees, shrubs, and other vegetation within a stormwater management facility or practice and certify the survivability of the vegetation with the expected fluctuation of water ponding within the facility or practice. The stumps of all trees and shrubs within the stormwater management facility or practice, which are not indicated on the landscape plan, shall be cut flush with the ground or removed and associated debris removed, unless landscape plan modification is submitted and approved by the administrator;

   c. Information necessary to construct the landscaping elements shown on the plan drawings;

   d. Descriptions and standards for the methods, materials, and vegetation that are to be used in the construction;

   e. Density of plantings;

   f. Descriptions of the stabilization and management techniques used to establish vegetation; and

   g. A description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.

9. **Operations and Maintenance Plan.** Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved.

   a. These plans will identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary.

   b. The plan must include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access and safety issues.

   c. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures must be included in the plan.

10. **Maintenance Access Easements.** The applicant must ensure access from a public right-of-way to stormwater management facilities and practices requiring regular maintenance at the site for the purpose of inspection and repair by securing all the maintenance access easements needed on a permanent basis.

    a. Such access shall be sufficient for all necessary equipment for maintenance activities of the stormwater management

facility, which shall include but not be limited to:

i. Clearing, grubbing, and grading access, so that it can be utilized by rubber-tired construction vehicles.

ii. Maintaining a minimum access drive width of 15 feet with a maximum slope of 20% (5H:1V).

iii. Requiring access drive to be grassed or paved.

b. For non-residential lots and subdivisions, the easement width from the right-of-way to the stormwater management facility/practice shall be a minimum of 20 feet.

c. For residential lots and subdivisions, the easement width from the right-of-way to the stormwater management facility/practice shall be a minimum of 30 feet.

d. Every structural stormwater management facility and practice shall be enclosed within an easement, extending a minimum of 10 feet beyond the perimeter of the practice or a minimum of 10 feet beyond the 100-year ponding limit, whichever is greater. The easement enclosing the facility shall be named "Best Management Practice (BMP) Easement."

e. Non-structural practices implemented and/or better site design credits applied toward achieving stormwater management performance criteria, which require an area of land to remain natural and/or undisturbed, shall be identified within a conservation easement. These areas may include but not be limited to: natural conservation areas (such as stream buffers, wetlands, and floodplains), undisturbed upland areas, and reforestation/revegetation.

f. Upon final inspection and approval, a plat or document indicating that such easements exist shall be recorded and shall remain in effect even with the transfer of title of the property.

11. **Inspection and Maintenance Agreements.** Unless an on-site stormwater management facility or practice is dedicated to and accepted by the City as provided in Paragraph D below, the applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice in accordance with Paragraph D below.

12. **Evidence of Acquisition of Applicable Local and Non-local Permits.** The applicant must certify and provide documentation to the City that all other applicable environmental permits have been acquired for the site before approval of the stormwater management plan.

D. **Inspection and Maintenance Agreements**

Before the issuance of any permit for a land development activity requiring a stormwater management facility or practice hereunder and for which the City requires ongoing maintenance, the applicant or owner of the site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the City, execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, that shall be binding on all subsequent owners of the site. If the development or redevelopment has a stormwater management facility and/or practice that was previously constructed during another phase of development and does not have a recorded inspection and maintenance agreement, an inspection and maintenance agreement must be established, approved, and recorded, following these same procedures.

The inspection and maintenance agreement, if applicable, must be approved by the City before plan approval, and recorded in the deed records upon final plat approval.

The inspection and maintenance agreement must identify by name or official title the person(s) responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements must designate for each portion of the site, the person to be permanently responsible for its inspection and maintenance.

As part of the inspection and maintenance agreement, a schedule shall be developed for when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management facility or practice. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and shall also include remedies for the default thereof.

In addition to enforcing the terms of the inspection and maintenance agreement, the City may also enforce all of the provisions for ongoing inspection and maintenance in accordance with Sec. 404-2.8.

The City, in lieu of an inspection and maintenance agreement, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of Sec. 404-2.8 and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

E. **Performance and Maintenance Bonds**

Before or concurrent with the recording of a final plat for a subdivision, or issuance of a certificate of occupancy for a non-subdivision project, the developer shall provide acceptable surety such as a bond or letter of credit providing for the maintenance of the facility for a period of not less than 24 months. The amount of the surety shall be the greater of 50% of construction costs of the facility or 100% of the cost to clean out the facility. At the end of 18 months, the City may require the surety to be renewed due to anticipated maintenance caused by such concerns as future construction activity in the basin draining to the facility. A renewed surety may be required up to a total maximum of 10 years. The surety for a facility shall be renewed during the 10 years until:

1. The surface water drainage area within the project has undergone final stabilization and all planned construction activity has been completed;
2. All stormwater runoff in the surface water drainage area within the project is coming from undisturbed or stabilized areas;
3. At least 90% of the lots in that surface water drainage area within the project have been sold to an unrelated party, permanent structures completed, and final stabilization achieved;
4. The accumulation of acreage of undeveloped lots, lots with no completed permanent structure and no final stabilization, within the surface water drainage area within the project is less than 5 acres or 10% of the total area of the common development draining to the facility, whichever is greater; and
5. Within 2 months of surety release, the facility shall be cleaned out, if necessary, and a new record survey, drawing and certification shall be submitted, showing that the volume of the facility is equal to or greater than the volume shown in the record survey, drawing and certification when the facility was approved. As an alternative, a new record survey, drawing and certification showing that the facility complies with these regulations per Chapter 400, Sec. 404-2.7.C, must be submitted.

F. **Application Procedure**

1. Applications for land development permits shall be filed with the City.
2. Permit applications must include the items set forth in paragraph A above (two copies of the stormwater management plan and the inspection maintenance agreement, if applicable, must be included).
3. The City must inform the applicant whether the application, stormwater management plan, and inspection and maintenance agreement are approved or disapproved.
4. If either the permit application, stormwater management plan or inspection and maintenance agreement are disapproved, the City shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same, in which event clause F.3 above and this clause shall apply to such resubmittal.
5. Upon a finding by the City that the permit application, stormwater management plan, and inspection and maintenance agreement, if applicable, meet the requirements of this section, the City may issue a permit for the land development project, provided all other legal requirements for the issuance of such permit have been met.

6. Notwithstanding the issuance of the permit, in conducting the land development project, the applicant or another responsible p subject to the following requirements:
   a. The applicant must comply with all applicable requirements of the approved plan and this section and must certify that all land clearing, construction, land development, and drainage will be done according to the approved plan;
   b. The land development project must be conducted only within the area specified in the approved plan;
   c. The City is allowed to conduct periodic inspections of the project;
   d. No changes may be made to an approved plan without review and written approval by the City; and
   e. Upon completion of the project, the applicant or another responsible party must submit the engineer's report and certificate and as-built survey required by Sec. 404-2.7.C.

G. **Application Review Fees**

The fee for review of any stormwater management application will be based on the fee structure established by the City and must be made before the issuance of any building permit for the development.

H. **Modifications for Off-Site Facilities**

The stormwater management plan for each land development project shall provide for stormwater management measures located on the site of the project, unless provisions are made to manage stormwater by an off-site or regional facility. The off-site or regional facility must be located on property legally dedicated for the purpose, must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices and there must be a legally-obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures must be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.

A stormwater management plan must be submitted to the City which shows the adequacy of the off-site or regional facility.

To be eligible for a modification, the applicant must demonstrate to the satisfaction of the City that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:

1. Increased threat of flood damage to public health, life, and property;
2. Deterioration of existing culverts, bridges, dams, and other structures;
3. Accelerated streambank or streambed erosion or siltation;
4. Degradation of in-stream biological functions or habitat; or
5. Water quality impairment in violation of State water quality standards, and/or violation of any State or federal regulations.

404-2.6. - Performance Criteria

The following performance criteria apply to all stormwater management plans, unless otherwise provided for in this section:

A. **Water Quality**

All stormwater runoff generated from a site must be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:

1. It is sized to treat the prescribed water quality treatment volume from the site, as defined in the Georgia Stormwater Management Manual;
2. Appropriate structural stormwater controls or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the Georgia Stormwater Management Manual; and
3. Runoff from hotspot land uses and activities identified by the City are adequately treated and addressed through the use

of appropriate structural stormwater controls, nonstructural practices, and pollution prevention practices.

B. **Stream Channel Protection**

Protection of stream channels from bank and bed erosion and degradation must be provided by using all of the following three approaches:

1. Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;
2. 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event; and
3. Erosion prevention measures such as energy dissipation and velocity control.

The 24-hour extended detention of the 1-year, 24-hour return frequency storm event may be waived by the administrator for sites that discharge either directly or through piped stormwater drainage systems, which discharge directly into larger rivers, wetlands, lakes, estuaries, tidal waters, or other situation where the reduction in the smaller flows will not have an impact of the stream bank or channel integrity.

C. **Overbank Flooding Protection**

Downstream overbank flood and property protection must be provided by controlling (attenuating) the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour return frequency storm event. If control of the 1-year, 24-hour storm under paragraph B above is exempted, then peak discharge rate attenuation of the 2-year through the 25-year return frequency storm event must be provided.

D. **Extreme Flooding Protection**

Extreme flood protection must be provided by controlling or safely conveying the 100-year, 24-hour storm event (denoted Q_f) such that flooding is not exacerbated. This must be accomplished either by:

1. Controlling Q_f through the stormwater management system to maintain the existing 100-year floodplain; or
2. By sizing the onsite conveyance system to safely pass Q_f and allowing it to discharge into a receiving water whose protected floodplain is sufficiently sized to account for extreme flow increases without causing damage.

If the option in clause D.2 above is used, the extreme flood protection criterion may be waived by City in lieu of provisions for safe and effective conveyance to receiving waters that have the capacity to handle flow increases to maintain a 100-year level.

E. **Structural Stormwater Controls**

All structural stormwater management facilities must be selected and designed using the appropriate criteria from the Georgia Stormwater Management Manual. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the Georgia Stormwater Management Manual, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from City before being included in the design of a stormwater management system. In addition, if hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the minimum control requirements, the City may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased nonpoint source pollution loads created on the site in question.

Applicants must consult the Georgia Stormwater Management Manual for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

The location of the structural stormwater management facilities may not disturb or encroach within:

1. Any required (as opposed to voluntary) buffer, landscape strip, or tree protection areas;

2. A public right-of-way, unless a written agreement is received granting permission from the authority having jurisdiction.
3. Utility easements and/or adjacent lots, unless a written agreement is received granting permission from the impacted lot/utility owner(s).
4. An individual lot of sale within a residential subdivision, unless the structural stormwater management facility is only intended for that lot (not providing stormwater management for more than one lot). If the facility provides stormwater management for more than one lot in a residential subdivision, the facility must be on a separate lot owned and maintained by a mandatory property owner's association.

F. **Credits for Nonstructural Measures**

The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under paragraph A above. The applicant may, if approved by the (local permitting authority), take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements which identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the Georgia Stormwater Management Manual.

G. **Drainage System Guidelines**

Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters must be provided when necessary for the protection of public right-of-way and private properties adjoining project sites and/or public right-of-way. Stormwater conveyance facilities that are designed to carry runoff from more than one lot, existing or proposed, must meet the following requirements:

1. Methods to calculate stormwater flows shall be in accordance with the stormwater design manual;
2. All culverts, pipe systems, and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the stormwater design manual; and
3. Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the stormwater design manual.

H. **Dam Design Guidelines**

Any land-disturbing activity that involves a site that proposes a dam must comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.

404-2.7. - Construction Inspections

A. **Compliance with Approved Stormwater Management Plan**

All development must be: (a) consistent with the approved stormwater management plan and all applicable land disturbance permit and building permit; and (b) conducted only within the area specified in the approved stormwater management plan. No changes may be made to an approved stormwater management plan without review and advanced written approval by the administrator.

B. **Inspections to Ensure Plan Compliance**

During construction periodic inspections of the stormwater management system construction shall be conducted by the staff of the City or conducted and certified by a professional engineer who has been approved by the City. Construction inspections shall utilize the approved stormwater management plan for establishing compliance.

All inspections must be documented with written reports that contain the following:

1. The date and location of the inspection;
2. Whether the construction is in compliance with the approved stormwater management plan;
3. Variations from the approved construction specifications; and
4. Any other variations or violations of the conditions of the approved stormwater management plan. If any violations are found, the applicant must be notified in writing of the nature of the violation and the required corrective actions.

C. **Final Inspection and As-Built Plans**

Upon completion of a project, and before a certificate of occupancy will be granted, the applicant is responsible for certifying that the completed project is in accordance with the approved stormwater management plan.

1. *Newly Constructed or Modified Stormwater Management Facilities/Practices for Development/Redevelopment:* All applicants are required to submit actual as-built surveys for any stormwater management facilities or practices after final construction is completed. The surveys must show the final design specifications for all stormwater management facilities and practices and must be certified by a Professional Engineer. The surveys must be submitted for review and approval by the City. A final inspection by the City is also required before the release of any performance securities can occur.
2. *Non-Modified Stormwater Management Facilities That Existed Before Development/Redevelopment:* All applicants are required to have a Professional Engineer certify that every non-modified existing stormwater management facility is operating as originally approved after construction is completed. The certification must be submitted to City for review and approval. A final inspection by the City is also required before the release of any performance securities can occur.
3. The required certification for clauses C.1 and 2 above must, at a minimum, include a certification of volume, or another performance test applicable to the type of stormwater management system component, to ensure each component is functioning as designed and built in accordance to the design specifications in the approved stormwater management plan. This certification and the required performance tests must be performed by a qualified person and submitted to the City with the request for a final inspection.

404-2.8. - Ongoing Inspections

A. **Long-Term Maintenance Inspection of Stormwater Facilities and Practices**

Stormwater management facilities and practices included in a stormwater management plan which are subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and this section.

A stormwater management facility or practice shall be inspected on a periodic basis by the responsible party in accordance with the approved inspection and maintenance agreement. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the City shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the person specified in the inspection and maintenance agreement. The notice shall specify the measures needed to comply with the agreement and the plan and shall specify the time within which such measures shall be completed. If the responsible party fails or refuses to meet the requirements of the inspection and maintenance agreement, the City may correct the violation as provided in Sec. 404-2.9 (Violations, Enforcement, and Penalties).

Inspection programs by the City may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices.

B. **Right-of-Entry for Inspection**

The terms of the inspection and maintenance agreement shall provide for the City to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this section is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this section.

C. **Records of Maintenance Activities**

Parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the City.

D. **Failure to Maintain**

If a responsible party fails or refuses to meet the requirements of the inspection and maintenance agreement, the City, after 30 days written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. The City may assess the owner(s) of the facility for the cost of repair work which shall be a lien on the property and may be placed on the ad valorem tax bill for such property and collected in the ordinary manner for such taxes.

404-2.9. - Violations, Enforcement, and Penalties

Any violation of the approved stormwater management plan during construction, failure to submit as-built surveys, or failure of the final inspection shall constitute and be addressed as violations of, or failures to comply with, the underlying land disturbance permit or building permit. To address a violation of section, the City shall have all the powers and remedies that are available to it for other violations of building and land-disturbing permits, including without limitation the right to issue notices and orders to ensure compliance, stop work orders, and penalties as set forth in the applicable articles for such permits.