

THE CODE OF THE TOWN OF CARL, GEORGIA

OFFICIALS
of the
TOWN OF CARL, GEORGIA
AT THE TIME OF THIS CODE ADOPTION AND REPUBLICATION

David Brock
Mayor

Frank Cheely
Jimmy Shedd
Rebecca Knight
Billy Nix

Town Council

Deana Davis
Town Clerk

Kenneth Lewis
Town Attorney

PREFACE

This Code is a republication, update, and revision of the general and permanent ordinances of the TOWN OF CARL, Georgia.

Source materials used in the preparation of the Code are:

- (1) The Town of Carl Enforcement Code of 1987;
- (2) the Zoning Ordinance for the Town of Carl, Georgia;
- (3) the Code of the Town of Carl, Georgia, 1991; and
- (4) ordinances and resolutions subsequently adopted by the Town Council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of this Code.

The chapters of this Code are arranged in alphabetical order. Every attempt has been made to reference related sections of the Code together and relevant state law references have been included.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 2 is numbered 2-2, and the first section of chapter 4 is 4-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 2-2 and 2-3 is desired to be added, such new section would be numbered 2-2.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Indexes

The indexes have been prepared with the greatest of care. Each item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the indexes themselves which stand as guideposts to direct the user to the item in which the user is interested.

Looseleaf Supplements

A feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Copyright

This Code is copyrighted © by the Town of Carl, Georgia, 2023.

ORDINANCE NO. 11-16-2023

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE TOWN OF CARL, GEORGIA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

THE COUNCIL OF THE TOWN OF CARL HEREBY ORDAINS:

Section 1. The Code entitled "Code of Town of Carl, Georgia," and hereafter referred to as "the Code" consisting of chapters 1 through 89, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before November 16, 2023, and not included in the Code or recognized and continued in force by reference herein, are repealed.

Section 3. The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance (11-16-2023).

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not to exceed \$1000.00 or imprisonment for six months or both; such fine and imprisonment. The municipal court may fix punishment by fine, imprisonment or alternative sentencing. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the Town may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the Town council to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after November 16, 2023, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective December 21, 2023.

Section 8. The Barrow County Unified Development Code ("UDC") is adopted in its entirety and as it may be amended from time to time. The provisions of the UDC shall govern except the Town shall have all authority as reserved to any county building, planning, or inspection official and all authority designated to the County Commissioners for final approval or rejection of zoning and land use applications shall apply to the Town council.

First reading November 16, 2023, and Adopted by the Mayor and Council of the TOWN OF CARL,
Georgia, this December 21, 2023.

Attest: I hereby certify that the foregoing is a true and accurate copy of Ordinance 11-16-23,
Deana Davis – *Town Clerk*

PART I CHARTER

Part 1 of this volume is the Charter of the Town of Carl. The Town of Carl was first incorporated in 1906 by the Georgia General Assembly (Ga. Laws 1906, p. 831)¹, as amended by an Act approved August 22, 1907 (Ga. Laws 1907, p. 746), as amended by an Act approved August 19, 1922 (Ga. Laws 1922, p. 882), and as amended by an Act (HB 1122) approved April 17, 1975.

I. INCORPORATION AND POWERS

Section 1.10. Incorporation.

The Town of Carl in Barrow County is reincorporated by the enactment of this Charter and is constituted and declared a body politic and corporate under the name of the "Town of Carl." References in this Charter to "the Town" or "this Town" refer to the Town of Carl. The Town of Carl shall have perpetual existence.

Boundaries.

Section 1.11. Corporate boundaries.

The boundaries of this Town shall be those existing on the effective date of the adoption of this Charter with such alterations as may be made from time to time by local law or in the manner provided by general state law. The boundaries of this Town shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the Town clerk of the Town and to be designated, as the case may be: "Official Map or Description of the Corporate Limits of the Town of Carl, Georgia." Photographic, typed, or other copies of such map or description certified by the mayor shall be admitted as evidence in all courts and shall have the same force and effect as the original map or description.

Municipal powers.

Section 1.12. Municipal powers.

- (a) This Town shall have all powers possible for a Town to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter. This Town shall have all the powers of self-government not otherwise prohibited by this Charter or by general law.
- (b) The powers of this Town shall be construed liberally in favor of the Town. The specific mention or failure to mention any power(s) shall not be construed as limiting in any way the powers of this Town. Said powers shall include, but are not limited to, the following:
 - (1) *Air and water pollution.* To regulate the emission of smoke or other exhaust which pollutes the air and to prevent the pollution of natural streams which flow within the corporate limits of the Town;
 - (2) *Animal regulations.* To regulate and license or to prohibit the keeping or running at large of animals and fowl, and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift or humane destruction of animals and fowl when not redeemed

¹ In 1890 Carl was known as Dillard's Crossroads. In 1892, the name became Lawson. In 1906, the Georgia Generally Assembly incorporated the Town as the Town of Carl.

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- as provided by ordinance; and to provide punishment for violation of ordinances enacted under this paragraph;
- (3) *Appropriations and expenditures.* To make appropriations for the support of the government of the Town; to authorize the expenditure of money for any purposes authorized by this Charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the Town;
 - (4) *Building regulation.* To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes; and to regulate all housing and building trades;
 - (5) *Business regulation and taxation.* To levy and to provide for the collection of license fees and taxes on privileges, occupations, trades and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; and to revoke such licenses after due process for failure to pay any Town taxes or fees;
 - (6) *Condemnation.* To condemn property, inside or outside the corporate limits of the Town, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the Official Code of Georgia Annotated [O.C.G.A. § 22-1-1 et seq.], or such other applicable laws as are or may hereafter be enacted;
 - (7) *Contracts.* To enter into contracts and agreements with other governmental entities and with private persons, firms and corporations;
 - (8) *Emergencies.* To establish procedures for determining and proclaiming that an emergency situation exists [inside or outside] the Town, and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health or well-being of the citizens of the Town;
 - (9) *Fire regulations.* To fix and establish fire limits and from time to time to extend, enlarge or restrict the same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to fire fighting; and to prescribe penalties and punishment for violations thereof;
 - (10) *Garbage fees.* To levy, fix, assess and collect a garbage, refuse and trash collection and disposal, and other sanitary service charge, tax or fee for such services as may be necessary in the operation of the Town from all individuals, firms and corporations residing in or doing business [within the Town] benefiting from such services; to enforce the payment of such charges, taxes or fees; and to provide for the manner and method of collecting such service charges;
 - (11) *General health, safety and welfare.* To define, regulate and prohibit any act, practice, conduct or use of property which is detrimental to health, sanitation, cleanliness, welfare and safety of the inhabitants of the Town, and to provide for the enforcement of such standards;
 - (12) *Gifts.* To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to powers and duties of the Town and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose;
 - (13) *Health and sanitation.* To prescribe standards of health and sanitation [within the Town] and to provide for the enforcement of such standards;
 - (14) *Jail sentences.* To provide that persons given jail sentences in the municipal court may work out such sentences in any public works or on the streets, roads, drains and squares in the Town; to provide for commitment of such persons to any jail;
 - (15) *Motor vehicles.* To regulate the operation of motor vehicles and exercise control over all traffic, including parking, upon or across the streets, roads, alleys and walkways of the Town;

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- (16) *Municipal agencies and delegation of power.* To create, alter or abolish departments, boards, offices, commissions and agencies of the Town, and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;
 - (17) *Municipal debts.* To appropriate and borrow money for the payment of debts of the Town and to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized by this Charter or the laws of the State of Georgia;
 - (18) *Municipal property ownership.* To acquire, dispose of, and hold in trust or otherwise any real, personal or mixed property, in fee simple or lesser interest, inside or outside the property limits of the Town;
 - (19) *Municipal property protection.* To provide for the preservation and protection of property and equipment of the Town and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;
 - (20) *Municipal utilities.* To acquire, lease, construct, operate, maintain, sell and dispose of public utilities including, but not limited to, a system of waterworks, sewers and drains, sewage disposal, gas works, electric light plants, transportation facilities, public airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties therefor; and to provide for the withdrawal of service for refusal or failure to pay the same; and to authorize the extension of water, sewerage, electrical distribution systems and all necessary appurtenances by which said utilities distributed, inside and outside the corporate limits of the Town; and to provide utility services to persons, firms and corporations inside and outside the corporate limits of the Town;
 - (21) *Nuisances.* To define a nuisance and provide for its abatement whether on public or private property and to prescribe penalties and punishments for maintaining a nuisance;
 - (22) *Penalties.* To provide penalties for violation of any ordinances adopted pursuant to the authority of this Charter and the laws of the State of Georgia;
 - (23) *Planning and zoning.* To provide comprehensive Town planning for development by zoning and to provide subdivision regulation and the like as the Town council deems necessary and reasonable to ensure a safe, healthy and aesthetically pleasing community;
 - (24) *Police and fire protection.* To exercise the power of arrest through duly appointed police officers and to establish, operate or contract for a police and a firefighting agency;
 - (25) *Public hazards; removal.* To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;
 - (26) *Public improvements.* To provide for the acquisition, construction, building, operation and maintenance of public ways, parks, playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detention, penal and medical institutions, agencies and facilities; to provide any other public improvements, inside or outside the corporate limits of the Town; to regulate the use of public improvements; and for such purposes, property may be acquired by condemnation under Title 22 of the Official Code of Georgia Annotated [O.C.G.A. § 22-1-1 et seq.], or such other applicable laws as are or may hereafter be enacted;
 - (27) *Public peace.* To provide for the prevention and punishment of drunkenness, riots and public disturbances;
 - (28) *Public transportation.* To organize and operate such public transportation systems as are deemed beneficial;
 - (29) *Public utilities and services.* To grant franchises or make contracts for public utilities and public services; and to prescribe the rates, fares, regulations and the standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as [they are] not in conflict with valid regulations of the public service commission;

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- (30) *Regulation of roadside areas.* To prohibit or regulate and control the erection, removal and maintenance of signs, billboards, trees, shrubs, fences, buildings and any and all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within view thereof, [inside] or abutting the corporate limits of the Town and to prescribe penalties and punishment for violation of such ordinances;
- (31) *Retirement.* To provide and maintain a retirement plan for officers and employees of the Town;
- (32) *Roadways.* To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the Town; and to negotiate and execute leases over, through, under, or across any Town property or the right-of-way of any streets, roads, alleys and walkways or portion thereof within the corporate limits of the Town for bridges, passageways or any other purpose or use between buildings on opposite sides of the streets and for other bridges, overpasses and underpasses for private use at such location, and to charge a rental therefor in such manner as may be provided by ordinance; and to authorize and control the construction of bridges, overpasses and underpasses within the corporate limits of the Town; and to grant franchises and rights-of-way throughout the streets and roads, and over the bridges and viaducts for the use of public utilities and for private use; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;
- (33) *Sewer fees.* To levy a fee, charge or sewer tax as necessary to assure [ensure] the acquiring, constructing, equipping, operating, maintaining and extending of a sewage disposal plant and sewerage system; to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge or tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to impose and collect a sewer connection fee or fees to those connected with the system;
- (34) *Solid waste disposal.* To provide for the collection and disposal of garbage, rubbish and refuse and to regulate the collection and disposal of garbage, rubbish and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper and other recyclable materials and to provide for the sale of such items;
- (35) *Special areas of public regulation.* To regulate or prohibit junk dealers, pawn shops, the manufacture, sale or transportation of intoxicating liquors, and the use and sale of firearms; to regulate the transportation, storage and use of combustible, explosive and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions and shows of any kind, by taxation or otherwise; and to license, tax, regulate or prohibit professional fortunetelling, palmistry, adult bookstores, and massage parlors;
- (36) *Special assessments.* To levy and provide for the collection of special assessments to cover the costs for any public improvement;
- (37) *Ad valorem taxes.* To levy and provide for the assessment, valuation, revaluation and collection of taxes on all property subject to taxation;
- (38) *Other taxes.* To levy and collect such other taxes as may be allowed now or in the future by law;
- (39) *Taxicabs.* To regulate and license vehicles operated for hire in the Town; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles;
- (40) *Urban redevelopment.* To organize and operate an urban redevelopment program; and
- (41) *Other powers.* To exercise and enjoy all other powers, functions, rights, privileges and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience or general welfare of the Town and its inhabitants; to exercise all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully stated herein; and to exercise all powers now or in the future authorized to be exercised by other

municipal governments under other laws of the State of Georgia; and no listing of particular powers in this Charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited by municipalities under the Constitution or applicable laws of the State of Georgia.

- (42) Cultural programs. The power to establish arts and cultural programs for the citizens of the Town and to provide for the funding thereof.

(Ord. No. 11-16-2023, Ga. Laws 1906, p. 831, Ga. Laws 1907, p. 746, Ga. Laws 1922, p. 882, HB 1122)

Note — Ord. No. 11-16-2023 shall be effective upon successful compliance with the requirements of O.C.G.A. § 36-35-3(b)(1).

Exercise of powers.

Section 1.13. Exercise of powers.

All powers, functions, rights, privileges, and immunities of the Town, its officers, agencies, or employees shall be carried into execution as provided by this Charter. If this Charter makes no provision, such shall be carried into execution as provided by ordinance or as provided by pertinent laws of the State of Georgia.

ARTICLE II. GOVERNMENT STRUCTURE

Legislative branch.

A. Creation.

Section 2.10. Town council creation; composition; number; election.

The legislative authority of the government of this Town, except as otherwise specifically provided in this Charter, shall be vested in a Town council to be composed of four councilmembers. The mayor and councilmembers shall be elected in the manner provided by this Charter.

B. Terms and qualifications of office.

Section 2.11. Town council terms and qualifications for office.

Councilmembers shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or councilmember unless he shall be a resident of this Town; each such person shall continue to reside within the Town during said period of service and shall be registered and qualified to vote in municipal elections in this Town.

(The Code of the Town of Carl, Georgia 1991, §3)

C. Vacancies in office.

Section 2.12. Vacancy; filling of vacancies; suspensions.

- (a) The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office or removal from office in any manner authorized by this Charter or the general laws of the State of Georgia. A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, as provided for in this Charter.
- (b) Upon the suspension from office of mayor or councilmember in any manner authorized by the general laws of the State of Georgia, the Town council or those remaining shall appoint a successor for the duration of the

suspension. If the suspension becomes permanent, then the office shall become vacant and shall be filled for the remainder of the unexpired term, if any, as provided for in this Charter.

D. Compensation and expenses.

Section 2.13. Compensation and expenses.

The mayor and councilmembers shall receive compensation and expenses for their services as provided by ordinance.

E. Prohibitions.

Section 2.14. Conflicts of interest; holding other offices.

- (a) *General Provisions:* No elected official, appointed officer, or employee of the Town or any agency or political entity to which this Charter applies shall knowingly:
 - (1) Engage in any business or transaction, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties, or which would tend to impair the independence of his judgment or action in the performance of his official duties;
 - (2) Engage in or accept private employment, or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair the independence of his judgment or action in the performance of his official duties;
 - (3) Disclose confidential information concerning the property, government or affairs of the governmental body by which he is engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or others;
 - (4) Accept any valuable gift, whether in the form of service, loan, thing or promise, from any person, firm or corporation which to his knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which he is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;
 - (5) Represent other private interests in any action or proceeding against this Town or any portion of its government; and
 - (6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which he has financial interest.
- (b) *Public disclosure of private interests:* An elected official, appointed officer or employee who has any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the Town shall disclose such private interest to the Town council. The mayor or any councilmember who has a private interest in any matter pending before the Town council shall disclose such private interest and such disclosure shall be entered on the records of the Town council, and he shall disqualify himself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this Charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.
- (c) *Misuse of Town-owned property:* No elected official, appointed officer, or employee of the Town or any agency or entity to which this Charter applies shall use property owned by such governmental entity for personal benefit, convenience, or profit except in accordance with policies promulgated by the Town council or the governing body of such agency or entity.
- (d) *Contracts:* Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the Town council.

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- (e) *Holding of other appointed office during term:* Except where authorized by law, neither the mayor nor any councilmember shall hold any other elective or compensated appointive office in the Town or otherwise be employed by said government or any agency thereof during the term for which he was elected. No former mayor and no former councilmember shall hold any compensated appointive office in the Town until one year after the expiration of the term for which he was elected.
 - (f) *Candidacy for public office; continuing Town employ prohibited:* No appointed officer and no employee of the Town shall continue in such employment upon qualifying as a candidate for nomination or election to any public office.
 - (g) *Penalties for violation:*
 - (1) Any Town officer or employee who knowingly conceals such financial interest or knowingly violates any of the requirements of this section shall be guilty of malfeasance in office or position and shall be deemed to have forfeited his office or position.
 - (2) Any officer or employee of the Town who shall forfeit his office or position as described in paragraph (1) above, shall be ineligible for appointment or election to or employment in a position in the Town government for a period of three years thereafter.

F. Inquiries and investigations.

Section 2.15. Inquiries and investigations.

The Town council may make inquiries and investigations into the affairs of the Town and the conduct of any department, office, or agency thereof, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the Town council shall be punished as provided by ordinance.

G. General power and authority.

Section 2.16. General power and authority.

Except as otherwise provided by the Charter, the Town Council shall be vested with all the powers of government of this Town as provided by article I of this Charter.

H. Eminent domain.

Section 2.17. Eminent domain.

The Town council is empowered to acquire, construct, operate and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, water works, electrical systems, gas systems, airports, hospitals and charitable, educational, recreational, sport, curative, corrective, detention, penal and medical institutions, agencies and facilities, and any other public improvements inside or outside the Town, and to regulate the use thereof, and for such purposes, property may be condemned under procedures established under general law applicable now or as provided in the future.

Organization and procedures.

A. Meetings.

Section 2.18. Organization.

The Town Council shall hold an organizational meeting on the third Thursday at 6:00PM after January 1 each year. The meeting shall be called to order by the Town Clerk and the oath of office shall be administered to the newly elected members as follows: 'I do swear or affirm that I will faithfully perform the duties of (Council Member)(Mayor) for the Town of Carl during my term of office; that I am not the holder of any unaccounted for public money due the State of Georgia or any political subdivision or authority thereof; that I am not the holder of

any office of trust under the government of the United States or any other state or any foreign state which I may, by the laws of the State of Georgia, be prohibited from holding; that I am otherwise qualified to hold the office to which I have been elected according to the constitution and laws of Georgia; that I will support the Constitution of the United States and of the State of Georgia; that I am a resident of the Town of Carl; and I will enforce the Charter and ordinances of the Town of Carl to the best of my skill and ability'.

(Ord. No. 11-16-2023)

Section 2.19. Regular and special meetings.

- (a) The Town council shall hold regular meetings at such times and places as prescribed by ordinance.
- (b) Special meetings of the Town council may be held on call of the mayor or three members of the Town council. Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least 48 hours in advance of the meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence. Only the business stated in the call may be transacted at the special meeting.
- (c) All meetings of the Town council shall be public to the extent required by law and notice to the public of special meetings shall be made fully as is reasonably possible two days prior to such meetings.

B. Procedures.

Section 2.20. Procedures.

- (a) The Town council shall adhere to Roberts Rules of Order Newly Revised and shall conduct business consistent with the provisions of Roberts and this Charter and shall provide for keeping a journal of its proceedings, which shall be a public record.
- (b) All committees and committee chairmen and officers of the Town Council shall be appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power to appoint new members to any committee at any time.

Section 2.21. Voting.

- (a) Except as otherwise provided in subsection (b) of this section, three councilmembers shall constitute a quorum and shall be authorized to transact the business of the Town council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but the mayor or any member of the Town council shall have the right to request a roll call vote and such vote shall be recorded in the journal. Except as otherwise provided in this Charter, the affirmative vote of three councilmembers shall be required for the adoption of any ordinance, resolution, or motion.
- (b) In the event vacancies in office result in less than a quorum of councilmembers holding office, then the remaining councilmembers in office shall constitute a quorum and shall be authorized to transact business of the Town council. A majority vote of the remaining councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

Section 2.22. Ordinance form; procedures.

- (a) Every proposed ordinance should be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "The Council of the Town of Carl hereby ordains. . . " and every ordinance shall so begin.
- (b) An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the Town council. Ordinances shall be considered and adopted or rejected by the Town council in accordance with

the rules which it shall establish; provided, however, that an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided in section 2.24. Upon introduction of any ordinance, the clerk shall, as soon as possible, distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the Town council may designate.

Section 2.23. Action requiring an ordinance or resolution.

Permanent acts of the Town council which have the force and effect of law shall be enacted by ordinance. Acts of a temporary nature may be enacted by resolution.

Section 2.24. Emergencies.

To meet a public emergency affecting life, health, property or public peace, the Town council may convene on call of the mayor or three councilmembers and promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists, and describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency continues to exist. An emergency ordinance shall also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Section 2.25. Codes of technical regulations.

- (a) The Town council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that:
 - (1) The requirements of section 2.22(b) of this Charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and
 - (2) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to section 2.26 of this Charter.
- (b) Copies of any adopted code of technical regulations shall be made available by the clerk for distribution or for purchase at a reasonable price.

Section 2.26. Signing; authenticating; recording; codification; printing.

- (a) The clerk shall authenticate by her signature and record in full in a properly indexed book kept for that purpose, all ordinances adopted by the council.
- (b) The Town council shall provide for the preparation of a general codification of all the ordinances of the Town having the force and effect of law. The general codification shall be adopted by the Town council by ordinance and shall be published promptly, together with all amendments thereto and such codes of technical regulations and other rules and regulations as the Town council may specify. This compilation shall be known and cited officially as "The Code of the Town of Carl, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the Town, and made available for purchase by the public at a reasonable price as fixed by the Town council.

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- (c) The Town council shall cause each ordinance and each amendment to this Charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the Town council. Following publication of the first code under this Charter and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code then in effect and shall be suitable in form for incorporation within the code. The Town council shall make such further arrangements as deemed desirable with reproduction and distribution of any changes in or additions to codes of technical regulations and other rules and regulations included in the code.

Mayor—Council form of government.

Section 2.27. Election of mayor; forfeiture; compensation.

The mayor shall be elected and serve for a term of four years and until his successor is elected and qualified. He shall be a qualified elector of this Town and shall have been a resident of this Town immediately preceding his election. He shall continue to reside in this Town during the period of his service. He shall forfeit his office on the same grounds and under the same procedure as for councilmembers. The compensation of the mayor shall be established in the same manner as for councilmembers.

(The Code of the Town of Carl, Georgia 1991, §3-201)

Section 2.28. Chief executive officer.

The mayor shall be the chief executive of this Town. The mayor shall possess all the executive and administrative power granted to the Town under the Constitution and laws of the State of Georgia, and all the executive and administrative powers contained in this Charter.

Section 2.29. Powers and duties of mayor.

As the chief executive of this Town, the mayor shall:

- (1) Preside at council meetings and see that all laws and ordinances of the Town are faithfully executed;
- (2) Appoint and remove all officers, department heads and employees of the Town, except as otherwise provided in this Charter;
- (3) Exercise supervision over all executive and administrative work of the Town and provide for the coordination of administrative activities;
- (4) Prepare and submit to the Town council a recommended operating budget and recommended capital budget;
- (5) Submit to the Town council at least once a year a statement covering the financial conditions of the Town, and from time to time such other information as the Town council may request;
- (6) Call special meetings of the Town council as provided for in section 2.19(b);
- (7) Recommend to the Town council such measures relative to the affairs of the Town, improvement of the government, and promotion of the welfare of its inhabitants as he may deem appropriate;
- (8) Approve or disapprove ordinances as provided in section 2.31;
- (9) Require any department or agency of the Town to submit written reports whenever he deems it expedient; and
- (10) Perform such other duties as may be required by law, this Charter, or ordinance.
- (11) The mayor shall provide council with an organizational chart that identifies all directors and the departments of Town government that have been legally activated.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, §3)

Section 2.30. Limitation on terms of service.

There shall be no term limits for the mayor or councilmembers.

Section 2.31. Submission of ordinances to the mayor; veto power.

- (a) Every ordinance adopted by the Town council shall be presented by the Town clerk to the mayor.
- (b) The mayor shall within ten days of receipt of an ordinance return it to the Town clerk with or without his approval, or with his disapproval. If the ordinance is neither approved nor disapproved, it shall become law at 12:00 noon on the tenth calendar day after its adoption; if the ordinance is disapproved, the mayor shall submit to the Town council through the Town clerk a written statement of his reasons for the veto. The Town clerk shall record upon the ordinance the date of its delivery to and receipt from the mayor.
- (c) Ordinances vetoed by the mayor shall be presented by the Town clerk to the Town council at its next meeting for review, and if the Town council, then or (at its next general meeting) adopts the ordinance by an affirmative vote of four members, it shall become law.
- (d) The mayor may disapprove or reduce any item or items of appropriation in any ordinance. The approved part or parts of ordinance making appropriations shall become law, and the part or parts disapproved shall not become law unless subsequently passed by the Town council over the mayor's veto as provided herein. The reduced part or parts shall be presented to Town council as though disapproved and shall become law unless overridden by the council as provided in subsection (c) of this section.

Section 2.32. Mayor pro tempore; selection; duties.

By a majority vote, the Town council shall elect a councilmember to serve as mayor pro tempore. In the absence or disability of the mayor, the mayor pro tempore shall preside at all meetings of the Town council and shall assume the duties and powers of the mayor and shall be compensated at the same rate as the mayor. The Town council by a majority vote may elect a new mayor pro tempore from among its members for any period in which the mayor pro tempore is acting in as mayor. Any such absence or disability shall be declared by the majority vote of all councilmembers.

ARTICLE III. ADMINISTRATIVE AFFAIRS

Organizational and general provisions.

Section 3.10. Administrative and service departments.

- (a) Except as otherwise provided in this Charter, the Town Council by ordinance shall prescribe the functions or duties and establish, abolish, or alter all non-elective offices as necessary for proper administration of the government.
- (b) Except as otherwise provided by this Charter or by law, the directors of departments and other appointed officers of the Town shall be appointed solely based on their respective administrative and professional qualifications.
- (c) All appointive officers and directors of departments shall receive such compensation as prescribed by ordinance.
- (d) There shall be a director of each department.
- (e) All directors under the supervision of the mayor shall be nominated by the mayor with confirmation of appointment by the Town council. The mayor may suspend or remove directors under his supervision, but such action shall not be effective for ten calendar days following the mayor giving written notice of such

action and the reasons thereof to the director involved and to the Town council. The director involved may appeal to the Town council during the ten-day notice period. After a hearing on the tenth day from date of notice, the council may override the mayor's action by a vote of four councilmembers. The following administrative officers shall not be considered "directors" whom the mayor may suspend or remove under this section: Town attorney, director of administration and Town clerk; the foregoing administrative officers shall only be subject to removal as otherwise allowed under this Charter by law. Acting directors may serve until a quorum of the Town council affirmatively requests a permanent director to be appointed, subject to regular Town council approval.

- (f) The mayor may temporarily suspend any director or other direct reports for ethics violations. Permanent suspension or termination of select employees is provided for in other provisions of this section. Unless specifically otherwise addressed, the mayor has full authority to suspend or terminate direct reports.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, §3)

Section 3.11. Boards, commissions, and authorities.

- (a) The Town council shall create by ordinance such boards, commissions, and authorities to fulfill any investigative, quasi-judicial or quasi-legislative function the Town council deems necessary, and shall by ordinance establish the composition, period of existence duties and powers thereof.
- (b) All members of boards, commissions and authorities of the Town shall be appointed by the Town council for such terms of office and in such manner as shall be provided by ordinance, except where other appointing authority, terms of office or manner of appointment is prescribed by this Charter or by law.
- (c) The Town council, by ordinance, may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission, or authority.
- (d) Except as otherwise provided by charter or by law, no member of any board, commission or authority shall hold any elective office in the Town.
- (e) Any vacancy on a board, commission, or authority of the Town shall be filled for the unexpired term in the manner prescribed for [the] original appointment, except as otherwise provided by this Charter or by law.
- (f) No member of a board, commission or authority shall assume office until he has executed and filed with the clerk of the Town an oath obligating himself to [perform] faithfully and impartially the duties of his office, such oath to be prescribed by ordinance and administered by the mayor.
- (g) Any member of a board, commission or authority may be removed from office for cause by a vote of three members of the Town council.
- (h) Except as otherwise provided by this Charter or by law, each board, commission, or authority of the Town shall elect one of its members as chairman and one member as vice-chairman and may elect as its secretary one of its members or may appoint as secretary an employee of the Town. Each board, commission or authority of the Town government may establish such bylaws, rules, and regulations, not inconsistent with this Charter, an ordinance of the Town, or law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules and regulations shall be filed with the clerk of the Town.

Administrative officers.

Section 3.12. Town attorney.

The mayor shall appoint a Town attorney, subject to confirmation by Town council, together with such assistant Town attorney as may be authorized and shall provide for the payment of such attorney or attorneys for services rendered to the Town. The Town attorney shall be responsible for representing and defending the Town in all litigation in which the Town is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the council as directed; shall advise the Town council, mayor and other officers and employees of the Town concerning legal aspects of the Town's affairs; and shall perform such other duties as may be required of him

by virtue of his position as Town attorney. Except as otherwise provided by this Charter or by law, the Town attorney shall not be subject to termination or removal by the mayor or the Town council acting alone, but only upon the joint action of the mayor and a majority vote of the Town council at a regularly scheduled meeting.

The Town attorney shall be responsible for reviewing and approving all contracts, legal matters, and ordinances. The Town attorney shall provide legal advice to the mayor, Town council, director of administration, chief of police and the Town clerk upon request of the mayor except on issues germane to investigations of the mayor, whereby authority is given to the mayor pro temp.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, §3-501 et. seq.)

Section 3.13. Town Administrator.

[reserved]

Section 3.14. Town clerk.

The mayor shall appoint a Town clerk, subject to confirmation by the Town council, who shall be responsible for the operation and supervision of departments providing administrative services as defined by ordinance; shall perform the general duties of treasurer, accountant and fiscal officer; shall be responsible for the collection of all taxes, licenses, fees and other monies belonging to the Town and subject to the provisions of this Charter and the ordinances of the Town; and to enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes by the Town. In addition, the Town Clerk shall be responsible for the maintenance of municipal court records and collection of fines as established by ordinance and state laws and shall perform such other duties as required. Except as otherwise provided by this Charter or by law, the Town clerk shall not be subject to termination or removal by the mayor or the Town council acting alone, but only upon the joint action of the mayor and a majority vote of the Town council at a regularly scheduled meeting.

The Town clerk shall not be a member of the Town council. The Town clerk shall be the custodian of the official Town seal; maintain Town council records required by this Charter; and perform such other duties as are imposed upon that officer by state law.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, §3-401 et. seq.)

Section 3.15. Administrative affairs.

The mayor shall acknowledge the Town clerk's recommendation of an auditor, pursuant to the Charter, article III, section 13(b) and make the appointment, or provide a written rejection of the recommendation, within ten days of the recommendation. The mayor's appointment of an auditor shall be subject to confirmation of the Town council. The auditor shall be responsible for auditing and annual revenues and expenditures pursuant to state and federal.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, §3)

Section 3.16. Chief of police.

[Reserved]

Personnel administration.

Section 3.17. Position classification and pay plans.

The mayor shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the Town council for approval. Such plan may apply to all employees of the Town and any of its agencies, departments, boards, commissions, or authorities. When a pay plan has been adopted, the Town council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan. For purposes of this section, all elected and appointed Town officials are not Town employees.

Section 3.18. Personnel policies.

The Town council shall adopt rules and regulations consistent with this Charter concerning:

- (1) The method of employee selection and probationary periods of employment;
- (2) The administration of [a] position classification and pay plan, methods of promotion and [applications] of services [ratings] thereto, and transfer of employees within the classification plan;
- (3) Hours of work, vacation, sick leave and other leaves of absence, overtime pay and the order and manner in which layoffs shall be effected;
- (4) Such dismissal hearings as due process may require; and
- (5) Such other personnel notices as may be necessary to provide for adequate and systematic handling of personnel affairs.

ARTICLE IV. JUDICIAL BRANCH

Municipal court.

Section 4.10. Creation; name.

There shall be a court to be known as the municipal court of the Town of Carl. Such Municipal Court may be administered by the Town or as provided through an inter-governmental ("IGA") in accordance with the provision set forth in O.C.G.A. § 15-10-150.

Section 4.11. Judges.

- (a) The municipal court shall be presided over by a chief judge and such parttime, fulltime or stand-by judges as shall be provided by ordinance or IGA. The method of selection and terms of such judges shall be provided for by ordinance or IGA
- (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless he shall have attained the age of 21 years and shall be a member of the State Bar of Georgia. All judges shall be appointed by the Town council or pursuant to the terms of the IGA.
- (c) Compensation of the judges shall be fixed by ordinance or IGA.
- (d) Judges may be removed for cause by a vote of three members of the Town council. This provision is not applicable to IGA.
- (e) Before assuming office, each judge shall take an oath, given by the mayor, that she will honestly and faithfully discharge the duties of the office to the best of her ability and without fear, favor or partiality. The oath shall be entered upon the minutes of the Town council journal required in section 2.20 of this Charter. This provision is not applicable to IGA.

Section 4.12. Convening of court.

The municipal court shall be convened at regular intervals as provided by ordinance or pursuant to IGA.

Section 4.13. Jurisdiction; powers.

- (a) The municipal court shall try and punish violations of this Charter, all Town ordinances and such other violations as provided by law.
- (b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$200.00 or ten days in jail.

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- (c) The municipal court may fix punishment for offenses within its sole jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for six months or both such fine and imprisonment or may fix punishment by fine, imprisonment or alternative sentencing as now or hereafter provided by law and may impose any punishment up to the maximums specified by general law for offenses with its concurrent jurisdiction. The jailer of Barrow County is required to receive all such prisoners delivered to him by the municipal court.
 - (d) The municipal court shall have authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the actual cost of meals, transportation and caretaking of prisoners bound over to superior courts for violations of state law.
 - (a) The municipal court shall add thirty-five dollars (\$35.00) to the amount of every fine assessed for all traffic and vehicle violations or violations of the Town codes and ordinances.
 - (e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for his appearance and shall fail to appear at the time fixed for trial, his bond shall be forfeited by the judge presiding at such time, and an execution issued thereon by serving the defendant and his sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the Town, or the property so deposited shall have lien against it for the value forfeited, which lien shall be enforceable in the same manner and to the same extent as a lien for Town property taxes.
 - (f) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments, and sentences; and to administer such oaths as are necessary.
 - (g) The municipal court shall have the authority to bind prisoners over to the appropriate court when it appears by probable cause that state law has been violated.
 - (h) Each judge of the municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas and warrants which may be served as executed by any officer as authorized by this Charter or by law.
 - (i) Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the Town, and each judge of the municipal court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the Town.
 - (j) The municipal court is specifically vested with all the jurisdiction and powers throughout the geographic area of this Town granted by law to municipal courts and particularly by such laws as authorize the abatement of nuisances, enforcement of ordinance and zoning, and prosecution of traffic violations.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, §5-101 et. seq.)

Section 4.14. Certiorari.

The right of certiorari from the decision and judgment of the municipal court shall exist in all cases and ordinance and zoning violation cases, and such certiorari shall be obtained under the rules of civil procedure to the Superior Court of Barrow County, under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

Section 4.15. Rules for court.

The Town adopts in toto the Uniform Rules of the Municipal Courts of the State of Georgia. A copy of the rules available for public inspection, and, upon request, shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

ARTICLE V. ELECTIONS AND REMOVAL

Elections.

A. General laws.

Section 5.10. Applicability of general law.

All primaries and elections shall be held and conducted in accordance with the Georgia Municipal Election Code (Title 21, Chapter 3 of the Official Code of Georgia Annotated) (O.C.G.A. § 21-3-1 et seq.) as now or hereafter amended.

B. Election of officers.

Section 5.11. Election of the Town council and mayor.

- (a) There shall be a municipal general election on the first Tuesday next following the first Monday in November.
- (b) There shall be elected the mayor and two councilmembers at one election and at every other election thereafter. The remaining Town council seats shall be filled at the election alternating with the first election so that a continuing body is created as provided for in the initial election held under this Charter pursuant to section 7.12.

Section 5.12. Nonpartisan elections.

Political parties shall not conduct primaries for Town offices and all names of candidates for Town offices shall be listed without party designations.

Section 5.13. Election by plurality.

The person receiving a plurality of the votes cast for any Town office shall be elected.

C. Vacancies.

Section 5.14. Special elections; vacancies.

If the office of mayor or councilmember shall become vacant, the Town council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, that if such vacancy occurs within 12 months of the expiration of the term of that office, the Town council or those remaining shall appoint a successor for the remainder of the term. In all other respects, the special election shall be held and conducted in accordance with Chapter 3 of Title 21 of the Official Code of Georgia Annotated (O.C.G.A. § 21-3-1 et seq.), the "Georgia Municipal Election Code" as now or hereafter amended.

D. Other provisions.

Section 5.15. Other provisions.

Except as otherwise provided by this Charter, the Town council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under Chapter 3 of Title 21 of the Official Code of Georgia Annotated (O.C.G.A. § 21-3-1 et seq.), the "Georgia Municipal Election Code."

Removal of officers.

Section 5.16. Removal of officers.

- (a) The mayor, councilmembers or other appointed officers provided for in this Charter shall be removed from office for any one or more of the following causes:
 - (1) Incompetence, misfeasance or malfeasance in office;
 - (2) Conviction of a crime involving moral turpitude;
 - (3) Failure at any time to possess any of the qualifications of office as provided by this Charter or by law;
 - (4) Knowingly violating any express prohibition of this Charter;
 - (5) Abandonment of office or neglect to perform the duties thereof;
 - (6) Failure for any other cause to perform the duties of office as required by this Charter or by state law.
- (b) (1) Following a charge against an elected official upon one or more of the grounds listed in subparagraph (a), the elected official shall be notified of the charges in writing. The Town council (without participation by any charged member) shall appoint a committee consisting of five citizens who are not elected officials to investigate the charges and said commission shall issue a report of its findings to the mayor and Town council within ten days of its appointment. The elected official charged shall have a right to a public hearing before the Town council to be held within ten days of receipt by the mayor and Town council of the report from the citizens committee. The charged elected official shall have the right of counsel, the right to examine witnesses, and the power to subpoena persons or physical evidence. Any elected officer sought to be removed from office as herein provided shall have the right of appeal from the decision of the Town council to the Superior Court of Barrow County. Such appeal shall be governed by the same rules as govern appeals to the Superior Court from the Probate Court; or
 - (2) By petition of recall by the electors of the Town of Carl, as provided for by the laws of the State of Georgia.
- (c) Any mayor or councilmember of the Town who shall forfeit his office as described in paragraph[s] A and B above shall be ineligible for appointment or election for any office in the Town government.

ARTICLE VI. FINANCE

Taxation and various fees.

A. Property taxes.

Section 6.10. Property tax.

The Town council may assess, levy and collect an ad valorem tax on all real and personal property within the corporate limits of the Town that is subject to such taxation by the state and county. This tax is for the purpose of raising revenues to defray the costs of operating the Town government, of providing governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the Town council in its discretion.

Section 6.11. Millage rate; due dates; payment methods.

The Town council by ordinance shall establish a millage rate for the Town property tax, a due date, and the time within which these taxes must be paid. The Town council by ordinance may provide for the payment of these taxes by installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

B. Occupation taxes and business license fees.**Section 6.12. Occupation and business taxes.**

The Town council by ordinance shall have the power to levy such occupation or business taxes as are not denied by law. Such taxes may be levied on both individuals and corporations who transact business in this Town or who practice or offer to practice any profession or occupation within the Town to the extent such persons have a constitutionally sufficient nexus to this Town to be so taxed. The Town council may classify businesses, occupations, or professions for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in section 6.18 of this Charter.

Section 6.13. Licenses; permits; fees.

The Town council by ordinance shall have the power to require any individual or corporation who transacts business in this Town or who practices or offers to practice any profession or calling therein to obtain a license or permit for such activity from the Town and pay a reasonable fee for such license or permit where such activities are not now regulated by general law in such a way as to preclude Town regulations. Such fees may reflect the total cost to the Town of regulating the activity, and if unpaid, shall be collected as provided in section 6.18 of this Charter. The Town council by ordinance may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety and welfare necessitate.

Section 6.14. Franchises.

The Town council shall have the power to grant franchises for the use of this Town's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, cable television companies, gas companies, transportation companies and other similar organizations. The Town council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration of such franchises; provided, however, that no franchise shall be granted for a period more than 35 years and no franchise shall be granted unless the Town receives just and adequate compensation therefor. The Town council shall provide for the registration of all franchises with the Town clerk in a registration book kept by her. The Town council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

Section 6.15. Service charges.

The Town council by ordinance shall have the power to assess and collect fees, charges, and tolls for sewers, sanitary and health services, or any other services provided or made available inside and outside the corporate limits of the Town for the total cost to the Town of providing or making available such services. If unpaid, such charges shall be collected as provided in section 6.18 of this Charter.

Section 6.16. Special assessments.

The Town council by ordinance shall have the power to assess, [charge], and collect the cost of constructing, reconstructing, widening or improving any public way, street, sidewalk, curbing, gutters, sewers or other utility mains and appurtenances from the abutting property owners under such terms and conditions as are reasonable. If unpaid, such charges shall be collected as provided in section 6.18 of this Charter.

Section 6.17. Construction; other taxes.

This Town shall be empowered to levy any other tax allowed now or hereafter by law, and the specific mention of any right, power or authority in this article shall not be construed as limiting in any way the general powers of this Town to govern its local affairs.

C. Collection of delinquent taxes.

Section 6.18. Collection of delinquent taxes.

The Town council by ordinance may provide generally for the collection of delinquent taxes, fees, or other revenue due the Town under sections 6.10 through 6.17 of this Charter by whatever reasonable means as are not precluded by law. This shall include providing for the dates when the taxes or fees are due, late penalties or interest, issuance, and execution of fi. fa. creation and priority of liens, making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed, revoking Town licenses for failure to pay any Town taxes or fees, and providing for the assignment or transfer of tax executions.

Borrowing.

Section 6.19. Borrowing.

The Town council shall have the power to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized under this Charter or the laws of the state. Such bonding authority shall be exercised in accordance with the laws governing bond issuance by municipalities in effect at the time said issue is undertaken.

Section 6.20. Revenue bonds.

Revenue bonds may be issued by the Town council as state law now or hereafter provides. Such bonds are to be paid out of any revenue produced by the project, program, or venture for which they were issued.

Section 6.21. Loans.

The Town may obtain short-term loans and must repay such loans not later than December 31 of each year, unless otherwise provided by law.

Accounting and budgeting.

Section 6.22. Accounting and budgeting.

The Town council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year and the year for financial accounting and reporting of every office, department, agency and activity of the Town government.

Section 6.23. Budget ordinance.

The Town council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement program, and a capital budget, including requirements as to the scope content, and form of such budgets and programs.

Section 6.24. Operating budget.

On or before a date fixed by the Town council but not later than 45 days prior to the beginning of each fiscal year, the mayor shall submit to the Town council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor containing a statement of the general fiscal policies of the Town, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as he may deem pertinent. The operating budget, the capital improvements budget, the budget message, and all supporting documents shall be filed in the office of the Town clerk and shall be open to public inspection.

Section 6.25 Action by Town council on budget.

- (a) The Town council may amend the operating budget proposed by the mayor, except that the budget as finally amended and adopted must provide all expenditures required by state law or by other provisions of this Charter and for all debit service requirements for the ensuing fiscal year. The total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.
- (b) The Town council by resolution shall adopt the final operating, budget for the ensuing fiscal year not later than December 27 of each year. If the Town council fails to adopt the budget by said date, the amounts appropriated for operation for the then current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the Town council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations resolution setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose or activity as set out in the budget preparation ordinance adopted pursuant to section 6.23 of this Charter.
- (c) The amount set out in the adopted operating budget or each organizational unit shall constitute the annual appropriation for such, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriations or allotments thereof to which it is chargeable.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, §4-201 et. seq.)

Section 6.26. Levy of taxes.

Following adoption of the operating budget, the Town council shall levy by ordinance such taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that reasonable estimates of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual operating budget for defraying the expense of the general government of this Town.

Section 6.27. Changes in appropriations.

The Town council by ordinance may make changes in the appropriations contained in the current operating budget at any regular meeting or special or emergency meeting called for such purposes, but any additional appropriations may be made only from an existing unexpended surplus.

Section 6.28. Capital improvements budget.

- (a) On or before the date fixed by the Town council, but not later than 45 days prior to the beginning of each fiscal year, the mayor shall submit to the Town council a proposed capital improvements budget with his recommendations as to the means of financing the improvements proposed for the ensuing year. The Town council shall have the power to accept, with or without amendments, or reject the proposed program and proposed means of financing. The Town council shall not authorize an expenditure for the construction of any building, structure, work or improvement unless the appropriations for such project are included in the capital improvements budget, except to meet a public emergency as provided in section 2.24 of this Charter.
- (b) The Town council by resolution shall adopt the final operating budget for the ensuing fiscal year not later than December 27 of each year. If the Town council fails to adopt the budget by said date, the amounts appropriated for operation for the then current fiscal years shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the Town council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations resolution setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose or activity as set out in the budget preparation ordinance adopted pursuant of section 6.23 of this Charter.

Section 6.29. Independent audits.

There shall be an annual independent audit of all Town accounts, funds, and financial transactions by a certified public accountant selected by the Town council. The audit shall be conducted according to generally accepted accounting principles. Any audit of any funds by the state or federal government may be accepted as satisfying the requirements of this Charter. Copies of all audit reports shall be available at printing costs to the public.

Procurement and property management.

Section 6.30. Contracting procedures.

No contract with the Town shall be binding on the Town unless:

- (1) It is in writing;
- (2) It is drawn or submitted and reviewed by the Town attorney and, as a matter of course, is signed by him to indicate such drafting or review; and
- (3) It is made or authorized by the Town council and such approval is entered in the Town council journal of proceedings pursuant to section 2.21 of this Charter.

Section 6.31. Centralized purchasing.

The Town council shall by ordinance prescribe procedures for a system of centralized purchasing for the Town.

Section 6.32. Sale of Town property.

- (a) The Town council may sell and convey any real or personal property owned or held by the Town for governmental or other purposes as not or hereafter provided by law.
- (b) The Town council may quitclaim any rights it may have in property not needed for public purposes upon report by the mayor and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the Town has no readily ascertainable monetary value.
- (c) Whenever in opening, extending or widening any street, avenue, alley or public place of the Town a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the Town, the Town council may authorize the mayor to execute and deliver in the name of the Town a deed conveying said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights-of-way of said street, avenue, alley or public place when such exchange is deemed to be in the best interest of the Town. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the Town has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

ARTICLE VII. GENERAL PROVISIONS

Section 7.10. Bonds for officials.

The officers and employees of this Town, both elected and appointed, shall execute such surety or fidelity bonds in such amounts and upon such terms and conditions as the Town council shall from time to time require by ordinance or as may be provided by law.

Section 7.11. Rules and regulations.

All ordinances, resolutions, rules, and regulations now in force in the Town not inconsistent with this Charter are declared valid and of full effect and force until amended or repealed by the Town council.

Section 7.12. Reserved**Section 7.13. Charter language on other general matters.**

Except as specifically provided otherwise by this Charter, all rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue, and any such ongoing work or cases shall be completed by such Town agencies, personnel or offices as may be provided by the Town council.

Section 7.14. Definitions and construction.

- (a) Section captions in this Charter are informative only and shall not be considered as a part thereof.
- (b) The word "shall" is mandatory and the word "may" is permissive.
- (c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.

CHARTER COMPARATIVE TABLE ORDINANCES

The Comparative Table shall be updated and included at a later date.

Chapter 1 GENERAL PROVISIONS

Sec. 1-1. Designation and citation of Code.

The provisions embraced in the following chapters and sections shall constitute and be designated "The Code of the Town of Carl, Georgia," and may be so cited. Such Code may also be cited as the "Town of Carl Code."

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, §1-101 et. seq.)

Note — Ord. No. 11-16-2023 shall be effective upon successful compliance with the requirements of O.C.G.A. § 36-35-3(b)(1).

State law reference(s)—Codification requirements, O.C.G.A. § 36-80-19.

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code and of all ordinances, the following definitions and rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Town council, or the content clearly requires otherwise.

Bond. When a bond is required by law, an undertaking in writing, without seal, is sufficient; and in all bonds where the names of the obligors do not appear in the bond but are subscribed thereto, they are bound thereby pursuant to O.C.G.A. § 1-3-1(d)(1).

Town. The term "the Town" or "this Town" means the Town of Carl, Georgia.

Code. The term "Code" shall mean "The Code of the Town of Carl, Georgia."

Computation of time. When a number of days is prescribed for the exercise of any privilege, or the discharge of any duty, only the last day shall be counted; and if the last day shall fall on Saturday or Sunday, the party having that privilege or duty, shall have through the following Monday to exercise that privilege or to discharge such duty. When the last day prescribed for such action falls on a public and legal holiday pursuant to O.C.G.A. § 1-4-1, the party having the privilege or duty shall have through the next business day to exercise the privilege or to discharge the duty. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation pursuant to O.C.G.A. § 1-3-1(d)(3).

Council. The term "council" or "Town council" means the council of the Town of Carl, Georgia.

County. The term "the county" or "this county" means the County of Barrow, State of Georgia.

Day. The term "day" means a calendar day of 24 hours.

Delegation of authority. The term "delegation of authority" means a provision that authorizes or requires a Town officer or Town employee to perform an act or make a decision that authorizes such officer or employee to act or make a decision through subordinates.

Gender. The masculine gender includes the feminine and the neuter pursuant to O.C.G.A. § 1-3-1(d)(4).

Governing body or governing authority. The term "governing body" or "governing authority" means the Town council of the Town of Carl, Georgia.

Interpretation. In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. Where any provision of this Code imposes greater restrictions upon the subject matter than the general provision imposed by this Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

Joint authority. A joint authority given to any number of persons or officers may be executed by a majority of them, unless it is otherwise declared by ordinance or statute pursuant to O.C.G.A. § 1-3-1(d)(5).

Keeper or proprietor. The term "keeper" or "proprietor" means persons, firms, associations, corporations, clubs and co-partnerships, whether acting by themselves or as a servant, agent or employee.

Limits or corporation. The term "limits" or "corporation" means the corporate limits (legal boundary) of the Town of Carl, Georgia.

Mayor. The term "mayor" means the mayor of the Town of Carl, Georgia.

Month. The term "month" means a calendar month pursuant to O.C.G.A. § 1-3-3(11).

Municipality. The term "municipality," as it appears in this Code, means the Town of Carl, Georgia.

Name of officer. Whenever the name of an officer is given, it is construed as though the words "of the Town of Carl" were added.

Nontechnical and technical terms. A term or phrase shall be construed according to the common and approved usage of the language; but technical terms or phrases and any others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to that meaning.

Number. The singular or plural number each includes the other pursuant to O.C.G.A. § 1-3-1(d)(6), unless the other is expressly excluded.

Oath. The term "oath" includes affirmation pursuant to O.C.G.A. § 1-3-3(12). When an oath is required or authorized by law, an affirmation in lieu thereof may be taken. An affirmation has the same force and effect as an oath.

O.C.G.A. The abbreviation "O.C.G.A." means the Official Code of Georgia Annotated.

Ordinances. The term "ordinances" means ordinances of the Town of Carl, Georgia and all amendments thereto.

Owner. The term "owner," as applied to a building or land, means any part owner, joint owner, tenant in common, tenant in partnership or joint tenant of the whole or of a part of such building or land.

Penal ordinances. The term "penal ordinances" means the rules of construction and definitions of words as contained in the penal code of the state. Insofar as they can be made applicable, these rules of construction are hereby adopted as governing the penal ordinances of the Town.

Person. The term "person" means corporations as well as individuals pursuant to O.C.G.A. § 1-3-3(14).

Personal property. The term "personal property" means every species of property except real property, as herein defined.

Preceding, following. The terms "preceding" and "following" mean next before and next after, respectively, pursuant to O.C.G.A. § 1-3-3(8), (15).

Property. The term "property" means real, personal, and mixed estates and interests.

Public place. The term "public place" means any park, schoolyard or adjacent open space, or any area available and/or accessible to the public, regardless of public or private ownership.

Real property. The term "real property" means lands, tenements, and hereditaments.

Residence. The term "residence" means the place adopted by a person as his or her place of habitation, and to which, whenever he or she is absent, he or she has the intention of returning. When a person eats at one place and sleeps at another, the place where such person sleeps is his or her residence.

Seal. The term "seal" includes impressions on the paper itself, as well as impressions on wax or wafers. With the exception of official seals, a scrawl or any other mark intended as a seal shall be held as such pursuant to O.C.G.A. § 1-3-3(17).

Shall/may. The term "shall" is mandatory and the term "may" is permissive.

Sidewalk. The term "sidewalk" means any portion of a street between the curblin and the adjacent property line, intended for the use of pedestrians, excluding parkways.

Signature or subscription. The term "signature" or "subscription" means a mark when the person cannot write.

State. The term "the state" or "this state" means the State of Georgia.

Street. The term "street" means streets, avenues, boulevards, roads, public alleys, lanes, viaducts, and all other public highways in the Town.

Tenant or occupant. The term "tenant" or "occupant," as applied to a building or land, means any person holding a written or oral lease of, or who occupies the whole or a part of, that building or land, either alone or with others.

Tense. The present or past tense includes the future tense pursuant to O.C.G.A. § 1-3-1(d)(7).

Week. The term "week" means seven days.

Written, in writing. The term "written" or "in writing" includes any representation of words, letters, numbers, or figures, whether by printing or otherwise pursuant to O.C.G.A. § 1-3-3(23).

Year. The term "year" means a calendar year pursuant to O.C.G.A. § 1-3-3(24).
(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, §1-101, et. seq.)

State law reference(s) – Similar provisions, O.C.G.A. § 1-3-2.

Sec. 1-3. Catchlines of sections; history notes, reference notes and editor's notes.

The catchlines of the several sections of this Code are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of those sections nor as any part of the section nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. The history notes appearing in parentheses after each section and the references and editor's notes scattered throughout the Code are for the benefit of the user of the Code and shall have no legal effect.

(Ord. No. 01-16-2023, The Code of the Town of Carl, Georgia 1991, §1-101, et. seq.)

State law reference(s)—Descriptive headings, citations, and notes, etc., not part of law, O.C.G.A. § 1-1-7.

Sec. 1-4. Severability of parts of Code.

It is hereby declared to be the intention of the Town council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, that unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the Town council without the incorporation of this Code of any such unconstitutional phrase, clause, sentence, paragraph or section.

State law reference(s)—Invalid or unconstitutional provisions, O.C.G.A. § 1-1-3.

Sec. 1-5. Effect of repeal of ordinances.

The repeal of an ordinance shall not revive any ordinance in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect or any suit, prosecution or proceeding pending at the time of the repeal for an offense committed or cause of action arising under the ordinance repealed.

Sec. 1-6. Ordinances not affected by Code.

- (a) Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:
- (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code.
 - (2) Any ordinance or resolution promising or guaranteeing the payment of money for the Town or authorizing the issuance of any bonds of the Town or any evidence of the Town's indebtedness.
 - (3) Any contract or obligation assumed by the Town.
 - (4) Any ordinance fixing the salary of any Town officer or employee.
 - (5) Any right or franchise granted by the Town.
 - (6) Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the Town.

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- (7) Any appropriation ordinance.
 - (8) Any ordinance which, by its own terms, is effective for a stated or limited term.
 - (9) Any ordinance providing for local improvements and assessing taxes therefor.
 - (10) Any zoning ordinance.
 - (11) Any ordinance dedicating or accepting any subdivision plat or providing for subdivision regulations.
 - (12) Any ordinance describing or altering the boundaries of the Town or annexing property to the Town.
 - (13) Any ordinance levying or imposing taxes not included in this Code.
 - (14) The administrative ordinances or resolutions of the Town not in conflict or inconsistent with the provisions of this Code.
 - (15) Any ordinance establishing and prescribing employment and personnel policies and procedures.
 - (16) Any ordinance of agreement with another political subdivision.
 - (17) Any ordinance establishing and prescribing the street grades of any street in the Town.
 - (18) Any other ordinance, or part thereof, which is not of a general and permanent nature; or which is referred to elsewhere in this Code as continuing in effect.
- (b) No such ordinance shall be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this chapter. All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

Sec. 1-7. Supplementation of Code.

- (a) Supplements to this Code shall be prepared and printed whenever authorized or directed by the Town. A supplement to the Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the person authorized to prepare the supplement may make formal, non-substantive changes in ordinances or resolutions and parts of ordinances or resolutions included in the supplemental, insofar as it is necessary to do so to embody them into a unified Code. For example, the person may:
 - (1) Organize the ordinance material into appropriate subdivisions.
 - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement and make changes in such catchlines, headings and titles.
 - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing sections or other subdivision numbers.
 - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections ____ to ____" (inserting section numbers to indicate the sections of the Code that embody the substantive sections of the ordinance incorporated into the Code).
 - (5) Make other non-substantive changes necessary to preserve the original meaning of ordinances inserted into the Code.

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- (d) In no case shall the person make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Sec. 1-8. Provisions considered as continuations of existing ordinances.

The provisions appearing in this Code, insofar as they are the same as those of ordinances and resolutions existing at the time of adoption of this Code and included in this Code, shall be considered as continuations thereof and not as new enactments.

Sec. 1-9. General penalty; continuing violations.

- (a) Whenever in this Code or in any ordinance of the Town any act is prohibited or is made or declared to be unlawful or any offense, or whenever in this Code or in any ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of that provision of this Code or that ordinance shall be punished by a fine not to exceed \$1,000.00 or imprisonment for six months or both such fine and imprisonment. The municipal court may fix punishment by fine, imprisonment or alternative sentencing, as now or hereafter provided by law and may impose any punishment up to the maximums specified by general law for offenses with its concurrent jurisdiction, subject to all limitations contained in the Charter of the Town. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.
- (b) The infliction of a penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the Town's Charter or Code.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, §1-101, et. seq.)

Note — Ord. No. 11-16-2023 shall be effective upon successful compliance with the requirements of O.C.G.A. § 36-35-3(b)(1).

State law reference(s)—General penalties and limitations on penalties, O.C.G.A. § 36-35-6(a).

Sec. 1-10. Amendments to Code; effect of new ordinances; amendatory language.

- (a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. Chapters, sections and subsections or any part thereof, repealed by subsequent ordinances, may be excluded from the Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of these subsequent ordinances until such time that the Code and subsequent ordinances numbered or omitted are readopted as a new Code by the Town council.
- (b) Amendments to any of the provisions of this Code may be made by amending those provisions by specific reference to the section number of this Code in the following language: "Section ____ of the Code of the Town of Carl, Georgia, is hereby amended to read as follows:...." The new provisions may then be set out in full as desired.
- (c) If a new section not heretofore existing in the Code is to be added, the following language may be used: "The Code of the Town of Carl, Georgia, is hereby amended by adding a section (or chapter, article, division or subdivision, as appropriate) to be numbered ____, that reads as follows:...." The new material may then be set out in full as desired.
- (d) All sections, articles, chapters or provisions desired to be repealed shall be specifically repealed by section, article or chapter number of this Code.

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- (e) When necessary, sections and subsections to the Code may be renumbered by the official codifier for the Town to fulfill the intent of the governing body but all such changes shall be approved in advance by the Town attorney.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, §1-101 et. seq.)

Note — Ord. No. 11-16-2023 shall be effective upon successful compliance with the requirements of O.C.G.A. § 36-35-3(b)(1).

Sec. 1-11. Altering Code.

It shall be unlawful for any person in the Town to change or amend by additions or deletions, any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with this Code in any manner except by ordinance or other official act of the Town council which will cause the law of the Town to be misrepresented thereby. Any person violating this section shall be punished according to the general penalties described in section 1-9.

Chapter 2 ADMINISTRATION²

ARTICLE I. IN GENERAL

Secs. 2-1—2-39. Reserved.

ARTICLE II. TOWN COUNCIL

DIVISION 1. GENERALLY

Sec. 2-40. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Town officials or official, unless otherwise expressly defined, means the mayor, members of Town council, municipal court judges (including substitute judges), Town managers, assistant Town managers, Town clerks, deputy Town clerks, whether such person is salaried, hired or elected, and all other persons holding positions designated by the Town Charter, as it may be amended from time to time. The term "Town official," unless otherwise expressly defined, includes individuals appointed by the mayor and Town council to all Town commissions, committees, boards, task forces or other Town bodies unless specifically exempted from this section by the Town council.

Decision means any ordinance, resolution, contract, franchise, formal action or other matter voted on by the Town council or other Town board or commission, as well as the discussions or deliberations of the council, board or commission, which can or may lead to a vote or formal action by that body.

Discretionary authority means the power to exercise any judgment in a decision or action.

²State law reference(s)—Home rule for municipalities, Ga. Const. art. IX, § II, ¶ II; supplemental powers of municipalities and counties enumerated, Ga. Const. art. IX, § II, ¶ III; municipal powers, O.C.G.A. § 36-34-2; the Municipal Home Rule Act of 1965, O.C.G.A. § 36-35-1 et seq.

Entity means a sole proprietorship, partnership, limited partnership, firm, corporation, professional corporation, holding company, joint stock company, receivership, trust or any other entity recognized by law through which business may be conducted.

Immediate family means spouse, mother, father, brother, sister, son or daughter of any Town official.

Incidental interest means an interest in a person, entity or property which is not a substantial interest and which has insignificant value.

Remote interest means an interest of a person or entity, including a Town official, who would be affected in the same way as the general public. The interest of a councilmember in the property tax rate, general Town fees, Town utility charges or a comprehensive zoning ordinance or similar decision is incidental to the extent that the councilmember would be affected in common with the general public.

Substantial interest means a known interest, either directly or through a member of the immediate family, in another person or entity when:

- (1) The interest is ownership of five percent or more of the voting stock, shares or equity of the entity or ownership of \$5,000.00 or more of the equity or market value of the entity;
- (2) Funds received by the person from the other person or entity either during the previous 12 months or the previous calendar year equaled or exceeded \$5,000.00 in salary, bonuses, commissions or professional fees or \$5,000.00 in payment for goods, products or nonprofessional services, or ten percent of the recipient's gross income during that period, whichever is less;
- (3) The person serves as a corporate officer or member of the board of directors or other governing board of the for-profit entity other than a corporate entity owned or created by the Town council; or
- (4) The person is a creditor, debtor or guarantor of the other person or entity in an amount of \$5,000.00 or more.
- (5) The direct or indirect ownership of more than 25 percent of the assets or stock of any business as defined by O.C.G.A. § 45-10-20(11).
- (6) An interest in real property is an equitable or legal ownership with a market value of \$5,000.00 or more.

Sec. 2-41. Penalty.

Any persons violating any provisions of this policy are subject to:

- (1) Written and oral reprimand by the council, board, commission or committee of which said violator is a member;
- (2) Punishment according to the general penalties described in section 1-9;
- (3) Request for resignation by the council, board, committee or commission of which the violator is a member.

Each council, board, commission or committee shall have authority to establish rules and regulations to impose said penalties.

Sec. 2-42. Compensation.

- (a) The amount of compensation for each councilmember shall be set annually through the approved budget process, for services rendered on behalf of the Town.
- (b) The amount of compensation for the mayor shall be set annually through the approved budget process, for services rendered on behalf of the Town.
- (c) Reimbursement for expenses incurred by said elected officials in the discharge of their duties shall be set according to Internal Revenue Service regulations regarding vehicle mileage and other expenses approved by the council through the Town budget process and policies established in the Town finance department.

State law reference(s)—Salary for municipal employees, how fixed, O.C.G.A. § 36-35-4.

Sec. 2-43. Standing committees.

All standing committees shall be appointed by a majority vote of the council.

Sec. 2-44. Code of ethics for Town officials.

- (a) The public judges its government by the way public officials and employees conduct themselves in the post to which they are elected or appointed.
- (b) All government, of right, originates with the people; is founded upon their will only; and is instituted solely for the good of the whole. Public officers are the trustees and servants of the people and are at all times amenable to them pursuant to Ga. Const. art. 1, § 2, ¶ 1.
- (c) The people of this state have the inherent right of regulating their internal government. Government is instituted for the protection, security, and benefit of the people; and at all times they have the right to alter or reform the same whenever the public good may require it pursuant to Ga. Const. art. 1, § 2, ¶ 2.
- (d) The people have a right to expect that every public official will conduct himself or herself in a manner that will tend to preserve public confidence in and respect for the government he or she represents.
- (e) Such confidence and respect can best be promoted if every public official, whether paid or unpaid, and whether elected or appointed, will uniformly:
 - (1) Treat all citizens with courtesy, impartiality, fairness and equality under the law; and
 - (2) Avoid conflicts between their private self-interest and the public interest.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, §3-102)

State law reference(s)—Code of ethics as it pertains to state public officials, O.C.G.A. § 45-10-1 et seq.

Sec. 2-45. Declaration of policy.

- (a) It is the policy of the Town that the proper operation of democratic government requires that public officials be independent, impartial, and responsible to the people; those governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of ethics for all Town officials is adopted.
- (b) This code of ethics has the following purposes:
 - (1) To encourage high ethical standards in official conduct by Town officials;
 - (2) To establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the best interest of the Town;
 - (3) To require disclosure by such officials of private financial or other interest in manners that affect the Town; and
 - (4) To serve as a basis for disciplining those who refuse to abide by its terms.
- (c) The provisions of this section shall not apply to political contributions, loans, expenditures, reports or regulation of political campaigns or the conduct of candidates in such campaigns.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, §3-102)

State law reference(s)—Conflicts of interest, policy and purpose as it pertains to state officials, O.C.G.A. § 45-10-21.

Sec. 2-46. Scope of persons covered.

The provisions of this code of ethics shall be applicable to all members of the Town council, all advisory commissions and committee members, all commissions, committees, authorities, and other groups appointed by the council or the mayor.

Sec. 2-47. Conflict of interest.

- (a) No councilmember or member of any board or commission shall use such position to secure special privileges or exemptions for such person or others, or to secure confidential information for any purpose other than official responsibilities.
- (b) No councilmember or member of a board or commission, in any matter before the council, board or commission in which he or she has a substantial interest, shall fail to disclose for the common good for the record such interest prior to any discussion or vote.
- (c) No councilmember or member of a board or commission shall act as an agent or attorney for another in any matter before the Town council or any board or commission.
- (d) No councilmember or commissioner shall directly or indirectly receive, or agree to receive, any compensation, gift, reward or gratuity in any matter or proceeding connected with, or related to, the duties of his or her office except as may be provided by law.
- (e) No councilmember or member of any board or commission shall enter into any contract with the Town except as specifically authorized by state statutes. Any councilmember or member of a board or commission who has a proprietary interest in an agency doing business with the Town shall make known that interest in writing to the Town council and the Town clerk.
- (f) All public funds shall be used for the general welfare of the people and not for personal economic gain.
- (g) Public property shall be disposed of in accordance with state law pursuant to O.C.G.A. § 36-37-6.
- (h) No Town official shall solicit or accept other employment to be performed or compensation to be received while still a Town official or employee, if the employment or compensation could impair judgment or performance of Town duties.
- (i) If a Town official accepts or is soliciting a promise of future employment from any person or entity who has substantial interest in a person, entity or property which would be affected by any decision upon which the official might reasonably be expected to act, investigate, advise, or make a recommendation, the official shall disclose the fact to the board or commission on which he or she serves or to his or her supervisor and shall take no further action on matters regarding the potential future employer.
- (j) No Town official shall use Town facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public.
- (k) No Town official or employee shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, §3-102-103)

State law reference(s)—Code of ethics as it pertains to state officials, O.C.G.A. § 45-10-3.

Sec. 2-48. Prohibition of conflict of interest.

A Town official may not participate in a vote or decision on a matter affecting a person, entity or property in which the official or employee has a personal interest; in addition, a Town official or employee who serves as a corporate officer or member of the board of directors of a nonprofit entity may not participate in a vote or decision regarding funding by or through the Town of the entity.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, §3-102)

State law reference(s)—Voting prohibited when personally interested, O.C.G.A. § 36-30-6; conflicts in zoning actions, O.C.G.A. § 36-67A-1 et seq., conflicts of interest as it pertains to state public officials, O.C.G.A. § 45-10-22.

Sec. 2-49. Exemptions.

This code of ethics shall not be construed to require the filing of any information relating to any person's connection with, or interest in, any professional society or any charitable, religious, social, fraternal, educational, recreational, public service, civil or political organization, or any similar organization not conducted as a business enterprise or governmental agency, and which is not engaged in the ownership or conduct of a business enterprise or government agency.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, §3-101 et. seq.)

Secs. 2-50—2-71. Reserved.

DIVISION 2. MEETINGS³

Sec. 2-72. Regular meetings.

Regular meetings of the Town council are held at the Town hall or at such other place as may be designated, on the third Thursday of each month at 6:00 p.m. To the extent not prohibited by law, such meetings may be held in person or virtually.

Sec. 2-73. Order of business.

(a) The order of business for council meetings shall be as follows:

- (1) Call to order (Town Clerk);
- (2) Pledge of Allegiance;
- (3) Welcome guest;
- (4) Announcements;
- (5) Public comment;
- (6) Presentation of minutes of last meeting;
- (7) Corrections or additions, if any, to be made in same;
- (8) Amendments to unfinished and/or new business;
- (9) Reading by the clerk of any communications;
- (10) Reports of departments;
- (11) Public comment;
- (12) Unfinished business;
- (13) Public comment;

³State law reference(s)—Open and public meetings, O.C.G.A. § 50-14-1 et seq.

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- (14) New business;
 - (15) Public comment.
 - (b) If the Town council directs any matter to be the special business of a future meeting, that matter shall have precedence over all other business at that future meeting.
 - (c) No proposition shall be entertained by the Town council until it has been seconded, and every proposition shall, when required by the mayor or any member, be reduced to writing.
- (Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, §3-204-206)

Sec. 2-74. Rules of procedure.

Except as otherwise provided by ordinance, the procedures of the Town council shall be governed by the most current edition of Robert's Rules of Order.

Sec. 2-75. Previous questions.

The previous question may be called at any time by a majority of the members present. The ayes and nays may be called for by any member.

Sec. 2-76. Motions having precedence.

- (a) When a question is under consideration no motion shall be received except as follows:
 - (1) To lay on the table;
 - (2) To postpone to a time certain;
 - (3) To postpone indefinitely;
 - (4) To refer to a committee;
 - (5) To amend;
 - (6) To strike out or insert; or
 - (7) To divide.
- (b) Motions for any of these purposes shall have precedence in the order named.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, §3)

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, §3-204-206)

Sec. 2-77. Motion to adjourn.

A motion to adjourn shall always be in order and shall be decided without debate.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, §3-204-206)

Secs. 2-78—2-97. Reserved.

ARTICLE III. ELECTIONS⁴

Sec. 2-98. Election officials.

The Town council shall by resolution annually appoint a municipal election superintendent, election managers, absentee ballot clerk and any other officials as are necessary, all of whom shall exercise those powers and duties set forth in the Georgia Election Code pursuant to O.C.G.A. § 21-2-1 et seq., as now or hereafter amended. In the event that a municipality fails to make an appointment, the Town clerk shall serve as the municipal superintendent.

(Ord. No. 11-15-2023, The Code of the Town of Carl, Georgia 1991, Chapter 2, Res. 09-02, 2009)

State law reference(s)—Powers and duties of superintendents, O.C.G.A. §§ 21-2-70, 21-2-70.1.

Sec. 2-99. Notice of candidacy, filing dates.

In the case of a general election, the municipal qualifying period shall commence no earlier than 8:30 a.m. on the last Monday in August immediately preceding the general election and shall end no later than 4:30 p.m. on the following Friday. In the case of a special election, the municipal qualifying period shall commence no earlier than the date of the call and shall end no later than 25 days prior to the election.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, Chapter 2)

State law reference(s)—Filing notice of candidacy, O.C.G.A. § 21-2-132(d)(3).

Sec. 2-100. Qualification fees.

The qualifying fees are to be set and published by the governing body not later than February 1 of any year in which a general primary, nonpartisan election or general election is to be held, and at least 35 days prior to the special primary or election, pursuant to O.C.G.A. § 21-2-131 et seq. Such fees, if any, shall be paid to the municipal superintendent at the time a candidate files his or her notice of candidacy.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, Chapter 2)

Sec. 2-101. Polling place.

The polling place shall be as fixed from time to time by resolution of the Town council and approved by the department of justice.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, Chapter 2)

State law reference(s)—Polling places, O.C.G.A. § 21-2-265.

⁴State law reference(s)—Georgia election code, O.C.G.A. § 21-2-1 et seq.; election where all municipal seats are vacant, O.C.G.A. § 36-30-10; reapportionment of election districts, O.C.G.A. § 36-35-4.1; procedure where actions or local Acts are required to be submitted to Department of Justice, O.C.G.A. § 36-60-11.

Sec. 2-102. Election by plurality.

The person receiving a plurality of the votes cast for any Town office shall be elected.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, Chapter 2)

Sec. 2-103. Barrow County hired to conduct elections.

Pursuant to Res. No. 2-409, the Town has contracted with the Barrow County Election Superintendent to carry out Town elections.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, Chapter 2)

Secs. 2-104—2-132. Reserved.***ARTICLE IV. MUNICIPAL COURTS⁵*****Sec. 2-133. Sessions.**

The municipal court of the Town shall be held at the Town hall or a place designated by the court. Arraignments will be held as scheduled by the municipal court following the date the charge of violation of ordinance is made. Any trial necessary will be scheduled by the municipal court. The judge of the court shall exercise full judicial power as to the change of time or location of trial.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, Chapter 5)

Sec. 2-134. Imposition of costs.

The judge shall have the power to assess each person convicted a court cost and the cost of transportation to and from jail, and other actual costs involved in the incarceration of the convicted person. The judge shall assess costs to each person that fails to appear in court. Cases that result in a warrant will be assessed a "warrant fee." The judge shall have the power to impose punishment according to the general penalties described in section 1-9. All fees and costs shall be as provided by law.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, Chapter 5)

State law reference(s)—Sentences by municipal courts, O.C.G.A. § 36-32-5; general penalties, O.C.G.A. § 36-35-6(a).

Sec. 2-135. Disposition of fines and costs.

All funds from court costs and fines of all cases in the municipal court of the Town shall go into the general fund of the Town, except for fines and surcharges required by agreement or law to be submitted to the state or the county.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, Chapter 5)

Sec. 2-136. Costs assessed for peace officers' annuity and benefit fund.

All fines in the municipal court shall be increased from time to time by the Town council. Funds shall be forwarded to the proper authorities as provided by O.C.G.A. § 47-17-60.

⁵State law reference(s)—Establishment and authorization of municipal courts, Ga. Const. art. VI, § I, ¶ I; municipal courts, O.C.G.A. § 36-32-1 et seq.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, Chapter 5)

Sec. 2-137. Police officers' attendance.

In the appointment of police officers to serve in the municipal court, all applications or applicants shall be recommended by the chief of police and police department and approved by the mayor. Such appointments shall be limited to not less than one day nor for more than one year, the expiration date of which is to be specified in the appointment or oath of office signed by police officer when sworn in by the mayor; and shall be revocable by the mayor at any time during that period. All such persons so appointed and sworn in shall be designated "police officers."

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, Chapter 5)

Secs. 2-138—2-157. Reserved.

ARTICLE V. OFFICERS, EMPLOYEES AND BENEFITS⁶

DIVISION 1. GENERALLY

Secs. 2-158—2-182. Reserved.

DIVISION 2. OFFICERS AND EMPLOYEES

Sec. 2-183. Town clerk; duties.

In addition to the duties of the Town clerk under the Town Charter, the Town clerk shall perform the following duties:

- (1) Be the custodian of the Town seal and affix its impression on documents whenever required;
- (2) Preserve the codes, records and documents belonging to the Town and maintain a proper index to all records and documents;
- (3) Receive all money due the Town, including taxes, licenses and fees, and pay out the same only upon orders of the Town council; and
- (4) Perform any other duties as may be required by the Town council.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, Chapter 3)

Sec. 2-184. Town attorney; duties.

The Town attorney shall be the legal advisor and representative of the Town and in that capacity shall:

- (1) Prepare ordinances when so requested by the Town council;

⁶State law reference(s)—Municipal authority over offices and employments, O.C.G.A. § 36-34-2; fair employment practices of state employers, O.C.G.A. § 45-19-20 et seq.; Employees' Retirement System of Georgia, O.C.G.A. § 47-2-1 et seq.; and Georgia Firemen's Pension Fund, O.C.G.A. § 47-7-1 et seq.; Georgia Municipal Employees Benefit System, O.C.G.A. § 47-5-1 et seq.; Georgia Records Act, O.C.G.A. § 50-18-90 et seq.

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- (2) Prepare for execution all contracts and instruments to which the Town is a party when so requested and approve, as to form, all ordinances, bonds and Town contracts; and
 - (3) Render any other legal services as may be required by the Town council.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, §3-501)

Sec. 2-185. Departments established.

(a) The following departments of the Town are hereby established:

- (1) Administration;
- (2) Finance;
- (3) Municipal court records;
- (4) Parks;
- (5) Public buildings; and
- (6) Streets, bridges and drainage.

(b) All departments shall be under the administrative direction of the mayor. The mayor shall be assisted by a director of administration, who shall supervise the operation of the administration, finance, parks, public works, and municipal court records departments, and by a chief of police, who shall supervise the operation of the police department.

(c) The duties of the various committees shall be as specified from time to time by the council.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, §3-502)

Secs. 2-186—2-208. Reserved.

DIVISION 3. BENEFITS

Sec. 2-209. Declaration of policy.

It is hereby declared to be the policy and purpose of the Town to extend at the earliest date possible under the agreement entered into by the state and the federal security administration, to the employees and officials thereof, and its instrumentalities, not excluded by law or by this division, the benefits of the system of old age and survivors insurance as authorized by the Federal Social Security Act, the state enabling act, and amendments thereto. In pursuance of said policy, and for that purpose, the Town shall take such action as may be required by applicable state or federal laws or regulations.

State law reference(s)—Providing benefits to municipal employees, O.C.G.A. § 36-35-4.

Sec. 2-210. Agreements; execution.

The mayor or other chief executive officers of the Town are hereby authorized and directed to execute all necessary agreements and amendments thereto with the employees' retirement system of the state (O.C.G.A. § 47-2-1 et seq.) for coverage of said employees and officials as provided for in section 2-209 hereof, to include any employees that are in positions covered by a public retirement system, in the manner by said law provided namely, firefighters whose positions are covered under the state firemen's pension fund (O.C.G.A. § 47-7-1 et seq.).

State law reference(s)—Political subdivisions may submit plan for extending benefits, and may contribute funds, O.C.G.A. § 47-18-41(a), (c).

Sec. 2-211. Salary withholdings.

Withholdings from salaries or wages of employees and officials for the purpose provided for in section 2-209 hereof are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations and shall be paid over to the state agency.

Sec. 2-212. Appropriations by Town.

There shall be appropriated from Town funds such amounts at such times as may be required by applicable state or federal law or regulations for employer's contributions, administrative expenses, and a guaranty fund to ensure that the state will not incur any debt or loss as a result of the agreement referred to in section 2-210. Such funds shall be paid over to the employees' retirement system of the state (O.C.G.A. § 47-2-1 et seq.) in accordance with regulations established by said agency.

Sec. 2-213. Records and reports.

The Town shall keep such records and make such reports as may be required by applicable state or federal laws or regulations.

State law reference(s)—Local governments under the Georgia Records Act, O.C.G.A. § 50-18-99; maintenance of public records, O.C.G.A. § 45-6-1 et seq.

Sec. 2-214. Excluded employees.

There is hereby excluded from this division any authority to make any agreement with respect to any position, or any employee or official not authorized to be covered by applicable state or federal laws or regulations.

Chapter 6 ADULT ENTERTAINMENT⁷

ARTICLE I. IN GENERAL

Sec. 6-1. Purpose of article.

The purpose of this chapter is to regulate certain types of businesses including, but not limited to, adult entertainment establishments, to the end that the many types of criminal activities frequently engendered by such businesses; the adverse effect on property values and on the public health, safety and welfare of the Town; on its citizens and property; and on the character of its neighborhoods and development will be curtailed. This chapter is not intended as a de facto prohibition of legally protected forms of expression. This chapter is intended to represent a balancing of competing interests: reduced criminal activity and protection of neighborhoods and development through the regulation of adult entertainment establishments versus any legally protected rights of adult entertainment establishments and patrons. This chapter is not intended to allow or license any business establishment or activity which would otherwise be unlawful.

⁷State law reference(s)—Regulation of adult entertainment in connection with sale or consumption of alcohol, Ga. Const. art. III, § VI, ¶ VII; certain nude and sexual conduct, use of devices or objects to perform or simulate such conduct, and showing and displaying of pictures, etc., prohibited, O.C.G.A. § 3-3-41; use of premises for obscenity or related offenses constitutes nuisance, O.C.G.A. § 16-12-82; local government authorized to restrict adult bookstores, explicit media outlets, and adult movie houses to certain areas, O.C.G.A. § 36-60-3.

Sec. 6-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult bookstore means an establishment having a substantial or significant portion of its stock in trade, books, printed materials, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section, comprising at least five percent of its total floor space, devoted to the sale or consisting of printed materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult businesses means establishments other than those expressly specified in this chapter, where employees or patrons expose specified anatomical areas or engage in specified sexual activities.

Adult entertainment establishment means a business or establishment where employees or patrons expose specified anatomical areas or engage in specified sexual activities including, but not limited to: adult bookstores, adult businesses, adult motion picture theaters, adult mini-motion picture theaters, adult motion picture arcades, adult video stores, erotic entertainment/dance establishments, escort bureaus and introduction services.

Adult mini-motion picture theater means an enclosed building with a capacity of less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult motion picture arcade means any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult motion picture theater means an enclosed building with a capacity of 50 or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult video store means an establishment having a substantial or significant portion of its stock in trade, videotapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section, comprising at least five percent of its net sales from videos which are characterized or distinguished by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Erotic entertainment/dance establishments means a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers or entertainers, go-go dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Escort bureaus and introduction services means any business, agency or persons who, for a fee, commission, hire, reward, profit or other consideration furnishes or offers to furnish names of persons or who introduces, furnishes or arranges for persons who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with others about any place of public resort or within any private quarters.

Heavy commercial zoning means districts greater than 30 contiguous acres that contain commercial establishments on more than 70 percent of the lots.

Seminude means the exposure of one or more, but not all of the following: human genitals or pubic region, buttocks or female breasts below a point immediately above the top of the areola.

Specified anatomical areas means and includes any of the following:

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- (1) Less than completely and opaquely covered genitals or pubic region, buttocks or female breasts below a point immediately above the top of the areola; or
 - (2) Human male genitalia in a discernibly turgid state, even if completely or opaquely covered.

Specified sexual activities means and includes any of the following:

- (1) Actual or simulated intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, sapphism or zooerasty.
- (2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence.
- (3) Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation.
- (4) Fondling or touching of nude human genitals, pubic regions, buttocks or female breasts.
- (5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain.
- (6) Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being.
- (7) Human excretion, urination, menstruation, vaginal or anal irrigation.

Sec. 6-3. Penalty for violation.

Any person violating any of the provisions of this chapter shall upon conviction, be punishable as provided by section 1-9. Each day of operation in violation of this article shall be deemed a separate offense.

Secs. 6-4 - 6-26. Reserved.

ARTICLE II. REGULATIONS

Sec. 6-27. Unlawful operation of establishment declared nuisance.

- (a) Any adult entertainment establishment operated, conducted or maintained contrary to the provisions of this article shall be and the same is hereby declared to be unlawful and a public nuisance. The Town may, in addition, or in lieu of all other remedies, commence an action or proceeding for abatement, removal or enjoinder thereof in the manner provided by law.
- (b) At the date of the adoption of this article, no Town property was zoned in a manner that allows for any adult entertainment establishment. There are properties, however, that are within one-half mile from the Town boundary that do provide appropriate zoning for said establishments.
- (c) This is considered to constitute reasonable alternative avenues of expression, for small cities with a high residential density. Should adjacent property with appropriate zoning be annexed into the Town, they will be permitted according to the requirements of this article.

Sec. 6-28. Establishment to comply with zoning, building, fire, health codes and other applicable laws.

No adult entertainment establishment shall be conducted on any premises which does not comply with all zoning regulations, as well as the building code, fire code, health codes and other ordinances and laws of the Town, the county and the state.

Sec. 6-29. Prohibited acts.

- (a) No person or licensee shall admit or permit the admission of any individual under the age of 18 or allow such individual to remain within a licensed premises.
 - (1) A licensee means any person, association, partnership, corporation or other business entity which has obtained a valid Town license for the operation of an adult entertainment establishment.
 - (2) A licensed premises means any adult entertainment establishment which has obtained a valid Town license.
- (b) No person or licensee shall sell, exchange, barter, trade, give or offer to sell, exchange, barter, trade or give, to any individual under the age of 18 years of age any entertainment, service, material device or thing offered, for sale or otherwise, at an adult entertainment establishment.
- (c) No licensee shall permit or suffer an employee or other person to appear nude or seminude where there is an individual payment offer or solicitation of money occurring between patron and employee.
- (d) No licensee shall permit any employee or patron to use artificial devices or inanimate objects to depict any of the prohibited activities described in this article.
- (e) No licensee shall suffer or permit an employee or any person on the premises to insert an object into her vagina or his or her anal orifice, except for personal hygiene or necessity.
- (f) No licensee shall suffer or permit an employee or any person on the premises to engage in actual or simulated genital masturbation or, in the case of females, fondling of the breasts.
- (g) No licensee shall suffer or permit a male employee or any person on the premises to exhibit an unclothed erect penis.
- (h) No licensee shall suffer or permit an employee or any person on the premises to engage in or simulate bestiality.
- (i) No person, other than a dancer or entertainer while on any licensed premises, shall expose or be permitted to expose to public view with less than a complete and opaque covering of his or her genitals, pubic area, buttocks, anus or anal cleft or cleavage, and if a female, her breasts below a point immediately above the top of the areola.
- (j) No employee or person while on a licensed premises shall be permitted to dance or perform nude or seminude in such a manner as to simulate specified sexual activity with any patron, spectator, employee or other person not employed therein.
- (k) No person, while on a licensed premises, shall, while nude or seminude, be permitted to sit upon or straddle the legs, lap or body of any patron, spectator, employee or other person therein, or to engage in or simulate sexual activity while touching or being touched by the patron, spectator or other person.
- (l) No licensee shall suffer or permit the use of any areas on the premises of such establishment for sexual contact or private dancing performance or entertainment.
- (m) No dancer or entertainer while on a licensed premises shall dance on a platform intended for that purpose which is not raised at least 18 inches from the floor. Furthermore, no dancing shall occur closer than four feet from any patron.
- (n) No licensee shall suffer or permit any signage or advertisement which encourages, solicits, induces or promotes conduct or activities prohibited by this article or anything in conflict with state law.
- (o) No erotic entertainment/dance establishment licensee shall serve, sell, distribute or suffer consumption or possession of any alcoholic beverages or controlled substances upon the premises of a licensee.
- (p) No illegal drugs or controlled substances of any kind shall be allowed, permitted, used, possessed or sold upon the premises, and no gambling shall be allowed or permitted therein.

Sec. 6-30. Zoning and distance requirements for establishments, businesses or uses.

The Town adopts the Barrow County Unified Development Code as amended.
(Ord. No. 11-16-2023, Res. 17 April 2014).

Sec. 6-31. Establishment employees.

- (a) *Age.* Employees of adult entertainment establishments shall be not less than 18 years of age.
- (b) *Disqualification due to criminal record; exception.* No person shall be employed in any capacity whatsoever including, but not limited to, performers, entertainers, waiters, bouncers, bartenders, disc jockeys and musicians, who have been convicted in this or any other Town or state or in any federal court within five years immediately prior to the application for employment of soliciting for prostitution, pandering, letting premises for prostitution, keeping a disorderly place, illegally dealing in narcotics, sex offenses, or any charge relating to the manufacture or sale of intoxicating liquors, or any other felony or misdemeanor involving moral turpitude, or for whom any outstanding warrant exists on which service has not been perfected. The expression "be employed" shall include all work done or services performed while in the scope of employment on the premises and elsewhere than on the licensed premises, for compensation or otherwise. Notwithstanding, this section shall not apply to an independent contractor who performs accounting, legal, administrative, repair or maintenance services for a licensee.
- (c) *Work permit; required; independent contractors; exception.* A permit to work in or be employed by an adult entertainment establishment, whether for compensation or otherwise, shall be required for all employees thereof. For the purpose of this article, independent contractors, such as entertainers employed or hired by any adult entertainment establishment, shall be licensed as employees, regardless of the business relationship with the owner or licensee of any adult entertainment establishment. Each independent contractor shall be required to have and maintain his or her separate business license. Notwithstanding, this subsection shall not apply to an independent contractor who performs accounting, legal, administrative, repair or maintenance services for licensee. No person requiring a permit may be employed by or work in an establishment until such person has filed an application, paid the fee, as set forth in the schedule of fees and charges, and obtained a work permit from the director of administration.
- (d) *Contents of work permit application; investigation of applicant; issuance.* An application for a permit shall include, but shall not be limited to, the name, address, business name and address, date of birth and prior arrest record of the applicant. The director of administration shall make a complete search relative to any police record of the applicant. If there is no record of a violation of subsection (b) of this section, or of any other section of this article, the director of administration shall issue a permit to the applicant.
- (e) *Denial; application for hearing with public safety director; decision; appeal to Town council.* Any applicant denied a permit may, within ten days of the denial, apply to the public safety director for a hearing. The decision of the public safety director, after hearing, may be appealed to the Town council.
- (f) *Expiration of permit for employment.* Any permit for employment issued under this article shall expire 12 months from the date of issuance unless earlier revoked or suspended. The director of administrations may prescribe reasonable fees for certifying the eligibility for employment.
- (g) *Availability of permit for inspection.* Employees holding permits issued pursuant to this article shall at all times during their working hours have such permits available for inspection at the premises.

Sec. 6-32. Required; issuance not to condone any illegal act; display.

It shall be unlawful for any person, association, partnership, corporation or other business entity to engage in, operate, conduct or carry on, in or upon any premises, an adult entertainment establishment without first having complied with the provisions of this article, or without a currently valid Town license for the operation of an adult entertainment establishment. No license issued under this article shall condone or make legal any activity thereunder

if the same is deemed illegal or unlawful under the laws of the state or the United States or under any other ordinance, rule or regulation of the Town. The license shall be conspicuously displayed at all times within the premises.

Sec. 6-33. Licensing generally.

The Town will review all license permit applications in a timely manner. The Town's designated administrator will respond to the applicant within 14 day as to whether the permit was accepted or submitted to attorney for further review. Attorney review will be completed in ten days.

- (1) *Grant of privilege for term of license.* All licenses shall be a mere grant of privilege to carry on such business during the term of the license, subject to all the terms and conditions imposed by this article and related laws, applicable provisions of this Code and other ordinances and resolutions of the Town relating to such business.
- (2) *Wording.* All licenses under this article shall have printed on the front these words:
"This license is a mere privilege subject to be suspended and revoked under the provisions of the ordinances of the Town of Carl."
- (3) *Separate license for each business.* A separate license shall be required for each place of business.
- (4) *Age of licensee.* No license shall be issued to any person who is less than 21 years of age.
- (5) *Application; contents.* Application for a license shall be written and on forms supplied by the Town clerk. Such application shall state the name and address of the applicant; the place where the proposed business is to be located; the nature and character of the business to be carried on; if a partnership, the names of the partners; if a corporation, the name of the officers and shareholders; if other business entity, then the names of all persons holding any ownership or managerial interest therein; and such other reasonable information as may be required by the director of administrations.
- (6) *Duty of applicant to supply data, information and records.* All applicants shall furnish all data, information and records requested of them by the Town and pay an administrative investigation fee to be determined by the director of administrations. Failure to furnish such data, information and records within 30 days from the date of such request shall mean an automatic denial of the license.
- (7) *Definition.* For the purpose of this division, the term "applicant" means and shall include a person and, in the case of a partnership or corporation, all partners, officers, directors, principals, and shareholders of the partnership or corporation.
- (8) *Completion of application required.* Each application must be complete in its entirety before being accepted by the Town for filing and processing.
- (9) *Plans furnished by applicant; compliance with Town codes.* All applicants for licenses shall furnish plans of the proposed premises. The applicant shall comply with all zoning, building, health and similar Town codes.
- (10) *Verification of application under oath.* Each application for an adult entertainment establishment license shall be verified and acknowledged under oath to be true and correct by:
 - a. If the applicant is an individual, the individual;
 - b. If by a partnership, by the manager or general partner;
 - c. If a corporation, by the president of the corporation; and
 - d. If any other organization or association, by the chief administrative official.

Sec. 6-34. Coordination with federal law.

Whenever the governing authority finds that the application of this article would unreasonably discriminate among providers of functionally equivalent personal wireless services or prohibit or have the effect of prohibiting the provision of personal wireless services, a conditional use permit waiving any or all of the provisions of this article may be granted.

Chapter 10 ALCOHOLIC BEVERAGES⁸

ARTICLE I. IN GENERAL

Sec. 10-1. Purpose and authority to regulate alcoholic beverages in the Town.

- (a) This ordinance has been enacted in furtherance of the police powers of the Town and in accordance with a plan designed for the purposes, among others, of promoting the health and general welfare of the community, establishing reasonable standards for the regulation and control of the licensing and sales of alcoholic beverages, protecting and preserving schools and churches, giving effect to existing land use and preserving certain residential areas, with reasonable considerations, among others, to the character of the areas and their peculiar suitability for particular uses, the congestion in the roads and streets, and with a general view of promoting desirable living conditions and sustaining stability of neighborhood and property values, and to protecting against the evils of concentration of ownership or control of the retail outlets for alcoholic beverages or to prevent undesirable persons from controlling the retail alcoholic beverage industry.
- (b) The provisions of this ordinance are ordained under and by virtue of the authority granted by the laws of the State of Georgia, O.C.G.A. Title 3; Regulation of Alcoholic Beverages Generally, to adopt all reasonable rules and regulations as may fall within the police powers of the municipality to regulate any such business; O.C.G.A. Section 3-4-110, granting such municipality the full power to adopt all reasonable rules and regulations governing the conduct of any such licensee including, but not limited to, the regulation of hours of business, types of employees, and other matters which may fall within the police powers of such municipality; O.C.G.A. Section 3-5-40 and 3-5-42, authorizing municipal licenses for the business of manufacturing, distributing and selling malt beverages at wholesale and retail; and O.C.G.A. Section 3-6-40, authorizing municipal licenses for the manufacturing, distributing and selling wine at wholesale and retail.

Sec. 10-2. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them:

⁸Editor's note(s)— (The Code of the Town of Carl, Georgia 1991, §32, adopted March 18, 2010, amended August 18, 2011.)

State law reference(s)—Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq.; power to license and regulate alcohol, O.C.G.A. § 36-31-7; definitions, O.C.G.A. § 3-1-2; notice to Department of Revenue of violations relating to sale of alcoholic beverages to underage persons, O.C.G.A. § 3-3-2.1; providing, purchasing, and possession of alcoholic beverages for and by persons under 21 years of age prohibited with exceptions, O.C.G.A. §§ 3-3-23, 3-3-23.1; persons under 18 prohibited from selling alcohol with exceptions, O.C.G.A. § 3-3-24; excise tax on distilled spirits for sale by the drink, O.C.G.A. § 3-4-130; maximum municipal license fee for distilled spirits, O.C.G.A. § 3-4-50; municipal license requirements for malt beverages, O.C.G.A. § 3-5-40 et seq.; municipal license requirements for wine, O.C.G.A. § 3-6-40; Sunday sale of alcoholic beverages, O.C.G.A. § 3-3-7; sale of alcoholic beverages on election days, O.C.G.A. § 3-3-20.

Alcoholic means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

Alcoholic beverage means all alcoholic, distilled spirits, malt beverages, wine, or fortified wine as defined in this section.

Bed and breakfast establishment means an operator-occupied residence with 20 guestrooms or less, which serves food only to its registered guests, and serves only a breakfast or similar morning meal and an appropriate light snack in which the price of the food is included in the price of the overnight accommodation. For purposes of these rules, "bed and breakfast establishment" refers to an establishment in which the predominant relationship between the occupants thereof and the owner or operator of the establishment is that of innkeeper and guest and provides sleeping accommodations for no more than 30 consecutive days to a particular guest.

Brown bagging means the act of patrons entering any restaurant, private club, or other establishment providing food or entertainment in the normal course of business and bringing in and consuming the patrons' own alcoholic beverages.

Brown bag establishment means any restaurant, private club or other establishment providing food or entertainment in the normal course of business, and in which the owners or their agents knowingly allow patrons to bring in and consume on the premises the patrons' own alcoholic beverages.

Brew pub means any eating establishment in which malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in Section 3-5-36 of the Official Code of Georgia Annotated for retail consumption on the premises and solely in draft form. As used in this chapter, the term "eating establishment" means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

Brewer means a manufacturer of malt beverages.

Distilled spirits means any alcoholic beverage obtained by distillation or containing more than 24 percent alcohol by volume including, but not limited to, all fortified wines, whiskey, rum, gin, brandy, vodka, tequila and all other alcoholic beverages of a similar nature and with similar alcoholic content.⁹

Family means any person related to the holder of a license within the first degree of consanguinity or affinity as computed according to civil law.

Food caterer means any person who prepares food for consumption off the premises.

Fortified wine means any alcoholic beverage containing more than 24 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. "Fortified wine" includes, but is not limited to, brandy.

Hotel means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests. To meet the definition of "hotel" under this chapter the facility must have 50 or more rooms used for sleeping accommodations of such guests and one or more public dining rooms, with an adequate and sanitary kitchen and a seating capacity of at least 25 persons, where meals are regularly served to such guests. As used in this section, "seating" shall mean that no more than 25 percent of such seating shall be at a common table or counter area or shall be other than individual tables or booths designed for seating of at least two individuals. All sleeping accommodations and dining rooms must be on the same premises and a part of the hotel operation. Motels meeting the qualifications set out herein for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the operation of a restaurant in their premises, and the holder of such franchise shall be eligible for a license under the "hotel" classification. At least 50 percent of the receipts of the dining room or rooms shall come from the sale of food. To be included in the tabulation of receipts for the purpose of this calculation are all receipts of all persons laboring in the dining room, including the services of all independent contractors, performers, servers, entertainers, or other non-employee personnel. Not to include in tabulation, however, are persons called in the dining room from other licensed businesses to perform services, repairs or construction on equipment or building premises. For purposes of this section, the calculations of receipts

⁹ The sale of Distilled Spirits must be approved by referendum before such sale is authorized in the Town.

for alcoholic beverages shall be made pursuant to the scheduling of pricing and the regulations contained therein as required by section 10-74. Receipts for room rentals shall not be included in the calculations.

Individual means a natural person, not a corporation or a partnership.

Lounge/bar means a separate room connected with, a part of, and adjacent to, a restaurant or a room located in hotels as defined herein, and for which the sale of food is incidental to the sale of beverages.

Malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 14 percent alcohol by volume, and including, but not limited to, ale, porter, brown, stout, lager beer, malt liquor, small beer and strong beer. The term does not include sake, known as a Japanese rice wine.

Manufacturer means any maker, producer, or bottler of an alcoholic beverage. The term also means:

- (1) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits; provided, however, that a vintner that blends wine with distilled spirits to produce a fortified wine shall not be considered a manufacturer of distilled spirits; and
- (2) In the case of any malt beverages, any brewer; and
- (3) In the case of wine, any vintner.

Meal, regular meal means a meal that is prepared on the premises according to the order of the patron or customer given to a server at the table, booth or counter area where the customer is seated and served by the server at said table, booth or counter area.

Minor means any person under the age of 21 years.

Package means a bottle, can, keg, barrel, or other original consumer container.

Person means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit, body politic, or political subdivision, whether public, private or quasi-public.

Premises/outlet means a definite enclosed area or other outside area with controlled ingress and egress wherein distilled spirits, alcoholic beverages, malt beverages, or wine is sold and consumed, or sold therein by the package to be consumed elsewhere.

Private club means a corporation or association organized and existing under the laws of the state, actively in operation within the Town prior to the application for a license hereunder, having at least 75 members regularly paying dues, for at least three years prior to application for license, organized and operated exclusively for pleasure, recreation and other nonprofitable purpose, no part of the net earnings of which inures to the benefit of any shareholder or member, and owning, hiring or leasing a building or space therein for the reasonable use of its members with suitable sanitary kitchen and dining room seating of at least 25 persons and equipment, and maintaining and using a sufficient number of servants and employees for cooking, preparing and serving meals for its members and guests; provided that no member or officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation, any profits from the sale of distilled spirits, wines, or malt beverages beyond the amount of such salary as may be fixed by its members at an annual meeting, or by its governing body, out of the general revenue of the club. No more than 25 percent of required seating shall be at a common table or counter area or shall be other than individual tables or booths designed for seating of at least two individuals. For the purpose of this subsection, tips that are added to the bills under club regulations shall not be considered as profits hereunder. In addition, at least 50 percent of the receipts from the operation of the kitchen and dining room and serving of meals shall come from the sale of food. To be included in the tabulation of receipts for the purpose of this calculation, are all receipts of all persons laboring on the premises, including the services of all independent contractors, performers, servers, entertainers, or other non-employee personnel, not to include however persons who are called to the premises from other licensed businesses to perform services, repairs or construction on equipment or building premises. For purposes of this section, the calculations of receipts for alcoholic beverages shall be made pursuant to the scheduling of pricing and the regulations contained therein as required by section 10-74. A private club organized or operated primarily for the selling or serving of alcoholic beverages by the drink shall

not be licensed under this chapter, nor permitted to sell or serve such beverages at all. All distance requirements as set forth in this chapter shall apply.

Private residence, for the purpose of applying distance restrictions for the sale of alcoholic beverages from a private residence means a house, dwelling or structure where in not less than one, nor more than two, families reside and shall not include a mobile home court, an apartment house having facilities for housing more than two families, nor a boarding or rooming house where there are five or more boarders or roomers. Any building occupied as a residence located within an area zoned for commercial or mixed-use activity shall not be construed as a private residence.

Restaurant means any public place kept, used, maintained, advertised and held out to the public as a place where meals are actually and regularly served, but not including short order or quick or fast food shops, such place being provided with adequate and sanitary kitchen and dining room seating of at least 25 persons, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. The phrase, "meals are actually and regularly served" means that meals are available to the public no less than five days per week, with service occurring during at least one of the following time frames, 11:00 a.m. to 2:00 p.m. or 5:30 p.m. to 7:30 p.m., and with the restaurant being open for business a minimum of 48 weeks per year. Meals shall be served during the normal business hours when the establishment is open to the public and the serving of such meals shall be the principal business conducted, with the serving of distilled spirits, malt beverages and wines to be consumed on the premises as only incidental thereto. As used in this section, "seating" shall mean that no more than 25 percent of such seating shall be at a common table or counter area or shall be other than individual tables or booths designed for seating of at least two individuals. As used in this section, "principal business" shall mean that at least 50 percent of the receipts of such business shall come from the sale of food. To be included in the tabulation of receipts for the purpose of this calculation, are all receipts of all persons laboring on the premises, including the services of all independent contractors, performers, servers, entertainers, or other non-employee personnel not to include, however, persons who are called to the premises from other licensed businesses to perform services, repairs or construction on equipment or building premises. For purposes of this section, the calculations of receipts for alcoholic beverages shall be made pursuant to the scheduling of pricing and the regulations contained therein as required by section 10-74.

Retail consumption dealer means any person who sells alcoholic beverages for consumption on the premises at retail.

Retail package dealer means any person who sells distilled spirits, malt beverages and/or wine in unbroken packages for consumption off the premises at retail.

Sales by the drink means the sale of alcoholic beverages by a licensed retail consumption dealer for consumption on the premises at retail only to consumers and not for resale.

Wholesaler or wholesale dealer means any person who sells alcoholic beverages to other wholesale dealers, to retail package dealers, or to retail consumption dealers.

Wine means any alcoholic beverage containing not more than 24 percent alcohol by volume made from fruits, berries, grapes, or other natural products by natural fermentation. "Wine" includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, sake, natural wines, rectified wines, hard ciders, and like products. The term "wine" does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this code section.

((The Code of the Town of Carl, Georgia 1991, §32 as amended))

Sec. 10-3. Sale, possession, etc., of alcoholic beverages on which state tax or license fee not paid prohibited.

It shall be unlawful for any person to sell at retail or otherwise within the Town, possess, conceal, store or convey any wine, malt beverage, distilled spirits or other alcoholic beverages on which any tax or license fee imposed by the laws of the state of Georgia or this ordinance has not been paid, and any such beverages as above described that are found without a state tax stamp shall be seized as contraband and immediately delivered to the

state revenue commissioner as provided by law. Any violation of this section shall be punished as provided for in the Code of Ordinances of the Town of Carl, and, if performed by a licensed dealer, shall constitute due cause for revocation or suspension of such person's alcoholic beverage license.

Sec. 10-4. Purchase, possession, etc., by underage persons.

- (a) Except as otherwise authorized by law:
- (1) No person knowingly, directly or through another person, shall furnish, cause to be furnished, or permit any person in such person's employ to furnish any alcoholic beverage to any person under 21 years of age.
 - (2) No person shall fail to check the proper identification of any patron or other person, which failure results in the furnishing or sale of alcoholic beverages to any person under 21 year of age.
 - (3) No person under 21 years of age shall purchase or knowingly possess any alcoholic beverages.
 - (4) No person under 21 years of age shall misrepresent such person's age in any manner whatever for the purpose of obtaining illegally any alcoholic beverage.
 - (5) No person knowingly or intentionally shall act as an agent to purchase or acquire any alcoholic beverage for or on behalf of a person less than 21 years of age.
 - (6) No person under 21 years of age shall misrepresent his/her identity or use any false identification for the purpose of purchasing or obtaining any alcoholic beverage.
- (b) The prohibitions contained in subsection (a)(1), (2) and (5) of this section shall not apply with respect to the sale, purchase or possession of alcoholic beverages for consumption:
- (1) For medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state;
 - (2) At a religious ceremony.
- (c) The prohibition contained in subsection (a)(1) of this section shall not apply with respect to sale of alcoholic beverages by a person when such person has been furnished with proper identification showing that the person to whom the alcoholic beverage is sold is 21 years of age or older. For purposes of this section, the term "proper identification" means any document issued by a governmental agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth and includes, without being limited to, a passport, military identification card, driver's license, or an identification card authorized under O.C.G.A. §§ 40-5-100 through 40-5-104. "Proper identification" shall not include a birth certificate.
- (d) If such conduct is not otherwise prohibited pursuant to O.C.G.A. §3-3-24, nothing contained in this section shall be construed to prohibit any person under 21 years of age from:
- (1) Dispensing, serving, selling, or handling alcoholic beverages as a part of employment in any licensed establishment;
 - (2) Being employed in any establishment in which alcoholic beverages are distilled or manufactured; or
 - (3) Taking orders for and having possession of alcoholic beverages as a part of employment in a licensed establishment.
- (e) Notwithstanding the provisions of subparagraph (4) above, no person shall allow or require a person less than 18 years of age nor shall a person under 18 years of age take an order for alcoholic beverages for on-premises consumption or accept alcoholic beverages for checkout for off-premises consumption.
- (f) All violations of this section with the exception of subsection (a)(2) shall be treated as state offenses pursuant to O.C.G.A., Sec. 3-3-23.1; provided that first offenses subject to the jurisdiction of the municipal court pursuant to O.C.G.A. Sec. 36-32-10 may nevertheless be heard by the municipal court. In addition to prosecution as a state offense, any violation of this section may also serve as due cause for the suspension, revocation or probation of an alcoholic beverage license and/or employee permit issued by the Town.

Sec. 10-5. Consumption prohibited; Open containers.

- (a) As used in this section, "open container" means any container containing alcoholic beverages, which is immediately capable of being consumed from or the seal of which has been broken.
- (b) No person shall possess an open container of any alcoholic beverage while operating a motor vehicle in this Town or while occupying a motor vehicle as a passenger. An open container shall be considered to be in the possession of the operator of a vehicle if the container is not in the possession of a passenger. This provision shall not apply if the alcoholic beverage is located in a locked glove compartment, locked trunk, or other locked non-passenger area of the vehicle. This provision is intended to prohibit the consumption of alcoholic beverages by the operator and passengers in motor vehicles.
- (c) No person shall possess an open container of an alcoholic beverage while walking, standing or otherwise occupying any public street, road, or highway, sidewalk adjacent thereto, public park, or public parking lot. Consumption of alcoholic beverages in or on other publicly owned properties of the Town is prohibited. This provision shall not apply to (1) the patrons of an outdoor cafe if such establishment is otherwise licensed to sell alcoholic beverages under the applicable laws and ordinances, (2) Town sponsored special events, or (3) other privately sponsored events at which an alcoholic beverage catering permit has been issued.
- (d) No person shall possess an open container of an alcoholic beverage on the premises of any retail package licensee, including parking lots located adjacent thereto.
- (e) No person shall enter or leave the premises of an establishment licensed to sell or dispense alcoholic beverages for consumption on the premises with an open container of any alcoholic beverage.

Sec. 10-6. Public drunkenness.

It shall be unlawful for any person in this Town to be in an intoxicated condition in any public place or within the curtilage of any private residence not his/her own other than by invitation of the owner or lawful occupant, when such condition of intoxication is made manifest by boisterousness, or by indecent condition or act, or by vulgar, profane, or loud language.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, §31-102)

Sec. 10-7. Sale of alcoholic beverages by the drink for consumption only on the premises.

No person shall be allowed to sell, distribute, or give away alcoholic beverages by the drink for consumption on the premises except as set forth in this chapter.

Sec. 10-8. Establishments to be kept in orderly manner.

It shall be the duty of all persons or employees of persons granted a license under this chapter to keep the premises clear at all times of all persons who are intoxicated or who cause a public disturbance.

Sec. 10-9. Times for sales.

- (a) Retail package dealers shall not engage in the sale of alcoholic beverages in original packages for off-premise consumption except between the hours of 7:00 a.m. and 12:00 midnight Monday-Saturday.
- (b) Except as otherwise provided in this section, malt beverages, wine and distilled spirits shall not be sold for consumption on the premises, except between the hours of 9:00 a.m. and 2:00 a.m. of the following day, Monday through Friday, and on Saturdays from 9:00 a.m. until 12:00 midnight.
- (c) Retail consumption dealers who have a Sunday sales permit may sell malt beverages, wine, and distilled spirits for consumption on the premises from 12:30 p.m. until 12:00 midnight.

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- (d) The sale of alcoholic beverages on election days is permitted within the Town in accordance with O.C.G.A. § 3-10-20.
 - (e) Retail package dealers who have a twenty-four (24) sales permit may sell malt beverages and wine twenty-four (24) hours per day Monday-Saturday.

Sec. 10-10. Signs to be posted.

In addition to required postings under state law,

- (1) Each outlet for the retail package sale of alcoholic beverages shall post in a conspicuous place within the outlet a sign with letters at least two inches high reading: "Sale of alcoholic beverages to persons under 21 years of age is prohibited."
- (2) Each outlet for the retail sale of alcoholic beverages by the drink for consumption on the premises shall post in a conspicuous place within the outlet a sign with letters at least two inches high reading: "Sale of alcoholic beverages to persons under 21 years of age is prohibited."

Sec. 10-11. Deliveries prohibited off premises.

- (a) It shall be unlawful for any wholesaler or distributor to make deliveries of alcoholic beverages except to a location licensed for the retail sale of such beverages.
- (b) It shall be unlawful for any retail package dealer or person licensed to sell alcoholic beverages by the drink for consumption on the premises to make deliveries of any malt beverages, wine and/or distilled spirits to any location off the licensed premises.
- (c) The prohibition set forth in subsection (b) shall not apply to hotel in-room service that shall be regulated as set forth in section 10-75.

Sec. 10-12. Sales on licensed premises.

Only those individuals who are compensated as regular agents, clerks, or employees of the licensee shall handle, sell or serve alcoholic beverages on a licensed premises.

Sec. 10-13. Sale to intoxicated person forbidden.

Alcoholic beverage licensees and their agents and employees are prohibited from selling, bartering, exchanging, giving, providing, or furnishing any alcoholic beverage to any person who is in a noticeable state of intoxication.

Sec. 10-14. Alcoholic beverage sales for cash only.

All sales of alcoholic beverages shall be for cash upon sale. Sales on credit are specifically prohibited except that the use of a credit card for the purchase of distilled spirits, malt beverages or wine shall not be prohibited. The running of a "tab" at a licensed consumption premises shall not be prohibited provided the consumer pays all charges prior to departing the premises.

Sec. 10-15. Sale of alcoholic beverage without Town license.

It shall be unlawful for any person to manufacture for sale, or possess, for the purpose of sale, any alcoholic beverage where such person does not have a license or catering permit from the Town to sell or possess for sale such alcoholic beverage.

Secs. 10-16—10-20. Reserved.

ARTICLE II. LICENSING AND PERMITS

Sec. 10-21. License required to sell or provide alcoholic beverages.

No alcoholic beverage shall be sold or otherwise provided to members of the public without first having obtained the appropriate state and Town licenses and/or permits.

Sec. 10-22. License and permit fees.

The fees for licenses and permits for the sale of alcoholic beverages shall be:

- (1) Retailer dealers—malt beverage and wine package sales \$500.00
- (2) Retail dealers: distilled spirits by the package \$5,000.00
- (3) Wholesale dealer, malt beverages or wine \$200.00
- (4) Restaurant, retail consumption malt beverages and wine only \$500.00
- (5) Private club, retail consumption, malt beverages and wine only \$500.00
- (6) Restaurant, private club, retail consumption, distilled spirits, malt beverages and wine \$2,800.00
- (7) Brew pub \$1,000.00
- (8) Catering permit/temporary permit \$250.00
- (9) Brown bag establishment permit \$ 250.00
- (10) Bed and breakfasts \$250.00
- (11) Sunday sales permits for retail sales \$250.00
- (12) Background check \$100.00
- (13) Twenty-four (24) hours sales permit for retail sales \$500.00

Sec. 10-23. Designation of persons who may serve as licensees and representatives.

The licensee for all businesses shall meet the following requirements:

- (1) If the business is to be operated by an individual, the licensee shall be that individual.
- (2) If the business is to be operated by a partnership, the licensee shall be an individual who is a partner; or, if all partners are non-individuals, then the licensee shall be an individual who is an officer of any corporation which is a partner, or, an individual who is an officer, manager or agent of any unincorporated entity which is a partner.
- (3) If the business is to be operated by a corporation, the licensee shall be an officer of the corporation.

Sec. 10-24. Personal interests; restrictions on number of licenses.

(a) An individual is deemed to have an interest in a license if:

- (1) He/she is the owner of the license.
- (2) He/she is the co-owner of the license.

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- (3) He/she is a partner in any partnership that owns an interest in a license.
 - (4) He/she is a stockholder holding more than 5% of the stock in any corporation and/or is a stockholder in any corporation that has fewer than 25 stockholders, which owns an interest in a license.
 - (5) He/she shares in any income or corpus of any trust fund having any interest in a license.
 - (b) No person, or member of his/her family, shall own, hold or control any interest in more than:
 - (1) Two (2) licenses to sell wine at retail in the Town;
 - (2) Two (2) licenses to sell malt beverages at retail in the Town;
 - (3) Two (2) combined licenses to sell alcoholic beverages for consumption on the premises in the Town;
 - (4) One (1) license to operate as a retail consumption dealer or retail package dealer if said person also has an interest in a license to operate as a wholesale dealer in the Town;

Provided that no more than a total of two licenses shall be issued for the sale of any type of alcoholic beverages to any one (1) person or member of his/her family.

- (c) Combining retail and retail consumption licenses. No premises licensed for the retail sale of alcoholic beverages shall hold a license for or allow the retail consumption on the premises of alcoholic beverages.
- (d) The number of retail package licenses for the sale of distilled spirits in the Town shall be limited to one license per 500 residents, or fractional part of 500 residents, as determined by reference to the U.S. Census of 2010 or the latest decennial census.

Sec. 10-25. Agents for service of process.

Both the licensee or license representative shall be the authorized and duly constituted agent for service of all notices and processes required to be served on or given hereunder for any action or proceeding or uses of any nature whatsoever permitted under the provisions of this chapter or under any other provisions of this Code.

Sec. 10-26. Qualifications of applicants.

- (a) No license under this chapter shall be granted to any applicant who is not a citizen of Georgia or a permanent resident alien. If the applicant is a partnership, the requirements of this section shall apply to all partners.
- (c) The following persons are disqualified as licensees:
 - (1) A person who is not of good character and reputation in the community in which he/she resides.
 - (2) A person who has entered a plea of nolo contendere within a five year period prior to the date of application for a license, entered a guilty plea or been convicted of a felony, or of a crime involving moral turpitude; or who has entered a plea of nolo contendere within a five year period prior to the date of application for a license, entered a guilty plea or been convicted of a crime involving violation of the ordinances of any Town or county relating to the use, sale, manufacture, distribution, taxability or possession of malt beverages, wine or distilled spirits or violations of the laws of the state and federal government pertaining to the manufacture, possession, transportation, use, or sale of malt beverages, wine or distilled spirits, or taxability thereof.
 - (3) A person whose license to sell alcoholic beverages has been revoked for cause within the preceding 10 years.
 - (4) A person whose place or business is conducted by a manager or agent unless such manager or agent qualifies as the license representative.
 - (5) Any person who is under the age of 21 years.
 - (6) Any person who is not of sound mind and memory.
 - (7) Any person who is not eligible for a state alcoholic beverage license.

Sec. 10-27. Contents of application for license.

- (a) All persons desiring to obtain a license under this chapter for the sale of alcoholic beverages shall apply to the Town upon forms prepared and provided by the Town clerk and shall include with such application all information and documents required by this chapter. Such application shall state:
 - (1) The location of the proposed business;
 - (2) The nature and character of the proposed business and type of license applied for;
 - (3) If the business is to be operated by an individual, the name and address of that individual;
 - (4) If the business is to be operated by a partnership, the names and addresses of all general partners, the licensee and the license representative;
 - (5) If the business is to be operated by a corporation, the name of the corporation, the address of the corporate office, the name and address of the registered agent for service of process for the corporation, the name and address of all officers and shareholders holding more than 15 percent of the stock of the corporation, and the name and address of the licensee and license representative; and
 - (6) Such other appropriate information as may be required by the Town.
- (b) The truth of the contents of an application for a license shall be sworn to by the licensee and the license representative.
- (c) The license applicant shall also file with the Town clerk a completed State of Georgia Department of Revenue Alcohol License Application form CRF-009 that has been or will be filed with the State.
- (d) The application, when filed with the Town clerk, shall be accompanied by a processing and investigation fee of \$350.00. Such fee shall cover costs of investigating the license applicant and shall be credited against the first annual license fee upon grant of a license. Said processing fee will not be refunded if the requested license is not granted.
- (e) When the license is approved, the license fee must be paid by certified check or cash within 30 days and prior to the issuance of the license.
- (f) If the person applying fails to receive a license from the State of Georgia, any license fees in excess of the processing and investigative fees paid to the Town shall be refunded.
- (g) Only one application form and accompanying documents shall be filed for each business premises.

Sec. 10-28. Supporting documents to be filed with application.

Those applying for a license shall submit in support of the application for license the following documents;

- (1) A certificate from a Georgia registered land surveyor showing a scale drawing of the location of the proposed premises and the shortest straight line distance from the closest point of the licensed premises to the nearest property line of any housing authority property, church building, alcoholic treatment center building, school building, educational building, school, college building, college campus, or other establishments engaged in the sale of alcoholic beverages located within a radius of 600 feet of the premises.
- (2) The affidavit of each person whose name appears on an application for a license, pursuant to section 10-27 of this chapter, swearing that said person has not, within five years prior to the date of the application, been convicted of or entered a plea of guilty or nolo contendere to any felony, misdemeanor involving moral turpitude, or any charge relating to the sale, manufacture, distribution, taxability, possession or use of alcoholic beverages or illegal drugs, including the offense of driving a motor vehicle under the influence of alcohol or drugs.

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- (3) A copy of a deed showing the applicant to be the owner of the premises for which the license is sought or a copy of a lease showing any interest the owner of the premises has in the premises for which the license is sought.
 - (4) A signed release authorizing the Town clerk to have the Barrow County Sherriff run a GCIC report.
 - (5) If the same person intends to serve as the licensee and the license representative, he/she shall submit an affidavit certifying that he/she is at least 21 years of age.
 - (6) An affidavit of notice placement through signage pursuant to sec. 10-33(b) of this chapter.
 - (7) An affidavit from the publisher of the Town's official legal organ of legal notice of license application, pursuant to sec. 10-33(a) of this chapter.

Sec. 10-29. Misleading or omitted information.

Any untrue or misleading information contained in or material omission left out of an original application for a license under this chapter shall be cause for the denial thereof. If any license has been granted under these circumstances, there shall be cause for revocation of same.

Sec. 10-30. Compliance with zoning regulations.

- (a) No license under this chapter shall be issued unless the location proposed for the business is in compliance with currently applicable provisions of the zoning ordinance, as amended.
- (b) The provisions of this section shall not apply to those business establishments holding a valid retail package license for the sale of malt beverages and /or wine on the date of adoption of this chapter provided that such license remains current.

Sec. 10-31. Payment of taxes and other debts to Town.

The Town clerk shall cause an inquiry to be made into the tax records to determine if any applicant or other parties interested in an application have any outstanding taxes, special assessments, unpaid utilities or any other monies owed to the Town. No license shall be issued, renewed or considered for issuance to an applicant that has any outstanding obligations to the Town.

Sec. 10-32. No licenses issued within prohibited distances.

- (a) No alcohol license shall be issued pursuant to this chapter to sell or offer to sell:
 - (1) Any distilled spirits by the package in or within 50 yards of any church building or within 100 yards of any school building, educational building, school ground, or college campus.
 - (2) Applicants for licenses for the retail sale of alcohol beverages for consumption on the premises shall not be subject to regulations as to distances from churches, schools, and colleges.
- (b) *Schools applicable.* The schools or colleges referred to herein shall include only such state, county, Town, church or other schools as teach the subjects commonly taught in the common schools and colleges of this state, and which are public schools or private schools.
- (c) *Method of measuring.* The distances set out in subsection (a) shall be measured by the most direct route of travel on the ground.
- (d) The provisions of this section shall not apply to those business establishments holding a valid retail license for the sale of alcoholic beverages on the date of adoption of this chapter provided that such license remains current and does not become and remain inactive for a period exceeding 12 months from the date last issued.

Sec. 10-33. Notice of application advertisement.

- (a) All persons applying for a license under the terms of this chapter shall give notice of that application by placing a notice in the Town legal organ for two consecutive weeks prior to the week when the application shall be heard by the Town council. An affidavit from the publisher of said legal organ shall be filed with the Town clerk prior to the hearing.
- (b) Said notice shall contain the location of the proposed business, names of all persons as they appear on the application as required by section 10-27 of this chapter, and the date and time the Town council will hear the application. The advertisement shall be the type used for legal ads in the legal organ of the Town, and the notice referred to shall be in the following form:

NOTICE OF APPLICATION FOR RETAIL LICENSE TO SELL ALCOHOLIC BEVERAGES

_____, has/have made application to the Council of the Town of Carl \ for a retail license to sell alcoholic beverages at the following location _____. The application will be heard by Town Council at a public hearing to be held at ___ o'clock ___.m. on the ___ day of _____, 2___.

Signed License Applicant

Note: Names of the individual, general partners, corporation, licensee and license representative must be shown.

Sec. 10-34. Consideration of application.

- (a) Applications shall be reviewed by the Town clerk for completeness and the applicant notified of any deficiencies in the information provided. If the applicant fails to complete the application by supplying the missing information of documents within 14 business days of request, the application shall be administratively denied by the Town clerk and the applicant notified of such by certified mail or personal delivery.
- (b) Upon receipt of a complete application, the application package shall be placed on the next agenda for the Town council, provided the next meeting occurs no sooner than seven days from receipt of the completed documents. At the Town council meeting, the mayor shall convene a public hearing and take comments from the applicant and any member of the public wishing to speak. The application shall be considered by the Town council only at a regular monthly meeting of the Town council.
- (c) All applicants for a license meeting the ascertainable standards of this chapter will be granted a decision on the license or licenses requested upon the hearing; and the mayor and Town council in applying the facts to the licensing criteria will act in a judicial capacity.
- (d) Upon the closing of the public hearing, the Town Council shall vote on approval or denial of the application. If the vote is to deny the application, the council shall provide to the Town clerk the reasons for denial under this chapter.
- (e) Whenever an application for license is denied by the Mayor and Town council the reasons for such denial shall be stated in writing and entered upon the minutes. Appeals from the denial of a license application shall be by writ of certiorari to the Superior Court of Barrow County.

Sec. 10-35. Issuance of license by Town clerk.

- (a) Upon approval of the application for license and the timely payment of the license fee, the Town clerk shall issue the appropriate license for the year in which said approval was granted.
- (b) If issued to a corporation, said license shall be issued in the name of said corporation, the licensee and the license representative.
- (c) If issued to a partnership, said license shall be issued in the name of all general partners, the licensee and the license representative.

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- (d) If issued to an individual, said license shall be issued to that individual as licensee and the license representative.

Sec. 10-36. Payment of license fee, pro-rated.

For any new license granted in any given year, the licensee shall pay the full annual license fee.

Sec. 10-37. Renewal of licenses by Town clerk.

All licenses shall expire on December 31 of the year of issue. The sale of alcohol without a valid license issued for the year in which the sale is offered is prohibited. Licenses may be renewed as herein set forth:

- (1) The Town clerk may send a letter to all license holders on or before the first day of October of each year to remind license holders of the renewal deadline for the subsequent year; provided that it is the responsibility of the license holder to timely apply for renewal and any failure of the Town clerk to provide advance notice does not negate the expiration date of the existing license nor result in delayed deadlines for seeking renewal of licenses.
- (2) The licensee shall file a renewal application form with the Town clerk on or before November 1 of each year.
- (3) Each renewal application shall be referred to the chief of police, who shall report on the licensee's activity, if any, and upon activity at the location of the licensed business, if any, during the year.
- (4) If the chief reports any activity that constitutes due cause for not renewing a license, the renewal shall not be made by the Town clerk. "Due cause" shall consist of any action or violation as set forth in section 10-100 of this chapter.
- (5) In the event due cause for non-renewal is found, written notice of the reason or reasons for such non-renewal shall be mailed or delivered to the licensee at the licensed premises or mailed to the address shown on the renewal application. The licensee shall have ten days from the date of the written notice to request a public hearing before the Town council, as provided for in section 10-100 of this chapter. As provided in sec 10-101(d) of this chapter, appeals from decisions of Town council are appealable via writ of certiorari to the Superior Court of Barrow County.
- (6) Provided that "due cause" does not exist for not renewing the license, the Town clerk shall issue the renewal license upon payment of the annual license fee by the licensee on or before the last business day in November preceding the year for which the license is sought.
- (7) If an alcoholic beverage license renewal application and license fee have not been filed with the Town clerk by the last business day in December of each year, the license shall be declared to be abandoned and any relicensing shall require a new application as set forth in sec. 10-22 through sec. 10-30.
- (8) Any change in the name of the licensee or license representative shall require the filing of a new application and payment of the fee set forth in section 10-27(d) of this chapter.

Sec. 10-38. Completion of proposed licensed premises; additions to licensed premises.

- (a) Prior to the construction, renovation or completion of a licensed premises, the applicant may obtain a license only if plans for the proposed premises comply with applicable provisions of this chapter; however, no sales of alcoholic beverages shall be allowed upon the premises until the premises are completed according to plans that were approved by the Town, a certificate of occupancy has been issued, and all other provisions of this chapter are met.
- (b) Prior to the beginning of construction of any addition to a licensed premise, the licensee shall submit to the Town clerk a new survey and plans showing the location and dimensions of the addition to the licensed premises. Approval of the Town shall be required for any addition to ensure compliance with all applicable regulations governing the sale of alcoholic beverages. Following completion of the addition, the licensee shall furnish a certificate from the surveyor stating that the completed addition to the licensed premises is as shown

on the plat of survey previously submitted. If any addition to the licensed premises is erected in violation of any provision of this chapter, the license granted hereunder shall be revoked by the Town and all fees forfeited.

Sec. 10-39. Time limit for commencement of business in licensed establishment; forfeiture for nonuse.

- (a) All holders of licenses hereunder must, within six months after the issuance of the license, open the establishment referred to in the license. If the license holder fails to open the licensed establishment or receive a time extension from the Town council within the initial six-month period, the license shall expire, and all fees shall be forfeited.
- (b) In the event any holder of a license who, after beginning operation, ceases to operate the business for a three-month period, the license shall expire and all fees shall be forfeited; provided that where damage has occurred to the premises through Act of God or other calamity (and not the fault of the licensee), resulting in closure of the premises for rebuilding or repairs, the Town council, upon request of the license holder, may waive the expiration of the license for such time as it deems reasonable given the nature of necessary repairs.

Sec. 10-40. Annexed areas; continuance of business.

Where a retail alcoholic beverage license exists in an area outside the Town limits, upon annexation of such area, the same may be continued, subject to all restrictions and requirements of this chapter except section 10-31.

Sec. 10-41. License transfers, changes of licensee or license representative or relocation of business or residency.

- (a) Transfer of licenses. Retail alcoholic beverage licenses may be transferred from one owner to another with the approval of the Town clerk provided:
 - (1) The business has existed at the same location and licenses have not been transferred for more than one year.
 - (2) All existing alcoholic beverage licenses issued to the existing owner for that location shall be transferred.
 - (3) The new owner shall comply with all provisions of section 10-27 through 10-31 of this chapter except for subparagraph (a) provided such information was previously supplied by the existing owner or previous owners and has not changed.
 - (4) The new owner passes a background check.
 - (5) A transfer fee in the amount of \$100.00 is paid to the Town clerk upon filing of the request.
- (b) Substitution of licensee or license representative.
 - (1) All requests for a change in licensee or license representative must be approved by the Town clerk and shall include all appropriate information or supporting documents required under Sections 10-27 and 10-28 of this chapter as outlined in an approved form to be supplied by the Town clerk for that purpose.
 - (2) The transferee and all persons identified in the transfer application pass the background check by the chief of police.
 - (3) A fee in the amount of \$100.00 is to be paid to the Town clerk upon the filing of the request.
- (c) Temporary license representatives. As long as there is no change in ownership, a temporary license representative may be appointed by the licensee for a period not to exceed 30 days, subject to the following conditions:

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- (1) That temporary license representative makes application by providing all appropriate information or supporting documents required under sections 10-27 and 10-28 of this chapter as outlined in an approved form to be supplied by the Town clerk for this purpose;
 - (2) That application is approved by the Town Clerk prior to the issuance of an amended license;
 - (3) There shall be no residence requirement for a temporary license representative; and
 - (4) There shall be no extension of the thirty-day period of operation for any temporary license representative, without approval of the Town clerk.
 - (5) No fee shall be required at the time of filing the application for a temporary license representative provided that within ten calendar days a request for a change in the license representative is filed in accordance with sec. 10-41(b) herein.
- (d) All business relocations must be approved by the Town clerk and the licensee and license representative shall provide all appropriate information and supporting documents as required under sections 10-27 and 10-28 of this chapter. Requirements of section 10-33 relating to advertising must be met. Additional license fees shall not be required provided there is no change in the named licensee or license representative.
 - (e) Any change in residency by any party named in the license application (including but not limited to licensee, partners, and owners) shall be reported to the Town clerk within 30 calendar days.
 - (f) Any violation of this section shall constitute due cause for probation, suspension or revocation of the license or licenses granted by the Town council.

Sec. 10-42. Withdrawal of application.

Should any applicant fail to attend a public hearing before the mayor and council regarding a new license, a request to transfer a license, a request to change a license on a license representative, or a request to relocate the business of a license, the mayor and council may consider such application or request to have been withdrawn by the applicant.

Sec. 10-43. Responsibility of licensee.

- (a) Every applicant shall, prior to applying for a license, read and familiarize himself with the provisions of this chapter, and the application shall constitute a certification that applicant has done so. Every licensee shall maintain a copy of this chapter on the licensed premises and shall instruct each employee engaged in the sale or handling of alcoholic beverages concerning the relevant provisions of this chapter.
- (b) An applicant shall be active in the operation of the licensed business and shall be personally present on the licensed premises sufficiently to ensure compliance with the provisions of this chapter. For purposes of this section, a licensee shall not be considered active unless he/she is an owner, stockholder, or fulltime employee of the licensed business and is present on the licensed premises a minimum of ten hours per week.

Sec. 10-44. Reserved.

Sec. 10-45. Bed and breakfast establishments.

- (a) In addition to the general occupational tax certificate requirements of this Code, the following section shall apply to the licensing and operation of all bed and breakfast establishments furnishing alcoholic beverages for consumption by their guests. Should any provision of this section conflict with other provisions in this chapter, then this section shall control.
- (b) All bed and breakfast establishments that have registered as such with the Town and paid an occupation tax to the Town may obtain a permit from the Town that allows the serving of alcoholic beverages to their registered guests, provided the applicant and any employees meet the requirements of this chapter for the licensing and serving of alcoholic beverages. Such establishments are not subject to food/beverage ratios applicable to

restaurants. A licensed bed and breakfast may only provide that which is authorized by the alcoholic beverage license. No alcohol shall be provided to any person unless that person is a valid registered guest occupying a room within that facility and such alcohol is furnished as part of or in conjunction with their stay, the cost of which is absorbed into the room rental. All other provisions of this chapter not in conflict with this section shall apply to bed and breakfast establishments.

Sec. 10-46 Alcoholic beverage caterers.

- (a) For the purpose of this section, the following definitions shall apply:
 - (1) *"Food caterer"* means any person who, for consideration, prepares food for consumption off the premises.
 - (2) *"Licensed alcoholic beverage caterer"* means any person licensed for the sale of alcoholic beverages by the state and who possesses a license by a local government in the state authorizing such person to sell or dispense alcoholic beverages by the drink off licensed premises and in connection with an authorized catered function.
 - (3) *"Authorized catered function"* means an event at a location not otherwise licensed for consumption of alcoholic beverages by the drink at which alcoholic beverages are furnished, for consideration, and sold, dispensed or provided free of charge to persons present at the event, by the drink, pursuant to a permit obtained under this section.
- (b) Licenses may be obtained for the purpose of selling or dispensing alcoholic beverages by the drink on premises at which authorized catered functions are to be held. Such licenses shall be annual licenses and may be obtained only by those persons, firms or corporations already licensed by the Town for the sale of alcoholic beverages at retail or by the drink. The procedures for securing such licenses and the terms thereof, including license fees, shall be as provided in this chapter.
- (c) Before a licensed alcoholic beverage caterer may sell or dispense alcoholic beverages at any authorized catered function, such caterer shall obtain a permit. The application for permit shall include the name of the alcoholic beverage caterer, the caterer's license number, and the date, address and time of the event. No permit fee shall be charged for the alcoholic beverage caterer's license by the Town. For caterers licensed by jurisdictions other than the Town of Carl, a fee of \$50 per event permit shall be charged. No permit should be issued to any person under this section who does not hold an alcoholic beverage caterer's license from a local jurisdiction in the state of Georgia. The permit should be kept in the vehicle used to transport alcoholic beverages to the event at all times during which the permit is in effect.
- (d) Caterers licensed by a jurisdiction other than the Town of Carl shall maintain a record of all alcoholic beverages transported into the Town for the event and shall pay an excise tax to the Town covering all such beverages at the rates provided by this chapter. Failure to report and remit the tax within seven days of the conclusion of the event should be grounds for denial of subsequent permits to that caterer for similar events.
- (e) Caterers licensed by the Town shall maintain a record of all alcoholic beverages transported for each event, by event, and shall make report and remittance of excise taxes with the regular monthly reports to the Town.
- (f) No alcoholic beverages shall be transported, distributed or sold to other than licensed locations in the Town, except to authorized catered functions, unless otherwise authorized by this chapter or by state law. A licensed alcoholic beverage caterer may only sell or provide that which is authorized by his/her alcoholic beverage license. For example, if the alcoholic beverage vendor possesses a valid license to sell malt beverages, he/she may only sell malt beverages at the authorized special event or function.
- (g) The hours and days of sale or distribution of alcoholic beverages under this section shall be the same as provided for sales of alcoholic beverages by the drink.
- (h) No licensed alcoholic beverage caterer shall employ any person under 21 years of age to dispense, serve, sell or handle alcoholic beverages at authorized catered functions.

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- (i) As a condition of permit issuance, alcoholic beverage caterers licensed by jurisdictions other than by the TOWN shall be provided a copy of the Town's alcoholic beverage ordinances, and shall indicate, by their signature, that they have received such ordinances and acknowledge the applicability of such ordinances to their operations.
 - (j) Exclusive of the license required herein, each alcoholic beverage vendor wishing to sell or distribute distilled spirits, malt beverages, or wine at an authorized special event or function within the Town must also apply for an event permit. The application for the event permit shall include the name of the caterer; the date, address, time and name of the event; and the quantity of alcoholic beverages to be transported from the licensee's primary location to the location of the authorized catered event or function.
 - (k) Nothing in this section shall prohibit the serving of alcoholic beverages in private living quarters by the host of such quarters to the host's guests, provided no third party is engaged in the bringing of alcoholic beverages onto the premises or serving such beverages to the host's guests.

Sec. 10-47. Temporary permit for bona fide non-profit civic organizations.

- (a) Upon the filing of an application as required by Town clerk and payment of the appropriate fee by a bona-fide non-profit, tax-exempt civic organization, the Town clerk may issue a permit authorizing the organization to sell or serve alcoholic beverages for consumption only on the premises for a period not to exceed two days, subject to provisions of this chapter regulating the time for selling such beverages.
- (b) No more than six permits may be issued to an organization in any one calendar year pursuant to this paragraph.
- (c) Permits issued pursuant to this paragraph shall be valid only for the place specified in the permit. No permit may be issued unless the sale of distilled spirits, wine, or malt beverages is lawful in the place for which the permit is issued.
- (d) Proof of such non-profit, tax-exempt status, such as a determination from the Internal Revenue Service that the organization is exempt under section 501-C of the Internal Revenue Code must be provided.
- (e) Exclusive of the permit required herein, each person, firm or corporation wishing to sell or distribute distilled spirits, malt beverages, or wine at an authorized special event or function within the Town must also apply for an event permit. The application for the event permit shall include the name of the sponsor of the event; the date, address, time and name of the event; and the quantity of alcoholic beverages to be transported from the licensee's primary location to the location of the authorized event or function.
- (f) It is unlawful for any person to engage in, carry on or conduct the sale or distribution of alcoholic beverages off-premises and in connection with a special event or function without first having obtained a permit as provided herein.

Secs. 10-48, 10-49. Reserved.

ARTICLE III. REGULATION OF PACKAGE SALES

Sec. 10-50. Sale of package distilled spirits, malt beverages and/or wine conducted in conjunction with other business.

- (a) No person shall be allowed to sell at retail package malt beverages, or foreign and domestic wines unless the same is sold in conjunction with one of the following types of businesses:
 - (1) Grocery store;
 - (2) Convenience store;
 - (3) Motor vehicle fueling station;

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- (4) Drug store;
 - (5) Specialty store dealing with food items, including supplies for the making of beer and wine;
 - (6) Bakeries and coffee shops.
 - (7) Retail package dealer licensed to sell distilled spirits.
- (b) No person shall be allowed to sell at retail distilled spirits by the package unless same is sold in conjunction with a business licensed as a retail package dealer.

Sec. 10-51. Physical requirements of applicant's premises.

- (a) No license shall be granted to a retailer under the provision of this chapter, unless the front entrance to the premises is clearly visible from a public street; provided, however, that this restriction shall not apply where the licensee has a location in a shopping center or multiple-story business building.
- (b) Where a building in which a retailer intends to operate under the provisions of this chapter is at the time of the application for such license not in existence or not yet completed, license may be issued for such location, provided the plans for the proposed building show clearly a compliance with the other provisions of this chapter.
- (c) No sales shall be made from such establishment until it has been completed in accordance with said plans and is in conformity with all of the other provisions of this chapter.

Sec. 10-52. Sanitary regulations, immoral conduct, etc.; inspection and report by fire department.

- (a) All licensed premises shall be kept clean and in proper sanitary condition and in full compliance with the provisions and regulations governing the condition of premises used for the storage and sale of food for human consumption. It shall be unlawful to permit any disturbance of the peace, obscenity, or public indecency on the premises.
- (b) The fire department shall, upon request of the Town Clerk, inspect such premises and report its findings to the Town clerk. All premises licensed hereunder shall conform at all times with all fire regulations of the Town, county and State.

Sec. 10-53. Interior visibility required.

No screen, blind, curtain, partition, signage, article or thing that prevents a clear view into the interior shall be permitted in the window or opening of any door of any retail package store, and no booth, screen, partition or other obstruction shall be permitted within the interior of any such store. Each such retail store shall be so lighted that the interior of the store is visible day and night.

Sec. 10-54 Lighted electric advertising signs on alcoholic beverage establishments.

No licensee operating premises wherein package sales of alcoholic beverages are sold shall operate lighted electrical signs or devices advertising such beverages except during the hours that such products are being offered for sale to the public.

Secs. 10-55 - 10-69. Reserved.

ARTICLE IV. REGULATION OF SALES BY THE DRINK¹⁰

Sec. 10-70. Licenses.

Any type of consumption on the premises license for alcoholic beverages may be granted only to a restaurant, private club, hotel, or bed and breakfast establishment as defined under section 10-2.

Sec. 10-71. Sale of food.

In order for an establishment to qualify for a pouring license for distilled spirits, malt beverages or wine for consumption on the premises, as a restaurant, private club or restaurant in a hotel, such establishment must have at least 50 percent of its total sales comprised of the sale of food prepared on the premises and nonalcoholic beverages consumed on the premises; and for this purpose, if a restaurant makes a minimum charge, cover charge, or admission charge, or any other non-food or non-alcoholic beverage charge, the amount so charged shall not be counted in computing total sales and shall not be counted as a food or beverage sale.

Sec. 10-72. Standards to determine sleeping or seating capacity; inspections; compliance with fire requirements.

Where a minimum sleeping or seating capacity is prescribed in this chapter, the same shall be judged by existing ordinances of the Town, county or state regulations or by reasonable standards. The fire department, shall, upon request of the Town clerk, inspect such premises and report its findings to the Town clerk. All premises licensed hereunder shall conform at all times to all fire regulations of the Town, county, and state.

Sec. 10-73. Sales outside of licensed premises.

It shall be unlawful for any sale of alcoholic beverages to be made outside of the premises licensed for such sale.

Sec. 10-74. Pricing; happy hour restrictions.

- (a) Each licensee shall maintain a schedule of the prices charged for all alcoholic beverages to be served and consumed at each licensed establishment or in any room or part thereof. The schedule of prices shall be posted or published in a conspicuous manner as to be in view of the paying public, and the schedule shall be effective for not less than one day.
- (b) No licensee or employee or agent of a licensee shall:
 - (1) Offer or deliver any free alcoholic beverage to any person or group of persons.
 - (2) Sell, offer to sell, or deliver to any person or group of persons any alcoholic beverage at a price less than the price regularly charged for such alcoholic beverage during that business day, except at private functions not open to the public.
 - (3) Sell, offer to sell, or deliver to any person or group of persons an unlimited number of alcoholic beverages during any set period of time for a fixed price, except at private functions not open to the public.

¹⁰ The sale of Distilled Spirits must be approved by referendum before such sale is authorized in the Town.

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- (4) Sell, offer to sell, or deliver alcoholic beverages, including malt beverages, by the pitcher, except to two or more persons at any one time or without serving an entree listed on the establishment's regular menu.
 - (5) Increase the volume of alcohol contained in a drink without increasing proportionately the price regularly charged for such alcoholic beverage during that business day.
 - (6) Encourage or permit at the licensed establishment any game or contest which involves the drinking of alcoholic beverages or the awarding of alcoholic beverages as a prize.
 - (7) Issue to any customer any coupon, receipt, ticket or other item purporting to authorize the receipt of any free or reduced-price alcoholic beverage.
 - (8) Sell, offer to sell, or deliver to any patron any alcoholic beverage if said patron has in such patron's possession or control any unconsumed alcoholic beverage.
- (c) No licensee shall advertise or promote in any way, whether within or without the licensed establishment, any of the practices prohibited under subsection (b).
 - (d) No provision of this section shall be construed to prohibit licensees from offering free food or entertainment at any time provided all patrons or customers are allowed equal access to such free food or entertainment. No provision of this section shall be construed to prohibit the sale or delivery of wine by the bottle or carafe when sold with meals or to more than one person, or to prohibit any hotel or motel from offering room services to registered guests. No provision of this section shall prohibit a licensee from offering packages in which alcoholic beverages and food or lodging are offered as a unit; provided the value of the alcoholic beverage is established at a uniform level for each package so offered, and the alcoholic beverage delivered as part of the package does not exceed the package allowance, and the tax due on the package allowance is remitted in full to the Town for each package sold.
 - (e) No hotel or motel maintaining more than one licensed establishment upon its premises shall allow the promotion of one of its licensed establishments over another on the basis of prices for alcoholic beverages.
 - (f) For the purposes of this section, "business day" shall mean that period running from 8:00 a.m. until 12:00 midnight, Monday through Sunday.

Sec. 10-75. Hotel in-room service.

Consumption on premise licenses obtained by hotels shall include the right to serve alcoholic beverages by the drink to registered guests in their hotel rooms as well as to deliver alcoholic beverages in unbroken packages to registered guests' rooms when such beverages have been ordered by such guests and/or to provide a cabinet or other facility in a hotel guest's room which contains alcoholic beverages for which the establishment is licensed, and which is accessible by lock and key only to the guest, and for which the sale of the alcoholic beverages contained therein is final at the time requested, except for a credit which may be given to the guest for any unused and unopened portion. All alcoholic beverages sold or distributed under this section shall be obtained by the hotel directly from a licensed wholesaler or distributor and shall be stored on the premises of the hotel until sold or served.

Sec. 10-76. Maintenance of premises; improper conduct.

- (a) All premises licensed for the consumption of alcoholic beverages on the premises shall be kept clean and in proper sanitary condition and in full compliance with provisions and regulations of the Town, county and state governing the conditions of premises used for the storage and sale of food for human consumption.
- (b) No licensee for consumption on the premises shall permit any disturbance of the peace, obscenity or public indecency on the licensed premises, including on grounds outside the building under the control of the licensee.

Sec. 10-77. Reports of sales to be made quarterly, suspension, revocation.

- (a) Licensees shall, within thirty (30) days following the end of each quarter, file with the Town clerk a report sworn to by the licensee, setting forth gross sales of licensee for each month during the quarter being reported, sales of food and non-alcoholic beverages, and sales of alcoholic beverages.
- (b) Should the total sales from food and non-alcoholic beverages reported by any licensee for consumption on the premises not exceed those from the sale of all alcoholic beverages as required by this chapter for any two monthly periods, the license may be suspended or revoked by the mayor and council after a hearing as provided for in section 10-100.

Sec. 10-78. Additional certification.

In addition to the reporting requirements detailed in section 10-77, the Town clerk may require that licensee furnish a statement from a certified public accountant that reports the percentage of the licensee's total sales derived from the sale of food and non-alcoholic beverages sold on the premises compared to the sale of all alcoholic beverages sold on the premises in the licensee's most recent reporting period.

Sec. 10-79. Areas of sales.

- (a) All restaurants and private club eating areas, including all tables, booths, and other areas where customers are served and including all passageways for customers, shall be sufficiently well illuminated so that those inside the premises may view them.
- (b) The sale of alcoholic beverages in any back room or side room that is not open to the general public is prohibited, except that this prohibition shall not apply with respect to:
 - (1) Private parties that have been scheduled in advance;
 - (2) Room service to hotel guests in their hotel rooms, provided a properly licensed restaurant is located on the premises; and
 - (3) Private clubs otherwise meeting the standards of subsection (a).

Sec. 10-80. Dancing on the premises.

Patron dancing shall be permitted at facilities licensed for consumption on the premises sales only where:

- (1) Adequate space exists;
- (2) All fire and safety regulations are met; and
- (3) Capacity limitations on the premises are not exceeded.

Sec. 10-81. Consumption on the premises, only.

- (a) All distilled spirits, malt beverages or wine sold by the drink for consumption on the premises shall be consumed only on the licensed premises. It shall be unlawful for any person to remove from the licensed premises any alcoholic beverages sold for consumption on the premises. Each licensee shall be responsible for ensuring that no person knowingly removes any alcoholic beverages from the premises in any type of container.
- (b) Each consumption on the premises licensee shall post in a prominent place at each exit from the licensed premises a sign in substantially the following form: "It is a violation of Town ordinance to take any type alcoholic beverage from this outlet". Such sign shall be uniform letters not less than one inch in height.

Sec. 10-82. Exterior advertisement of alcoholic beverages.

No advertising of alcoholic beverages shall be published or disseminated in the Town which:

- (1) Contains any statement, design, or partial representation that falsely implies that the product has been endorsed, made, or used by, or provided for, or under the supervision of or in association with the specifications of any religious organization, the Town, or any other local governmental entity.
- (2) Contains any reference, directly or indirectly, which falsely implies an endorsement by, or relationship with, any school, college or university.
- (3) Is directed to, or promotes in any way, the sale of alcoholic beverages to, persons under the legal age to purchase alcoholic beverages in the State of Georgia.

Sec. 10-83. Lighted electric advertising signs on distilled spirits, wine or malt beverage establishments.

No licensee operating premises wherein distilled spirits, wine or malt beverages are sold by the drink shall operate lighted electrical signs or devices advertising such beverages except during the hours that such products are being offered for sale to the public.

Sec. 10-84.**Sec. 10-85. Brown bagging, brown bag establishments.**

"Brown bagging" and "brown bag establishments" as defined in sec. 10-2 of this chapter shall be permitted within the Town of Carl, subject to the following conditions:

- (1) The establishment meets the definition of a restaurant or private club.
- (2) The hours during which brown bagging is allowed conform to and do not exceed the hours during which the sale of alcoholic beverages for consumption on the premises is legal in the Town.
- (3) The owner of the brown bagging establishment has first passed a background check and secured a Town permit allowing brown bagging.
- (4) All alcoholic beverages shall be brought into the establishment at the time of their use by the patron and shall be removed in their entirety by the patron when that patron leaves the establishment.
- (5) No storage of alcoholic beverages on the premises shall be permitted under any circumstances.
- (6) The allowance of brown bagging is limited to the patrons sharing a meal with the patron who brought the alcoholic beverage into the establishment; no sharing of alcoholic beverages among tables and patrons not included within the initial patron's party shall be permitted.
- (7) The owner of the establishment remains responsible for the maintenance of good order on the premises.

Sec. 10-86. Lounges, bars prohibited.

"Lounges" or "bars" are prohibited within the Town of Carl; provided that lounges and/or bars attached to a restaurant licensed for the sale of alcoholic beverages for consumption on the premises are permitted (including those within hotels) as long as the total receipts for food and beverages of the restaurant and lounge are added together and the combined receipts show at least 50 percent of the revenue of the combined usage is derived from the sale of food and non-alcoholic beverages consumed on the premises, and provided further that the hours of operation of the lounge or bar do not exceed the hours of operation of the attached restaurant.

Sec. 10-87. Brew pubs.

Brew pubs meeting the standards of O.C.G.A., Section 3-5-36, as well as meeting the definition of a restaurant under this chapter may be licensed in the Town as a restaurant and shall be subject to all regulations and requirements of restaurants.

Sec. 10-88. Alcoholic beverage handling.

It shall be the responsibility of the licensee or license representative to acquaint all employees engaged in the sale or service of alcoholic beverages with the requirements of this chapter and state law regulating the handling, selling, serving, delivering, dispensing or taking orders for alcoholic beverages. All servers of alcoholic beverages shall have a properly issued work permit as required in section 10-45, Employee regulations, supra.

Secs. 10-89—10-99. Reserved.***ARTICLE V. SUSPENSION, REVOCATION AND PROBATION LICENSES;
DUE PROCESS; HEARING*****Sec. 10-100. Grounds for suspension, revocation or probation.**

- (a) Any license that has been issued by the Town may be suspended, revoked, or placed on probation for due cause as hereinafter defined. "Due cause," for purposes of this section shall include, but not be limited to:
 - (1) Conviction (to include a plea of guilty or nolo contendere) by local, state or federal authorities of the licensee or license representative for any felony, or any misdemeanor involving moral turpitude, or any law, regulation or ordinance involving alcohol beverages, gambling, or tax law violations, including but not limited to those enumerated in section 10-23 (d), supra;
 - (2) Conviction (to include a plea of guilty or nolo contendere) by local, state or federal authorities of any employee of the licensee for violation of any law or ordinance regulating alcoholic beverages, including but not limited to, violation by such employee of any of the standards of this chapter;
 - (3) Any violation of this chapter upon the licensed premises or by persons acting on behalf of the licensed premises with respect to the violation;
 - (4) Suspension or revocation of any state license required as condition for the possession, sale or distribution of beverage alcohol;
 - (5) Material falsification of any fact given in application for a license issued under this chapter or bearing upon the licensee's qualification therefor, or any act which may be construed as a subterfuge in an effort to circumvent any of the qualifications for a license under this chapter;
 - (6) The licensed business fails to properly account for, file, report and/or maintain any records and/or remit or pay any renewal license fee imposed, sales taxes, or excise taxes required under the Town ordinances.
 - (7) Conduct of the licensed business in such a manner as to require excessive police monitoring or response to preserve the public order and secure compliance with federal, state and local laws and ordinances regulating alcoholic beverages.
- (b) With respect to this section, it shall be presumed that the act was done with the knowledge or consent of the licensee; provided, however, that such presumption may be rebutted only by evidence which precludes every other reasonable hypothesis save that such licensee did not know, assist or aide in such occurrence, or in the exercise of due diligence could not have discovered or prevented such activity.

Sec. 10-101. Notice of hearing; hearing; appeal.

- (a) Action to suspend, revoke, or place a license on probation shall be commenced by the Town clerk making written recommendation to the mayor and Town council and giving written notice to the licensee, either by certified mail, return receipt requested, or by personal service upon licensee or his/her agent at the licensed location, stating the grounds therefor, and the date, time and place such matter will be heard by the mayor and Town council. Notice shall be served at least ten days prior to the date of the hearing. Included in the notice shall be an advisement of the licensee's right to be heard before the council. Any licensee requiring subpoenas to compel the attendance of Town witnesses or documents at the hearing shall file a written request with the Town clerk at least five days prior to the hearing. Hearings may be continued for good cause only.
- (b) Hearings shall only be as formal as necessary to preserve order and shall be compatible with the principles of justice. The Town attorney or his/her designee shall present the Town's case and shall bear the burden of proving by a preponderance of the evidence that due cause exists to suspend, revoke or probate the license. The licensee may be represented by legal counsel, may confront and cross-examine witnesses, and shall have the right to call witnesses and present evidence in his/her behalf. A hearing record shall be maintained by the Town; however, either party may arrange for transcription by a court reporter at his/her sole expense. Hearings shall be presided over by the mayor who shall preserve order and rule upon all matters of evidence. Irrelevant, immaterial and unduly repetitious evidence shall be excluded.
- (c) All final decisions to suspend, revoke, or place a licensee on probation shall be made by the mayor and Town council, in writing, with the reasons therefore stated. Notice of a final decision shall be given the licensee within three business days following the date of the hearing.
- (d) Appeals from an action by the mayor and Town council to revoke, suspend or probate a license pursuant to this chapter shall be by writ of certiorari to the Superior Court of Barrow County.

Secs. 10-102—10-109. Reserved.**ARTICLE VI. TAXATION OF WHOLESALERS****Sec. 10-110. Imposition of excise tax on wholesalers.**

- (a) There is hereby levied an excise tax upon wholesalers of alcoholic beverages in accordance with the following:
 - (1) Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of \$6.00 on each container sold containing not more than 15 ½ gallons and a proportionate tax at the same rate on all fractional parts of 15 ½ gallons.
 - (2) Where malt beverages are sold in bottles, cans or other containers, except barrel or bulk containers, a tax of five cents (\$0.05) per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.
 - (3) On the first sale of wine sold within the Town at the rate of twenty-two cents (\$0.22) per liter and a proportionate tax at the same rate on all fractional parts of a liter; provided that no excess tax shall be charged for wine sold pursuant to an exemption as contained in O.C.G.A., Section 3-6-70.
 - (4) On the sale of distilled spirits to private clubs, a tax at the rate of twenty-two center (\$0.22) per liter of distilled spirits and a proportionate tax at the same rate on all fractional parts of a liter.
 - (5) On the sale of distilled spirits by the package by licensed retail package dealers, a tax at the rate of twenty-two cents (\$0.22) per liter of distilled spirits, excluding fortified wine, and a proportionate tax at the same rate on all fractional parts of a liter.

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- (b) Each wholesale dealer selling malt beverages and wine within the corporate limits and each wholesale dealer selling distilled spirits within the corporate limits of the Town shall file a report by the tenth day of each month showing for the preceding calendar month the exact quantities of malt beverages, wine, and distilled spirits, by size and type of container, constituting a beginning and ending inventory for the month, sold within the corporate limits. Each wholesale dealer shall remit to the Town on the tenth day for the month succeeding the calendar month in which such sales were made, the amount of excise tax due in accordance with the section. Each brew pub licensed by the Town shall likewise be responsible for reporting on the quantity of malt beverages produced and sold and shall be responsible for remitting the tax due the Town on the same basis as wholesale dealers pursuant to O.C.G.A., Section 3-5-37.
 - (c) No decal, stamp or other identifying marking shall be required on malt beverages sold within the corporate limits designating a particular municipality or county.
 - (d) The excise taxes provided for in this section shall be in addition to any license fee, occupation tax or other charge which may now or in the future be imposed upon the business of selling alcoholic beverages, at retail or wholesale, within the Town and shall likewise be in addition to any licensee fees for private clubs.
 - (e) The failure to make a timely report and remittance shall render a wholesale dealer liable for a penalty of ten percent (10%) of the total amount due during the first 30-day period following the date such report and remittance were due and a further penalty of ten percent (10%) of the amount of such remittance for each successive 30-day period, or any portion thereof, during which such report and remittance are not filed. The filing of a false or fraudulent report shall render the wholesale dealer making such report liable for a penalty equal to 50 percent of the amount of the remittance that would be required under an accurate and truthful report.

(Ord. No. 11-16-2023, The Code of the Town of Carl, Georgia 1991, Chapter 4 Art. I)

Secs. 10-111—10-119. Reserved

ARTICLE VII. TAXATION OF BEVERAGES BY THE DRINK¹¹

Sec. 10-120. Excise tax imposed.

- (a) There is hereby imposed on the sale of distilled spirits by the drink an excise tax at the rate of three percent of the charge to the public for each such drink. The tax is imposed upon and shall be paid by the retail consumption dealer in accordance with the procedures adopted by this article.
- (b) In determining the base upon which the rate of tax is imposed, the consideration received for the sale of distilled spirits by the drink is valued in money, whether received in cash or otherwise, including all receipts, cash, credits and property or services of any kind or nature, and also the amount for which credit is allowed by the licensee to the purchaser, without any deduction there from whatsoever.

Sec. 10-121. Collection of tax; information to Town.

Every licensee or his/her agent is hereby authorized and directed to collect the tax herein imposed from purchasers of distilled spirits sold by the drink within his/her licensed premises. Such licensee or his/her agent shall furnish such information as may be requested by the Town to facilitate the collection of this tax.

¹¹ The sale of Distilled Spirits must be approved by referendum before such sale is authorized in the Town.

Sec. 10-122. Payment of tax by licensee; collection fee.

- (a) Due date of taxes. All taxes collected by any licensee or agent hereunder shall be due and payable to the Town on or before the tenth (10th) day of every month next succeeding each respective monthly period as set forth herein.
- (b) Return; time of filing; persons required to file; execution. On or before the tenth (10th) day of the month following each monthly period, a return for the preceding monthly period shall be filed with the Town clerk of the Town, in such form as the Town may prescribe, by every licensee or agent liable for the payment of tax hereunder.
- (c) Delivery of return and remittance. The person required to file the return shall deliver the return, together with the remittance of the net amount of tax due to the Town clerk.
- (d) Collection fee allowed licensees or agents. Licensees or agents collecting the tax shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting and paying the amount due, if said amount is not delinquent at the time of payment. The rate of deduction shall be the same under the Georgia Retailers' and Consumers' Sales and Use Tax Act, approved February 20, 1951 (Ga. Laws, p. 360), as now or hereafter amended.

Sec. 10-123. Deficiency determinations.

- (a) *Re-computation of tax; authority to make; basis of re-computation.* If the Town clerk is not satisfied with the return or returns of the tax or the amount of the tax required to be paid to the Town of TOWN OF CARL by any licensee, the Town clerk may compute and determine the amount required to be paid upon the basis of any information within his/her possession or that may come into his/her possession One or more than one deficiency determination may be made of the amount due for one, or more than one, monthly period.
- (b) *Interest on deficiency.* The amount of the determination, exclusive of penalties, shall bear interest at the rate of one percent (1%) per month, or fraction thereof, from the twentieth day after the close of the monthly period for which the amount of any portion thereof should have been returned, until the date of payment.
- (c) *Offsetting of overpayments.* In making a determination, the Town clerk may offset overpayments for a period or periods, against underpayments; for another period or periods, against underpayments; for another period or periods, against penalties; and against the interest on underpayments. The interest on overpayments shall be computed in the manner set forth in subsection (b) hereof.
- (d) *Penalty; negligence or disregard of rules and regulations.* If any part of the deficiency for which a deficiency determination has been made is due to gross negligence or disregard of rules and regulations, a penalty of 15 percent of the amount of such deficiency shall be added thereto.
- (e) *Penalty for fraud or intent to evade.* If any part of the deficiency determination has been made is due to fraud or an intent to evade any provision of this article or other authorized rules and regulations, a penalty of 25 percent of the deficiency shall be added thereto and shall be in addition to the 15 percent penalty provided in subsection (d) hereof.
- (f) *Notice of Town clerk's determination; service of.* The Town clerk, or his/her designated representative, shall give to the licensee written notice of his/her determination. The notice may be served personally or by mail. If by mail, such service shall be addressed to the licensee at his/her address as it appears in the records of the Town clerk of the Town. In the case of service by mail of any notice required by this article, the service is complete at the time of deposit in the United States Post Office with adequate postage affixed thereto.
- (g) *Time within which notice of deficiency determination to be mailed.* Except in the case of fraud, intent to evade this article or authorized rules or regulations, or failure to make a return, every notice of a deficiency determination shall be mailed within three years after the 20th day of the calendar month following the monthly period for which the amount is proposed to be determined, or within three years after the return is filed, whichever period should last expire.

Sec. 10-124. Determination if no return made.

- (a) *Estimate of gross receipts.* If any licensee fails to make a return, the Town clerk shall make an estimate of the amount of the gross receipts of the licensee, or as the case may be, of the amount of the total sales in the Town which is subject to the tax. The estimate shall be made for the period or periods in respect to which the licensee failed to make the return and shall be based upon any information that is or may come into the possession of the Town clerk. Upon the basis of this estimate, the Town clerk shall compute and determine the amount required to be paid to the Town, adding to the sum thus determined penalty equal to fifteen percent (15%) thereof. One or more determinations may be made for one or more than one period.
- (b) *Manner of computation; offsets; interest.* In making a determination, the Town clerk may offset overpayments for a period or periods against the interest, penalties or underpayments. The interest on underpayments shall be computed in the manner set forth in subsection (c) hereof.
- (c) *Interest on amount found due.* The amount of the determination, exclusive of penalties, shall bear interest at the rate of one percent per month, or fraction thereof, from the twentieth day of the month following the monthly period, for which the amount or any portion thereof should have been returned, until the date of payment.
- (d) *Penalty for fraud or intent to evade.* If the failure of any person to file a return is due to fraud or an intent to evade this article or rules and regulations, a penalty of 25 percent of the amount required to be paid by the person, exclusive of penalties, shall be added thereto and shall be in addition to the 15 percent penalty provided in section (a) hereof.
- (e) *Giving of notice; manner of service.* Promptly after making his/her determination, the Town clerk shall give to the licensee written notice to be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

Sec. 10-125. Penalties and interest for failure to pay tax.

Any licensee who fails to pay the tax herein imposed to the Town or fails to pay any amount of such tax required to be collected and paid to the Town within the time required, shall pay a penalty in the amount of 15percent of the tax plus interest on the unpaid tax or any portion thereof as set forth in section 10-123 and 124 hereof.

Sec. 10-126. Administration; enforcement; rules; records; confidentiality of reports.

- (a) *Authority of the Town clerk.* The Town clerk shall administer and enforce the provisions of this article and article VI for the levy and collection of the tax imposed by this chapter.
- (b) *Rules and regulations.* The Town clerk shall have the power and authority to make and publish reasonable rules and regulations not inconsistent with this chapter or other laws of the Town and the State of Georgia, or the constitution of this state or the United States for the administration and enforcement of the provisions of articles VI and VII and the collection of the taxes hereunder.
- (c) *Records required from licensee; form.* Every licensee for the sale of alcoholic beverages by the drink in the Town shall keep such records, receipts, invoices and other pertinent papers in such form as the Town clerk may require.
- (d) *Examination of records; audits.* The Town Clerk or any auditor, attorney, or CPA authorized in writing by the Town may examine the books, papers, records, financial reports, equipment and other facilities of any licensee liable for the tax, in order to verify the accuracy of any return made, or if no return is made by the licensee, to ascertain and determine the amount required to be paid.
- (e) *Authority to require reports; contents.* In the administration of the provisions of this article, the Town clerk may require the filing of reports by any person or class of persons having in such person's or persons' possession or custody information relating to the sales of alcoholic beverages which are subject to the tax. The

reports shall be filed with the Town clerk and shall set forth the price charged for each sale, the date or dates of such sales, and such information as the Town clerk may require.

Secs. 10-127—10-139. Reserved.

ARTICLE VIII. VIOLATIONS

Sec. 10-140. Violations prohibited.

No person shall violate any of the provisions of this chapter or assist another in evading or avoiding the licensing requirements, violating regulatory standards or participate in the non-payment of the taxes and fees imposed by this chapter.

Sec. 10-141. Penalties.

- (a) Any person knowingly violating any provision of this chapter shall be guilty of an offense against the Town, punishable upon conviction in the Municipal Court by a fine not to exceed \$1,000.00, imprisonment not to exceed six months, or both.
- (b) In addition to such penalty, any violation of this chapter by a licensee or such licensee's agents or employees, may result in suspension, revocation or probation of the license.

Chapter 14 ANIMALS¹²

ARTICLE I. IN GENERAL

Secs. 14-1—14-18. Reserved.

ARTICLE II. REGULATIONS

Sec. 14-19. Dead animals.

It shall be the duty of the owner or person responsible for any dead animal in the Town to remove or dispose of the same in a sanitary and inoffensive manner within 24 hours of learning of such dead animal. If not removed within said time, the Town may remove the animal and charge the costs thereof against the owner or person responsible.

State law reference(s)—Disposal of dead animals, O.C.G.A. § 45-5-5.

Ord. Animal Owner's Responsibility Resolution dated October 8, 1991.

¹²State law reference(s)—Game and Fish Code, O.C.G.A. § 27-1-1 et seq.; control of rabies, O.C.G.A. § 31-19-1 et seq.

Sec. 14-20. Bird sanctuary.

- (a) The entire area embraced within the corporate limits of the Town is hereby designated as a bird sanctuary.
- (b) It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wildfowl or to rob bird's nest or waterfowl's nest.

Sec. 14-21. Protection of small wild game.

- (a) It shall be unlawful for any person to shoot, trap, snare, destroy, molest or keep in confinement within the Town limits any small wild game such as rabbits and squirrels, the only exception being predatory animals destroying property.

Sec. 14-22. Keeping; grazing near buildings.

It shall be unlawful for any person to keep or maintain any pen, coop or enclosure for animals or fowl, or to permit any animal or fowl to be kept, maintained or grazed, within 250 feet of any house or building where people reside or work. This section shall not apply to any house or building on the same premises where such animal or fowl is kept or maintained, nor shall it apply to dogs or cats as household pets, but it shall apply to dog kennels, where more than three dogs are kept.

Sec. 14-23. Keeping poultry.

- (a) Any resident of the Town may raise and maintain one flock of poultry, not to exceed in number a total of 30 birds, within the Town limits, composed of any type of poultry, except guinea fowls, provided the flock is maintained on the premises of the resident and in accordance with the distance requirements of section 14-22. Guinea fowls are expressly prohibited since the characteristics and frequency of their call creates a constant and generally annoying disturbance throughout the entire neighborhood.
- (b) Any resident maintaining a flock of poultry, as set forth in subsection (a) of this section, shall provide suitable housing facilities, hereinafter referred to as the poultry house, and the flock shall not be released from the poultry house except and unless a "run" is provided and fenced and connected to the poultry house in such a manner as will not permit the fowls to have free range over the entire premises of the owner, but in such a manner as will restrict the entire flock to the confines of the poultry run and house at all times.
- (c) A clean and sanitary condition shall be strictly maintained at all times and the poultry house and run opened for inspection by duly authorized members of the police or county health personnel. Failure on the part of the owner to maintain clean and sanitary conditions in and around the poultry house and run, or failure to open such facilities promptly for inspections shall constitute a violation of this article.
- (d) Should one or more birds of the flock become injured or killed or cause damage or injury to the person or property of others while outside of the confines of the poultry house or run maintained by the owner for their confinement, the responsibility thereof shall rest solely and entirely with the owner of the flock since the owner is charged herein with the responsibility of keeping his or her flock of poultry within the confines of the poultry house or run at all times.

Sec. 14-24. Keeping rabbits and guinea pigs.

- (a) Any resident of the Town may raise and maintain rabbits and guinea pigs, not to exceed in number a total of 30 animals within the Town limits, provided they are maintained on the premises of the resident in accordance with the provisions of section 14-22.
- (b) Any resident maintaining rabbits or guinea pigs, as set forth in subsection (a) of this section, shall provide hutches or pens built up at least two feet from the ground, and the animals shall not be released from said

hutches or pens at any time. At no time shall the animals be released from the hutches or pens or turned loose on the ground even though the hutches or pens are maintained within a fenced-in enclosure.

- (c) The same conditions as set forth in section 14-23(c) and (d) regarding sanitary conditions, and the owner's responsibilities, shall apply to the owners of rabbits and/or guinea pigs exactly the same as it does to the owners of poultry.

Sec. 14-25. Reserved.

Sec. 14-26. Livestock kept in violation of article.

Any person housing, supporting or maintaining livestock, farm animals, poultry or fowl not expressly authorized in the foregoing sections shall be adjudged in violation of this article and, upon conviction thereof shall be punished as provided in section 1-9.

Secs. 14-27—14-55. Reserved.

ARTICLE III. ANIMAL CONTROL¹³

Sec. 14-56. Short title.

This article shall be known and may be cited as the "Animal Control Ordinance of the Town of Carl, Georgia."

Sec. 14-57. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned animal means any domesticated animal shall be considered abandoned, for the purposes of this article, which shall have been placed upon public property or within a public building unattended or uncared for, or upon or within the private property of another without the express permission of the owner, custodian or tenant of the private property and is unattended or uncared for. Any domesticated animal shall also be considered as abandoned, for the proposes of this article, which shall have been upon or within the property of the owner or custodian of this animal for a period of time in excess of 36 hours unattended and without proper food and water.

Abused animal means any animal which is mistreated, beaten, tormented or teased, or is deprived of water, food or shelter, or is kept under unsanitary conditions, or is abandoned, or is trained for fighting other animals.

Animal at large means an animal not under restraint.

Animal control center means the facility designated by the county board of commissioners for the detention of animals.

Animal control officer means any person designated by the county animal control director to perform the duties prescribed by this article or imposed by local ordinance, and any police officer of the Town.

Animal under restraint means any animal humanely secured by a leash or lead or enclosed by way of fence or other enclosure or the animal is confined within a vehicle, parked or in motion.

¹³State law reference(s)—Animal control, Ga. Const. art. IX, § II, ¶ (a)(3); Georgia Animal Protection Act, O.C.G.A. § 4-11-1 et seq.; local authority to enact ordinances not in conflict with Georgia Animal Protection Act, O.C.G.A. § 4-11-18.

Companion animal means a domesticated animal kept for pleasure rather than utility. Pets include, but are not limited to, birds, cats, dogs, hamsters, horses, mice, reptiles, domesticated wild animals, exotic animals and other animals associated with man's environment.

Dangerous animals means any animal which constitutes a physical threat to human beings or other domestic animals by virtue of a known propensity to endanger life by an unprovoked assault or bite so as to cause serious bodily harm. An animal trained, owned or harbored for the purpose primarily or in part, of animal fighting.

Exceptions: An animal shall not be deemed dangerous if:

- (1) It bites, attacks or menaces:
 - a. Anyone assaulting the owner;
 - b. A trespasser on the property of the owner; or
 - c. Any person or other animal who has tormented or abused it;
- (2) It is otherwise acting in defense of an attack from a person or other animal upon the owner or other person; or
- (3) It is protecting or defending its young or other animal.

Director means the county animal control director.

Domesticated animals means animals that are accustomed to live in or about the habitation of men including, but not limited to, cats, cows, dogs, fowl, horses, swine, domesticated wild animals and/or exotic animals. This definition only applies to those animals mentioned herein and is only applicable to this article, and in no way affects the meaning or application of a definition of the described animal, as may be found in any other Town ordinances.

Guard dog means any dog which has been trained to attack persons independently or upon oral command and any dog which, while not so trained, is reasonably expected to perform as a guardian of its owner and/or upon and within which he or she is located.

Owner means any person owning, keeping, harboring or acting as custodian of a domesticated animal.

Public nuisance means any animal which:

- (1) Is found at large in violation of sections 14-60, 14-61 and 14-62.
- (2) Is unlicensed (unregistered) in violation of section 14-63.
- (3) Is trained, owned or harbored for the purpose, primarily or in part, of dog fighting.
- (4) Is dangerous, as defined, and is not restrained or confined, as provided for in sections 14-61 and 14-62.
- (5) Produces, because of quantity, manner or method in which the animals are domesticated or maintained, unsanitary conditions in the Town.
- (6) Is inimical to the public health, welfare or safety according to the rules and regulations promulgated by the board of health, which rules and regulations are incorporated herein and made a part hereof as if fully set out in this article; is hereby declared to be a public nuisance and any person that knowingly keeps, owns, harbors or acts as custodian of an animal constituting this nuisance shall be guilty of an unlawful act and shall be punishable as hereinafter provided.

(Code 1987, § 9-3-22; Ord. of 8-10-1987, §§ 1—5)

State law reference(s)—Definitions, O.C.G.A. § 4-11-2.

Sec. 14-58. Penalties for violation and repeat offenders.

Any person violating the terms of this article or rules and regulations promulgated pursuant thereto shall be punished pursuant to section 1-9.

(Code 1987, § 9-3-35; Ord. No. 107, 5-9-1983; Ord. of 8-10-1987, § 12)

Sec. 14-59. Animal control center.

There is hereby recognized the county animal control center, which is under the supervision the director and is staffed with such personnel as may, from time to time, be authorized in the county budget and appropriations.

Sec. 14-60. Running at large prohibited.

It shall be unlawful for the owner of any animal, or anyone having an animal in his or her custody, to allow it to run at large unattended on or about the streets and highways of the incorporated limits of the Town; or on the property of another person, without permission of the owner of that property, or of the person in possession of that property, except dogs being hunted in accordance with state game and fish department laws, rules and regulations. Failure to comply with this section shall be unlawful and shall be punishable as hereinafter provided.

Sec. 14-61. Duty of all animal owners to be responsible owners.

It shall be the duty of every owner of any animal, or anyone having any animal in his or her possession or custody, to exercise reasonable care and to take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from their animals regardless of whether such behavior is motivated by mischievousness, playfulness or ferocity.

Sec. 14-62. Duty to keep animal under restraint while on property.

It shall be the duty of the owner of any animal or anyone having an animal in his or her possession or custody, to ensure that the animal is kept under restraint and that reasonable care and precautions are taken to prevent the animal from leaving, while unattended, the real property limits of its owner, possessor or custodian, and that:

- (1) It is securely and humanely enclosed within a house, building, fence, pen or other enclosure out of which it cannot climb, dig, jump or otherwise escape on its own volition; and such enclosure must be securely locked at any time the animal is left unattended.
- (2) It is on a leash or under the control of a competent person, or is off leash and obedient to that person's command and that person is present with the animal any time it is not restrained as provided for in subsection (1) of this section while on owner's property.
- (3) It shall be the duty of the owner of any animal or anyone having an animal in their possession to keep the animal under restraint at all times while the animal is off the real property limits of the owner, possessor or custodian. For the purposes of this section, an animal is deemed under restraint when it is confined within a vehicle, parked or in motion, is secured by a leash or other device held by a competent person, is within the boundaries of a designated dog park under voice command of a competent person and such person is present with the animal, or the animal is properly confined within an enclosure with the permission of the owner of the property where the enclosure is located.
- (4) Animal under restraint means any animal secured by a leash or lead or enclosed by way of fence or other enclosure or the animal confined within a vehicle, parked or in motion.
- (5) The term "dog park" means an area within a Town-owned park designated by signs, fencing or other appropriate boundaries as a free-run area for dogs when the dog is under the control of a responsible and competent person and obedient to that person's commands and such person is present with the animal.
- (6) Additional requirements for precautions to be taken by owners of dangerous animals:
 - a. Whenever outside of its enclosure as provided for in subsection (1) of this section, but on the owner's property, a dangerous dog must be attended by the owner and restrained by a secure collar and leash of sufficient strength to prevent escape.
 - b. No dangerous animal shall be chained, tethered, or otherwise tied to any inanimate object such as a tree, post, building, outside of its own enclosure as provided for in subsection (1) of this section.

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- c. In addition to the requirements in subsection (1) of this section, for owners of dangerous animals who maintain their animals out-of-doors, a portion of their property should be fenced with a perimeter of area fence. Within this perimeter fence, the dangerous animal must be humanely confined inside a pen or kennel of adequate size. The pen or kennel may not share common fencing with the area of perimeter fence. The kennel or pen must have secure sides; a secure top attached to all sides; the sides must either be buried two feet into the ground, sunken into a concrete pad, or securely attached to a wire bottom. The gate to the kennel must be locked.

Failure to keep any animal confined or under constraint as provided for in this section shall be unlawful and shall be punishable as hereinafter provided.

Sec. 14-63. Duty to keep animal under restraint while off property.

- (a) It shall be the duty of the owner of any animal or anyone having an animal in his or her possession to keep the animal under restraint and control at all times while the animal is off the real property of the owners, possessor or custodian.
- (b) For the purposes of this section, an animal is deemed under control when:
 - (1) It is securely confined with a vehicle, parked or in motion;
 - (2) It is properly confined within a secure enclosure with the permission of the owner of the property where the enclosure is located; or
 - (3) It is securely restrained by a leash or other devise held by a competent person.
- (c) Additional requirements for precautions to be taken by owners of dangerous animals: Except when being transported in, and securely confined within, a vehicle, no dangerous animal shall be permitted off the property of his or her owner except when it is:
 - (1) Attended by his or her owner;
 - (2) Is restrained by secure collar and leash (not to exceed six feet in length); both collar and leash to be of sufficient strength to prevent escape; and
 - (3) Muzzled by any means sufficient to prevent biting other persons or domestic animals.
- (d) Failure to keep animal under restraint or control as provided for in this section shall be unlawful and shall be punishable as hereinafter provided.

Sec. 14-64. When collar and tag required; dog.

It shall be the duty of each dog owner, possessor or custodian thereof, to provide a collar for his or her dog to which the county owner's permit and the rabies inoculation tag shall be attached. The collar, together with the permit and tag, shall be worn by the dog at all times, except as otherwise provided in section 14-63. Failure to comply with this section shall be unlawful and shall be punishable as hereinafter provided.

Sec. 14-65. Enforcement.

- (a) Upon information made known to or complaint logged with any officer of the Town police department, that any owner, possessor or custodian of any dog or animal is in violation of this article, he or she or his or her authorized representative shall cause a summons to be issued requiring the owner, possessor or custodian of his or her dog or animal to appear before a judge of the municipal court of the Town on a day and time certain then and there to stand trial for the violation of this article. If a violation of this article has not been personally witnessed by any officer of the Town police department, a subpoena shall be issued to the person making the complaint, to be and appear on the day and time set for trial, then and there to testify on behalf of the Town. Any officer of the Town police department will refuse to respond to anonymous complaints.

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- (b) In the event that the owner, possessor or custodian of any dog or animal is not known and this dog or animal is upon the public streets, alleys, sidewalks, school ground or other public places or premises or the property of another without that property owner's permission as prohibited by this article, upon complaint made to or information made known to the Town the animal may be impounded by the Barrow County animal control after a period of 72 hours.

(Code 1987, § 9-3-29; Ord. No. 107, 5-9-1983; Ord. of 4-9-1984)

Sec. 14-66. Vaccinations for rabies, dogs and cats.

All dogs and cats in the incorporated limits of the Town shall be inoculated for the prevention of rabies by a licensed veterinarian in accordance with the applicable rabies control ordinance of the county, as amended.

Sec. 14-67. Warning signs; guard dogs and dangerous dogs.

All owners, keepers or harborers of any guard dog or dangerous dog shall display in a prominent place on their premises, and at each entrance or exit to the area where such dog is confined, a sign easily readable by the public using the words "Beware of Dog."

Sec. 14-68. Abandonment or abuse of animals.

It shall be unlawful for anyone to knowingly abandon or abuse any domesticated animal within the Town. Each person who knowingly abandons or abuses, or willingly permits such abandonment or abuse, or aids in the abandonment or abuse of any domesticated animal shall be in violation of the law shall be punished as hereinafter provided. Each offense shall be punished with a fine of the maximum amount allowable by law.

Sec. 14-69. Cleaning up after pets; penalty for violation.

- (a) Any person owning, keeping, possessing, or harboring any dog or cat shall promptly remove and dispose of all feces left by the dog or cat on any public property and on any private property not owned by such person or lawfully occupied by such person.
- (b) Any person violating any provision of this article shall be punished pursuant to section 1-9 for each offense.

Sec. 14-70. Animal enforcement by the county.

- (a) Except as otherwise in conflict with provisions of this article, the Town hereby adopts the county animal control code.
- (b) The county will retain all fees collected in accordance with the animal control code.

(Code 1987, § 9-3-37)

Chapter 18 BUILDING CODE¹⁴

ARTICLE I. IN GENERAL

¹⁴State law reference(s)—Local code enforcement board or system, O.C.G.A. § 36-74-3; enforcement boards created after January 1, 2003, O.C.G.A. § 36-74-20 et seq., enforcement boards created prior to January 1, 2003, O.C.G.A. § 36-74-40 et seq.; state technical codes, O.C.G.A. § 8-2-20 et seq.

Sec. 18-1. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commissioners or board. Wherever the terms "commissioners" or "board" appear in such codes, the same shall read "Town council."

County. Wherever the term "county" appears in the technical building and construction codes adopted by reference under this chapter, the same shall read "Town."

New construction, as referred to in this chapter, means a structure constructed from the ground up.

Renovation, as referred to in this chapter, means a permanent structure that is being altered significantly, to make new again.

Sec. 18-2. Technical codes adopted by reference.

All building codes of Barrow County, Georgia are adopted by reference for the Town, with the exception of rules explicitly addressed herein. The Unified Development Codes (**Barrow County, Georgia – Code of Ordinances / Chapter 89**) are hereby adopted by reference for the Town of Carl, Georgia, as they exist on November 16, 2023, and as they may be amended by Barrow County from time to time except for rules explicitly addressed herein.

A copy of the Barrow County Code of Ordinances is attached as Appendix B for reference only.

Sec. 18-3. Copies on file.

All codes enforceable by the Town shall be kept on file in the office of the Town clerk where they shall be available for public inspection.

Sec. 18-4. Conflict of laws.

Where such building, plumbing, heating and electrical code is in conflict with the provisions of any other ordinance of the Town or any state law, the provisions of such code or the state law shall prevail.

Sec. 18-5. Building permits and certificates of occupancy.

- (a) No new construction, or renovations shall be made without first obtaining a building permit from the Town. The Town clerk will issue permits for all new construction or renovations, only after approval and signature of the mayor or the mayors' duly agent using the requirements below. Upon completion, no person shall occupy a new construction or renovation without first obtaining an occupancy permit from the Town. The Town clerk shall issue occupancy permits from the Town, only after the Town's final occupancy approval. No building permit or occupancy permit shall be issued by the Town unless all building ordinances as adopted by the Town and the county have been fully complied with.
- (b) The following regulations apply to both new construction and renovations:
 - (1) The basic building permit fee is \$100.00 plus an administration fee, calculated as follows:
 - a. For replacing, improving, modifying or increasing buildings that are currently being taxed, the administration fee will be calculated as 0.4 percent of the good faith estimated costs of renovation.
 - b. For new buildings, the administration fee will be calculated as 0.8 percent of sold price. Said construction will require a \$1,000.00 deposit per unit before construction and the balance due to the Town or to the developer will be reconciled upon closing.

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- c. Upon approval of all final inspections, a certificate of occupancy will be issued for a fee of \$75.00. Occupancy of any new or renovated structure without a certificate is prohibited.
- (2) All applications for building permits must include the following:
- a. To-scale site plan showing dimensions of all side boundaries and major trees six inches and over in diameter that will be removed and showing all setbacks and proposed construction; plus existing and proposed structures.
 - b. 1. All new business construction will include pedestrian access via sidewalks or approved trails. All builders will provide pedestrian trails in accordance with accessibility requirements under the Americans with Disabilities Act of 1990 and the Architectural Barriers Act of 1968.
 - 2. Sidewalks or trails will interconnect businesses.
 - 3. Sidewalks or trails will be a minimum of 60 inches wide, will be at a grade less than eight degrees except where prohibited by topography, and will not include turns with a radius less than four feet.
 - 4. Sidewalks or trails will allow access to the street in at least one place along the property line.
 - c. 1. All new construction along the corridors zoned as professional or commercial business will include proper curbing to separate the pedestrian areas from vehicular traffic.
 - 2. Curbing will be constructed along the roadway and may include an entrance lane arc.
 - 3. Curbing may be constructed by concrete or stone.
 - 4. Curbing will be a minimum of four inches wide and six inches above roadbed.
 - d. Silt control and drainage plan. Silt control and drainage measures will be in place prior to construction and maintained throughout project. On completion of project, lawn must be sodded, seeded or have other means of ground cover for erosion prevention; and
 - e. A signed waiver that builder is responsible for all damage to Town property such as curbing, sidewalks and streets and shall be repaired to the original state.
- (3) If county inspections are required, all county inspections must be made and approved by the county.
- (4) Upon completion of construction a Town certificate of occupancy is required after all of the above requirements have been met. No occupancy is allowed prior to the issuance of this certificate.
- (5) Enforcement of regulations. The Town administrator or his/her designee will inspect the property during the course of the project. First inspection is prior to construction to verify accuracy of site plan and additional inspections as needed for building code compliance, prior to permanent installation of foundation, issuance of Town certificate of occupancy, and to ensure that construction is as per planned. The Town administrator or designee is empowered to issue citations for violations of the above regulations. Failure to institute immediate corrective measures will result in work stoppage and citations for repeated infractions.
- (6) Stormwater run-off.
- a. All builders will minimize the long-term impact of stormwater run-off produced as a result of their construction. This section applies to all new construction and does not replace subsection (b)(3)d of this section.
 - b. The effective date of the ordinance from which this section is derived was June 9, 2003.
 - c. New construction will not intentionally divert untreated stormwater from parking areas onto the street.
 - d. Construction plans will yield less than one gallon (or 0.1556 cubic feet) of surface water runoff according to engineering calculations for a peak rain event of six inches (0.5 feet) per hour. Builders will calculate the stormwater impact of all proposed new construction. The calculation

will take into account the impermeability of engineered surface areas as well as the water retainability of natural and engineered retention features. The net stormwater impact is the volume of runoff water calculated by subtraction the lot's ability to absorb water by the stormwater produced by a building or paving (covering), given as:

$$\text{New stormwater} = (\text{lot's ability to absorb}) - (\text{construction's stormwater production})$$

- e. The construction's stormwater impact will be calculated by multiplying the area of each covered portion by the associated impermeability factors by a rain rate of 0.51 feet an hour. Then, subtract from that subtotal the number of gallons credited for those features which absorb or retain water.
- f. Proposed calculations will assume the following:
 1. Each 6,000 square foot plot will be credited with the ability to retain 2,571 gallons of water;
 2. Each tree less than 12 inches in width (at breast height) provides a credit of ten gallon per inch. Each tree thicker than 12 inches provides a credit of 20 gallons per inch;
 3. Horizontally projected roofline (shadow) will create 3.21 gallons per square foot;
 4. Concrete or asphalt surfaces will create 2.89 gallons per square foot;
 5. Crush-and-run gravel will create 0.640 gallons per square foot;
 6. Brick, stone or concrete pavers will create 0.963 gallons per square foot;
 7. Uncovered wooden decks with spaces greater than 0.5 inches will not produce stormwater; decks of other materials and with spaces smaller than 0.5 inches will create 0.640 to 0.963 gallons per square foot;
 8. Water features (like ponds) will be credited with 16.05 gallons per square foot;
 9. Earthen swales with large rocks will be credited with 2.25 gallons per cubic foot;
 10. Drywells or concrete stormwater retention ponds will provide a credit of 6.42 gallons per cubic foot.
- g. Calculations will be done by addressing each subtotal as illustrated in the following example:

		Gallons
(1)	Single 6,000 square foot lot	-2,571
(2)	6 trees at 4 inches (×-10) plus 5 trees at 6 inches (x-10)	-480
(3)	3 trees at 24 inches (×-20)	-1,440
(4)	1,250 square foot building (× 3.21)	4,013
(5)	3,000 square foot stone paver parking lot (× 0.963)	2,889
(6)	150.1 square foot water feature (× 16.06)	-2,410
	Total	1

- (7) This section is constructed to minimize floodplain impact of stormwater by requiring design measures to retain and pretreat stormwater on site prior to its impact to Town and county lakes and streams.

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- a. All builders will minimize the impact of their construction on and to the floodplains of the Town. This section applies to all new construction and does not replace subsection (b)(3)d of this section and is intended to enhance subsection (b)(7) of this section.
 - b. New construction will not intentionally divert untreated stormwater from parking areas into the creeks and streams.
 - c. The stormwater makeup requirements will be doubled: That is, the builders will have to create twice the stormwater credits proposed in subsection (b)(7) of this section to make up for the amount of water displaced. Therefore, builders will calculate the stormwater impact of all proposed new construction as follows: Net stormwater plus a lot's ability to absorb minus construction stormwater production equals two. Therefore, the specific values outlined in subsection (b)(7) of this section that provide a credit in the lot-specific folding calculation, will only provide half the credit for those developments in the floodplain.
 - 1. Example inside the floodplain:
 - (i) Single 6,000 square foot lot: -1,285.8 gallons.
 - (ii) Six trees at four inches (×10) plus four trees at six inches (×10): -240 gallons.
 - 2. Example outside the floodplain:
 - (i) Single 6,000 square foot lot: -2,571 gallons.
 - (ii) Six trees at four inches (×10) plus four inches at six inches (×10): -480 gallons.
- (8) Penalties.
- a. For the first infraction: stoppage of further work until the infraction is corrected.
 - b. For any additional infractions: stoppage of further work until the infraction is corrected and a citation to the court is issued.

See Town of Carl UDC. (The Town has adopted the Barrow County Code of Ordinances – Chapter 89)

Sec. 18-6. Inspection authority.

- (a) The Town clerk, or his or her duly authorized representative, is hereby authorized to make all inspections as required under the provisions of the codes as adopted in this chapter, and in accordance with any minimum ordinances as may be adopted by the Town. Upon presentation of proper credentials, he or she may enter at 8:00 a.m. to 8:00 p.m. any building, structure, or premises in the Town to perform any duties imposed upon him or her by the codes so adopted by the Town.
- (b) The Town mayor, or his or her authorized representatives are hereby authorized and directed to enforce all the provisions of the codes so adopted and are hereby invested with all police powers as authorized by the Town charter, as necessary for this purpose of issuing copies of charges and prosecution or any person as may be charged with any violation of the codes so adopted.
- (c) The Town mayor, or his or her duly authorized representative, shall issue a summons to any person he or she deems to be in violation of the technical codes adopted in this chapter. The summons shall require the person to appear before the judge of the municipal court on a day and time specified in the summons to stand trial for the violation of the code.

Sec. 18-7. Building numbering.

- (a) *Posting.*
 - (1) Each one- and two-family dwelling unit shall have posted and maintained in a conspicuous place on the property, visible from the street providing general public access, the address of such dwelling unit in figures (numbers) measuring at least three inches high on a contrasting background.

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- (2) Each building containing three or more dwelling units shall have posted and maintained in a conspicuous place on the building, visible from the parking lot or street providing general public access, the address or numbers of the building in figures (numbers) measuring at least six 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 address in figures measuring at least three inches high on a contrasting background. In addition to the above, where such building has more than one exterior entrance, each such entrance shall be marked, in figures (numbers) measuring at least three inches high on contrasting background with the number and/or address of each individual apartment/unit to which access is provided through that common entrance.
 - (3) Each place of business shall have posted and maintained in a conspicuous place on the property, visible from the street providing general public access, the address of the place of business in figures (numbers) measuring at least three inches high on a contrasting background.
 - (4) Buildings under construction. Numbers must be in a place at the beginning of the job before the footing inspection is made and be continuously displayed thereafter until the job is completed and all final inspections have been made. No inspections will be made where street numbers are not in place as required above. Contractors and others shall always refer to the street numbers when contacting the Town and/or county for an inspection request of information.
- (b) *Designation of street numbers.* Street numbers for dwelling units and places of business on all public streets and street numbers or building numbers for dwelling units and places of business within apartment projects and nonresidential developments located on private streets shall be assigned by the Town in accordance with their administrative procedures.

Secs. 18-8—18-20. Reserved.

ARTICLE II. TECHNICAL CODES

Sec. 18-21. Adopted codes.

- (a) The Town of Carl hereby declares its intention to enforce the latest edition of the following Georgia State Minimum Standard Codes, as adopted and amended by the Georgia Department of Community Affairs:
- International Building Code;
 - International Residential Code for One- and Two-Family Dwellings;
 - International Mechanical Code;
 - International Fuel Gas Code;
 - International Plumbing Code;
 - National Electrical Code;
 - International Fire Code;
 - International Energy Conservation Code;
 - International Swimming Pool and Spa Code.
- (b) All appendices of the codes identified in subsection (a), are adopted by the Town.
- (c) The following Codes, the latest editions as adopted and amended by the Georgia Department of Community Affairs, including all appendices, are hereby adopted by reference as fully as though they were copied herein fully.
- International Property Maintenance Code.

Sec. 18-22. Duties and powers of building official.

The codes and appendices adopted by section 18-21 shall be administered and enforced by the county development department or contracted by the Town. Administrative provisions found in the various construction codes shall provide guidance for the building official (county or Town) in carrying out his administrative and enforcement responsibilities but are not required except where this article specifically provides a directive to do so. The building official may make official interpretations of the construction codes, shall be responsible for acceptance of permit applications, issuance of permits, making inspections mandated by said construction codes, and may make additional inspections for the purpose of ensuring compliance with such codes. Permit fees shall be established from time to time by the Town's fee ordinance. The building official shall have a right of entry onto any site covered by an active permit issued under a construction code during normal business hours and may further enter onto such property after normal business hours where an emergency situation exists; provided that if a site covered by a construction codes permit is occupied as a residence, the building official shall first made an effort to contact the permit holder and occupant and seek permission to enter. If permission is denied, the building official may petition a court for a warrant to enter the property. The building official may provide notice of violations identified during the course of his duties and may issue citations when such notice does not result in timely corrective action being taken. Notices of violations shall identify the nature of the violation, the corrective action needed and a reasonable time period for correction of the violation. The building official may issue stop work orders for a site in violation of construction codes.

Sec. 18-23. Appeals.

- (a) Appeals of any notice of violation, citation or other written determination issued by the building official under any of the construction codes adopted and/or enforced by the Town may be taken to the mayor and council by filing a written notice of appeal. Such notice shall be filed with the Town clerk within ten calendar days of the decision from which appeal is taken.
- (b) The mayor and council shall serve as the board of appeals for hearing appeals taken from written decisions of the building official. No appeal hearing shall be scheduled on less than five days' notice to the appellant; provided that all appeals shall be heard within 30 days of appeal unless such deadline is waived by the appellant. At the hearing, the appellant may be represented by counsel, may introduce evidence and witnesses and may cross examine any witnesses presented on behalf of the building official. Proceedings shall be tape recorded by the Town. Should the appellant wish to use a court reporter, he may arrange for one at his own expense. The Town attorney may present the case on behalf of the building official. The mayor and council may rule at the close of hearing or may take the matter under advisement, provided a decision shall be reached in no more than 15 days from date of hearing. Should an appellant be dissatisfied with any decision of the mayor and council while serving in its appellant capacity, the appellant may petition for certiorari in accordance with the procedures of state law.

Sec. 18-24. Severability.

In the event of any conflict between the various construction codes adopted and/or enforced by the Town, or any conflict between any such codes and provisions of other Town ordinances, the most stringent regulation shall prevail and be controlling.

Chapter 22 ENVIRONMENT

ARTICLE I. IN GENERAL

Sec. 22-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accidental discharge means a discharge prohibited by this chapter which occurs by chance and without planning or thought prior to occurrence.

Agricultural practices means practices involving the establishment, cultivation or harvesting of products of the field or orchard; the preparation and planting of pasture land or farm ponds; and the construction of farm buildings.

Appeals authority means the board, one of whose purpose is to review appeals to this article and render decisions and variances.

Applicant means a person submitting a post-development stormwater management application and plan for approval.

Best management practices (BMPs) means a wide range of management procedures, activities and prohibitions or practices which control the quality and/or quantity of stormwater runoff and which are compatible with the planned land use.

Buffer means, with respect to a stream, a natural or enhanced vegetated area (established by section 22-113(a)(1)), lying adjacent to the stream.

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

Clean Water Act means the Federal Water Pollution Control Act (33 USC 1251 et seq.), and any subsequent amendments thereto.

Conservation easement means an agreement between a landowner and the Town 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 means activities subject to the state Erosion and Sedimentation Control Act or NPDES General Construction Permits. These include construction projects resulting in land disturbance. Such activities include but are not limited to clearing and grubbing, grading, excavating and demolition.

Cooling water act means water used exclusively as a cooling medium in an appliance, device or apparatus.

Conveyance means stormwater features designed for the movement of stormwater through the drainage system, such as concrete or metal pipes, ditches, depressions, swales, etc.

Department means the department of administration responsible for all stormwater management activities and implementation of the provisions of this article.

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

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

Developer means a person who undertakes land development activities.

Development means a land development or land development project.

Development activity means:

- (1) The division of a lot, tract or parcel of land into two or more lots, plots, sites, tracts, parcels or other divisions by plot or deed;
- (2) The construction, installation or alteration of a structure, impervious surface or drainage facility;

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- (3) Clearing, scraping, grubbing or other activities significantly disturbing the soil, vegetation, mud, sand or rock of a site; or
 - (4) Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging or otherwise disturbing the soil, vegetation, mud, sand or rock of a site.

Director means either the director of administration or any of that person's duly authorized representatives.

Discharge means the release of treated or untreated water to the municipal/county separate storm sewer system.

Drainage easement means 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.

Easement means an acquired legal right for the specific use of land owned by others.

Erosion and sedimentation control plan means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.

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

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

Flood means a general and temporary condition of partial or complete inundation normally dry land areas from:

- (1) The overflow of inland or tidal waters; or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flooding means a volume of surface water that is too great to be confined within the banks or walls of a conveyance or stream channel and that overflows onto adjacent lands.

Floodplain means any land area susceptible to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan (i.e., the regulatory flood map).

Generalized wetland map means a map showing the general locations of wetlands within the jurisdiction of the Town.

Greenspace or *open space* means permanently protected areas of the site that are preserved in a natural state.

Hotspot means 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.

Hydric soils means soils that form as a result of saturated soils conditions. A list of these soils is maintained by the soil conservation service.

Hydrologic soil group (HSG) means 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.

Hydrophytic vegetation means macrophytic plants tolerant of or dependent on saturated soil conditions.

Illegal connection means either of the following:

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

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- (2) Any pipe, open channel, drain or conveyance connected to the (municipal/county) separate storm sewer system which has not been documented in plans, maps or equivalent records and approved by an authorized enforcement agency.

Illicit discharge means any direct or indirect non-stormwater discharge to the (municipal/county) separate storm sewer system, except as exempted in section 22-25.

Impervious cover means 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, as well as any manmade paved, hardened or structural surface regardless of material.

Industrial activity means activities subject to NPDES industrial permits as defined in 40 CFR 122.26(b)(14).

Industrial stormwater general permit means the National Pollutant Discharge Elimination System (NPDES) permit issued to an industry for stormwater discharges associated with industrial activity. The permit regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

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

Inspection and maintenance agreement means 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.

Jurisdictional determination means an official, written statement or map signed by the U.S. Corps of Engineers or, in the case of coastal marshlands, the state department of natural resources.

Jurisdictional wetland means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

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

Land development project means a discrete land development undertaking.

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

Land disturbance activity means those actions or activities which comprise, facilitate or result in land disturbance.

Litter means any organic or inorganic waste material, rubbish, refuse, garbage, trash, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic and glass containers, broken glass, dead animals, solvents, paint, slag, auto parts, metal or intentionally or unintentionally discarded materials of every kind and description which are not waste as such term is defined in O.C.G.A. § 16-7-51(6).

Maintenance means any action necessary to preserve stormwater management facilities in proper working condition, in order to serve the intended purposes, set forth in this article or to prevent structural failure of such facilities.

National pollutant discharge elimination system (NPDES) stormwater discharge permit means a permit issued by the state EPD under authority delegated pursuant to 33 USC 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group or general area-wide basis.

New development means a land development activity on a previously undeveloped site.

Nonpoint source pollution means 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-stormwater discharge means any discharge to the storm drain system that is not composed entirely of stormwater.

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

Off-site facility means a stormwater management facility located outside the boundaries of the site.

On-site facility means a stormwater management facility located within the boundaries of the site.

Overbank flood protection means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e., flow events that exceed the capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the two-year through 25-year frequency storm events.

Owner means 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 in control of the site.

Parcel means any plot, lot or acreage shown as a unit on the latest county tax assessment records or Town records.

Permit means the permit issued by the Town to the applicant which is required for undertaking any land development activity.

Person means, except to the extent exempted from this article, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, Town, county or other political subdivision of the state, any interstate body, or any other legal entity.

Town separate storm sewer system or *municipal/county system* means any facility designed or used for collecting and/or conveying stormwater including, but not limited to, any roads with drainage systems, highways, Town streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and manmade or altered drainage channels, reservoirs and other drainage structures, and which is:

- (1) Owned or maintained all or in part by the Town;
- (2) Not a combined sewer; and
- (3) Not part of a publicly-owned treatment works.

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

Pollution means the contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes, but is not limited to, a change in temperature, taste, color, turbidity or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the

public health, safety, welfare or environment, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

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

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

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

Private means property or facilities owned by individuals, corporations and other organizations and not by the Town, county, state or federal government.

Procedure means a procedure adopted by the utility, by and through the director, to implement a regulation or regulations adopted under this article, or to carry out other responsibilities as may be required by this Code or other codes, ordinances or resolutions of the Town or other agencies.

Project means a land development project.

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

Public or private property means the right-of-way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge or conservation or recreation area; timberlands or forests; and residential, commercial, industrial or farm properties.

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

Regional stormwater management facility or *regional facility* means 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.

Regulation means any regulation, rule or requirement prepared by the department and adopted by the Town pursuant to the requirements of this article.

Riparian means belonging or related to the bank of a river, stream, lake, pond or impoundment.

Runoff means stormwater runoff.

Sanitary sewer system means the complete sanitary sewer system of the Town and county which discharge sewage directly or indirectly into the sewage treatment plant, including sanitary sewer pipelines, manholes and flushing inlets and appurtenances to the foregoing, but shall exclude any portion or facilities of the sewage treatment plant.

Sediment means solid particulate matter, both mineral and organic, that has been or is being transported by water, air, ice or gravity from its site of origin.

Setback means, with respect to a stream, the area established by section 22-113(a)(2) extending beyond any buffer applicable to the stream.

Site means any lot, plot, parcel or tract of land; the parcel of land being developed or the portion thereof on which the land development project is located.

Statewaters means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state which are not entirely confined and retained completely upon the property of a single person.

Stormwater better sitedesign means 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 means the collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner to meet the objectives of this article and which shall include a system of vegetative or structural measures, or both, that control the increased volume and rate of stormwater runoff and water quality impacts caused by manmade changes to the land.

Stormwater management design manual means the most recent manual of design, performance and review criteria for stormwater management practices, prepared under the direction of the director of administration. Copies of the manual can be obtained from the department of administration.

Stormwater management facilities means constructed or natural components of a stormwater drainage system, designed to perform a particular function, or multiple functions, including but not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, constructed wetlands, infiltration devices, catchbasins, oil/water separators, sediment basins, natural systems and modular pavement.

Stormwater management measure means any stormwater management facility or nonstructural stormwater practice.

Stormwater management plan means the set of drawings and other documents that comprise all of the information and specifications for the drainage systems, structures, BMPs, concepts and techniques that will be used to control stormwater as required by this article and the stormwater management design manual. Also included are the supporting engineering calculations and results of any computer analysis.

Stormwater management system means 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 means 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, runoff or stormwater means any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stream means any stream beginning at:

- (1) The location of a spring, seep or groundwater outflow that sustains streamflow;
- (2) A point in the stream channel with a drainage area of 25 acres or more; or
- (3) Where evidence indicates the presence of a stream in a drainage area less than 25 acres, the Town may require field studies to verify the existence of a stream.

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

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

Structuralstormwatercontrol means 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.

Subdivision means any division or re-division of a lot, tract or parcel, regardless of its existing or future use, into two or more lots, tracts or parcels. The term "subdivision" means the act or process of dividing property, except that, where appropriate to the context, the ownership at the time of subdivision.

Temporary emergency permit means a temporary permit that may be issued in certain circumstances specified in section 22-186(c)(6).

Variance means the modification of the minimum stormwater management requirements for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this chapter.

Water quality means those characteristics of stormwater runoff that relate to the rate and volume of the stormwater runoff.

Watershed means the land area that drains into a particular stream.

Wetland means an area that is inundated or saturated by surface water or groundwater at a frequency and distribution sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Wetlands generally include swamps, marshes, bogs and similar areas.

Wetland delineation means the establishment of wetland boundaries by a representative of the U.S. Army Corps of Engineers or an authority designated by the Corps.

Wetland protection district means all wetlands within the jurisdiction of the Town and shown on the generalized wetland map.

(Code 1987)

Sec. 22-2. Rain sensor shut-off switches.

- (a) No person shall install any landscape irrigation system and/or sprinkler system equipped with an electronic controller that does not have a rain sensor shut-off switch.
- (b) Any person who installs, or any property owner who allows to be installed a landscape irrigation system and/or sprinkler system equipped with an electronic controller in violation of this Code shall be liable for a civil penalty not exceeding \$100.00 per violation.

Secs. 22-3—22-19. Reserved.

ARTICLE II. STORMWATER MANAGEMENT

Sec. 22-20. Findings.

It is hereby determined that:

- (1) Discharges to the Town separate storm sewer system that are not composed entirely of stormwater runoff contribute to increased nonpoint source pollution and degradation of receiving waters;
- (2) These non-stormwater discharges occur due to spills, dumping and improper connections to the Town separate storm sewer system from residential, industrial, commercial or institutional establishments;
- (3) These non-stormwater discharges not only impact waterways individually, but geographically dispersed, small volume non-stormwater discharges can have cumulative impacts on receiving waters;
- (4) The impacts of these 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;
- (5) These impacts can be minimized through the regulation of spills, dumping and discharges into the Town separate storm sewer system;

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- (6) Localities in the state are required to comply with a number of state and federal laws, regulations and permits which require a locality to address the impacts of stormwater runoff quality and nonpoint source pollution due to improper non-stormwater discharges to the Town separate storm sewer system.

Therefore, the Town adopts this article to prohibit such non-stormwater discharges to the (municipal/county) separate storm sewer system. It is determined that the regulation of spills, improper dumping and discharges to the (municipal/county) separate storm sewer system is in the public interest and will prevent threats to public health and safety, and the environment.

Sec. 22-21. Scope of responsibility.

- (a) The department of administration shall be responsible for the conservation, management, maintenance (where applicable), extension and improvement of the municipal/county separate storm sewer system, including activities necessary to control stormwater runoff and activities necessary to carry out stormwater management programs included in the cities NPDES stormwater permit.
- (b) The application of this article and the provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other local requirements authorized by state statute. Other stormwater project improvements, as defined under state law, may be required.
- (c) The department of administration shall develop, and update periodically, a stormwater management design manual for the guidance of persons preparing stormwater management plans, and designing or operating stormwater management systems.
- (d) The department of administration shall prepare and update a storm management master plan.

Sec. 22-22. Powers of the stormwater authority.

- (a) The department of administration shall have the power to administer and enforce all regulations and procedures adopted to implement this article, including the right to maintain an action or procedure in any court of competent jurisdiction to compel compliance with or restrain any violation of this article.
- (b) The department of administration can:
 - (1) Administer, coordinate and oversee acquisition, design, construction and operate and maintain of municipal/county stormwater facilities and conveyances;
 - (2) Establish or oversee establishment of development standards and guidelines;
 - (3) Determine the manner in which stormwater facilities should be operated;
 - (4) Inspect private systems which discharge to the municipal/county separate stormwater system;
 - (5) Advise the Town, other departments on issues related to stormwater;
 - (6) Protect facilities and properties controlled by the department of administration and prescribe how they are used by others;
 - (7) Require new, increased or significantly changed stormwater contributions to comply with the terms of this article;
 - (8) Develop programs or procedures to control the discharge of pollutants into the municipal/county separate storm sewer system.

Sec. 22-23. Objectives; purpose; conflict; responsibility.

- (a) *Purpose and intent.* The purpose of this article is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to the Town separate storm sewer system to the maximum extent practicable as required by federal law. This article establishes methods for controlling the

introduction of pollutants into the Town separate storm sewer system in order to comply with requirements of the NPDES permit process. The objectives of this article are to:

- (1) Regulate the contribution of pollutants to the Town stormwater authority separate storm sewer system by any person;
 - (2) Prohibit illicit discharges and illegal connections to the Town stormwater authority separate storm sewer system;
 - (3) Prevent nonstormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the Town separate storm sewer system; and
 - (4) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this article.
- (b) *Applicability.* The provisions of this article shall apply throughout the entire area of the Town.
- (c) *Compatibility with other regulations.* This article is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this article are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.
- (d) *Responsibility for administration.* The Town shall administer, implement, and enforce the provisions of this article. The director of administration or his or her designee will head the local enforcement authority to administer this article.

Sec. 22-24. Illicit discharge and illegal connections.

An illicit discharge is defined as any discharge to a municipal or county separate storm sewer system (stormwater drainage system) that is not composed entirely of stormwater runoff (except for discharges allowed under an NPDES permit or nonpolluting flows). These nonstormwater discharges occur due to illegal dumping or illegal connections to the stormwater drainage system. This model ordinance provides communities with the authority to deal with illicit discharges and establishes enforcement actions for those persons or entities found to be in noncompliance or that refuse to allow access to their facilities.

Sec. 22-25. Prohibitions.

- (a) *Prohibition of illicit discharges.* No person shall throw, drain or otherwise discharge, cause or allow others under its control to throw, drain or otherwise discharge into the Town separate storm sewer system any pollutants or waters containing any pollutants, other than stormwater. The following discharges are exempt from the prohibition provision above:
- (1) Water line flushing performed by a government agency, other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising 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 Town as being necessary to protect public health and safety;
 - (3) The prohibition provision above shall not apply to any nonstormwater discharge permitted under an NPDES permit or order issued to the discharger and administered under the authority of the state and the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the Town separate storm sewer system.

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- (b) *Prohibition of illegal connections.* The construction, connection, use, maintenance or continued existence of any illegal connection to the Town separate storm sewer system is prohibited.
- (1) This prohibition expressly includes, without limitation, connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - (2) A person violates this article if the person connects a line conveying sewage to the Town separate storm sewer system, or allows such a connection to continue.
 - (3) Improper connections in violation of this article must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the (sanitary sewer department/agency) county sewer department.
 - (4) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the director of administration or his or her designee requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Town stormwater authority.

Sec. 22-26. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Town stormwater authority prior to allowing discharges to the (municipal/county) separate storm sewer system.

Sec. 22-27. Access and inspection of properties and facilities.

The Town stormwater authority, bearing proper credentials and identification, shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this article.

- (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 shall make the necessary arrangements to allow access to representatives of the Town stormwater authority.
- (2) The owner or operator shall allow the Town stormwater authority ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater.
- (3) The Town stormwater authority shall have the right to set up on any property or facility such devices as are necessary in the opinion of the Town stormwater authority to conduct monitoring and/or sampling of flow discharges.
- (4) The Town stormwater authority may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the Town stormwater authority. 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 or her own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the Town stormwater authority and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.

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- (6) Unreasonable delays in allowing the Town stormwater authority access to a facility are a violation of this article.
 - (7) If the Town stormwater authority has been refused access to any part of the premises from which stormwater is discharged, and the Town stormwater authority is able to demonstrate probable cause to believe that there may be a violation of this article, 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 article or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the Town stormwater authority may seek issuance of a search warrant from any court of competent jurisdiction.

Sec. 22-28. 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 nonstormwater discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the (municipal/county) separate storm sewer system, state waters or waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release so as to minimize the effects of the discharge.
- (b) Said person shall notify the authorized enforcement agency in person or by phone, facsimile or in person no later than 24 hours of the nature, quantity and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Town stormwater authority within three business days of the phone or in person notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.
- (c) In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified.
- (d) Failure to provide notification of a release as provided above is a violation of this article.

Sec. 22-29. Violations, enforcement and penalties.

- (a) *Violations.*
 - (1) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. Any person who has violated or continues to violate the provisions of this article, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.
 - (2) In the event the violation constitutes an immediate danger to public health or public safety, the Town stormwater authority is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The Town stormwater authority is authorized to seek costs of the abatement as outlined in subsection (e) of this section.
- (b) *Notice of violation.* Whenever the Town stormwater authority finds that a violation of this article has occurred, the Town stormwater authority may order compliance by written notice of violation.
 - (1) The notice of violation shall contain:
 - a. The name and address of the alleged violator;

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- b. The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
 - c. A statement specifying the nature of the violation;
 - d. A description of the remedial measures necessary to restore compliance with this article and a time schedule for the completion of such remedial action;
 - e. A statement of the penalty that shall or may be assessed against the person to whom the notice of violation is directed; and
 - f. A statement that the determination of violation may be appealed to the Town stormwater authority by filing a written notice of appeal within 30 days of service of notice of violation.
- (2) Such notice may require without limitation:
- a. The performance of monitoring, analyses and reporting;
 - b. The elimination of illicit discharges and illegal connections;
 - c. That violating discharges, practices, or operations shall 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; and
 - f. The implementation of pollution prevention practices.
- (c) *Appeal of notice of violation.* Any person receiving a notice of violation may appeal the determination of the Town stormwater authority. The notice of appeal must be received within 30 days from the date of the notice of violation. Hearing on the appeal before the Town stormwater authority or his or her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the appropriate authority or their designee shall be final.
- (d) *Enforcement measures after appeal.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation or, in the event of an appeal, within ten days of the decision of the appropriate authority upholding the decision of the Town stormwater authority then representatives of the Town stormwater authority may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.
- (e) *Costs of abatement of the violation.* Within 15 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the assessment or to the amount of the assessment within 15 days of such notice. If the amount due is not paid within 30 days after receipt of the notice, or if an appeal is taken, within 30 days after a decision on said appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the Town 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 ten days, or such greater period as the Town stormwater authority shall deem appropriate, after the Town stormwater authority has taken one or more of the actions described above, the Town stormwater authority may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains un-remedied after receipt of the notice of violation. Upon conviction, a party may be punished as provided by section 1-9.
- (g) *Criminal penalties.* For intentional and flagrant violations of this article, the Town may issue a citation to the alleged violator requiring such person to appear in the Town municipal court to answer charges for such violation. Upon conviction, a party may be punished as provided by section 1-9. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.
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- (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 article 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.

Sec. 22-30. Stormwater management plans.

(a) *Applicability and exemptions.*

- (1) No person shall conduct a development activity without a permit. No permit shall be issued without the following:
 - a. An approved stormwater management plan;
 - b. Right of entry for emergency maintenance if necessary;
 - c. Right of entry for inspections;
 - d. Any off-site easements needed;
 - e. In addition to all plans and permits required for the Town, applicants shall obtain all state and federal permits required for the proposed development.
- (2) Stormwater management plans shall not be required for the following activities:
 - a. Mining operations or oil and gas exploration, production, processing or treatment operations or transmission facilities, provided the stormwater runoff from these operations is composed entirely of flows which are from conveyances or systems of conveyances used for collecting and conveying precipitation runoff and which are not contaminated by contact with or that has not come into contact with, any overburden, raw material, intermediate products, finished product or byproduct located on the site of such operations;
 - b. Such minor development activities as home gardens and individual home landscaping, individual residential repairs, individual residential maintenance work, and other individual residential activities which result in minor soil erosion as determined by the director;
 - c. Agricultural practices;
 - d. Activities of government to mitigate emergency situations.
- (3) Variances.
 - a. The director may grant a variance from requirements of this article if exceptional circumstances applicable to a site exist such that strict adherence to ordinance provisions will result in unnecessary hardship and will not fulfill the intent of the ordinance.
 - b. The director may grant a variance from requirements of this article if the proposed development activity will not:
 1. Change the rate of volume of runoff significantly;
 2. Have a significant, negative impact on any wetland, watercourse or water body; or
 3. Contribute to degradation of water quality.

(b) *Stormwater management plan approval process.*

- (1) Unless granted an exemption any person planning a development shall submit to the director of administration ten copies of a stormwater management plan, prepared in accordance with the stormwater management design manual, for review and approval.

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- (2) A permit fee will be collected at the time the stormwater management plan or application for a waiver is submitted. This fee will reflect the cost of administration and management of the stormwater plan review process.
 - (3) The director or his or her designee shall review the plan.
 - a. The director of the department of administration shall issue a decision approving, rejecting or conditionally approving the plan with modification.
 - b. The director's decision will be based on conformance with requirements included in the cities stormwater management design manual. No plan shall be approved unless it conforms with the requirements included in the stormwater management design manual. The director may require such additional documents or other items necessary to make this determination.
 - c. If rejected, changes, additional analysis or other information needed to approve the next submittal of the plan shall be identified.
 - (4) If the management plan involves any stormwater management facilities or land to be dedicated to public use, the management plan shall be submitted for review and approval to the department having jurisdiction over that land, or other appropriate departments or agencies identified by the director of the department of administration for review and approval.
 - (5) Approval plans shall be valid for two year from the date of approval.
 - a. Extensions or renewals of plan approvals shall be granted by the director of administration upon written request by the person responsible for the development activity.
 - b. A stormwater management plan shall not be considered approved without the inclusion of an approval stamp with a signature and date on the plans from the department of administration. The stamp of approval on the plans is solely an acknowledgment of satisfactory compliance with the requirements of these regulations. The approval stamp does not constitute a representation or warranty to the applicant or any other person concerning the safety, appropriateness or effectiveness of any provision, or omission from the stormwater management plan.
- (c) *Permit suspension and revocation.*
- (1) The manual shall be developed to assist in design and evaluation of stormwater management facilities and practices. This manual will include, but not be limited to, the following information:
 - a. Guidance and specifications for the preparation of stormwater management plans. Acceptable techniques for obtaining, calculating and presenting the information required in the plans shall be described, as will design conditions which must be accounted for.
 - b. Guidance in selecting environmental sound practices for managing stormwater. Description of specific techniques and practices shall be included. Development and use of techniques emphasizing use of natural systems shall be encouraged.
 - c. Minimum specifications for designing, constructing, and maintaining stormwater management facilities. These specifications shall be established in accordance with current good engineering practices.
 - d. Minimum easement requirements.
 - e. More complete definitions of some included in the ordinance.
 - f. Development performance standards for stormwater management facilities and practices. Methodology/criteria for evaluation will include:
 1. Hydrologic and hydraulic evaluations;
 2. Evaluation of best management practices (BMPs); and
 3. Evaluation of downstream impacts.

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- g. Criteria for 100-year floodplain analysis.
 - (2) The manual shall be updated periodically to reflect the most current and effective practices and shall be made available to the public.
 - (3) The manual is not designed to replace the need for engineering judgment. Rather, other accepted engineering procedures may be used to conduct hydrologic and hydraulic studies if approved by the director of administration.

Sec. 22-31. Ownership, maintenance and inspection.

(a) *Maintenance and inspection.*

- (1) Any stormwater management facility which services a single lot or commercial and industrial development shall be privately owned and maintained. The owner shall maintain a perpetual, nonexclusive easement which allows access for maintenance.
- (2) All other stormwater management control facilities shall be publicly owned and/or maintained only if accepted for maintenance by the Town.
- (3) The director may require dedication of privately owned stormwater facilities which discharge to the municipal/county separate stormwater system to the Town.
- (4) The department director shall determine inspection schedules necessary to enforce the provisions of this article. Inspections may include, but not limited to, the following:
 - a. An initial inspection prior to stormwater management plan approval;
 - b. A bury inspection prior to burial of any underground drainage structure;
 - c. Erosion control inspections as necessary to ensure effective control of erosion and sedimentation; and
 - d. A final inspection when all work, including installation of drainage facilities, has been completed.
- (5) The director or his or her designee, bearing proper credentials and identification, shall be permitted to enter, in accordance with state and federal law, all properties for regular inspections, periodic investigations, observation, measurement, enforcement, sampling and testing, in accordance with provisions of this article. The director or his or her designee shall duly notify the owner of said property or the representative on site, except in the case of an emergency.
- (6) The director or designated employee of the department of administration, bearing proper credentials and identification, shall be permitted to enter, in accordance with state and federal law, all properties for which the Town holds a negotiated easement for repairs, maintenance and other purposes related to any portion of the stormwater management facilities lying within said easement. The director or his or her designee shall duly notify the owner of said property or the representative on site, except in the case of an emergency.
- (7) Measurements, tests and analyses performed by the department of administration or required of discharge to the municipal/county system shall be in accordance with 40 CFR 136, unless another method is approved by the director.
- (8) If, after inspection, the condition of a facility presents an immediate danger to the public health, safety or general welfare because of unsafe conditions or improper maintenance, the Town shall have right, but not duty to take action as may be necessary to protect the public and make the facility safe.
- (9) The department of administration shall inspect the work and shall either approve it or notify the applicant in writing in what respects there has been failure to comply with the requirements of the approved stormwater management plan. Any portion of the work which does not comply shall be promptly corrected by the applicant, or said applicant shall be subject to a penalty.

(b) *Off-site drainage facilities.*

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- (1) The director may allow stormwater runoff that otherwise is of unacceptable quality or which would be discharged in volumes or at rates in excess of those otherwise allowed by this article, to be discharged into drainage facilities off the site of the development, provided the applicant has demonstrated:
 - a. Off-site drainage facilities and channels leading to them are designed, constructed and maintained in accordance with requirements of this article.
 - b. Adequate provision is made for sharing of construction, maintenance and operating costs of facilities. The developer may be required to pay a portion of the cost of constructing facilities as a condition to receiving approval of the stormwater management design manual.
 - c. It is not feasible to completely manage runoff on-site in a manner that meets the design and performance standards found in the cities stormwater management design manual.
 - (2) A request to use off-site drainage facilities and all information related to proposed off-site facilities should be made a part of the developer's stormwater management plan.
 - (3) Guidelines for consideration of off-site facility use will be defined in the Town's stormwater management manual.

Sec. 22-32. Miscellaneous provisions.

(a) *Penalties.*

- (1) Upon determination that a violation of this article has occurred, the director of administration shall give written notice to the accused violator within ten days. This notice shall specify the nature and evidence of violation and the potential penalty involved and the amount of time in which to correct deficiencies, if appropriate.
- (2) Violation of the provisions of this article constitutes an infraction which shall, upon conviction, be punishable as provided by section 1-9. The Town may institute appropriate action of proceedings at law or equity for the enforcement of this article or to correct violations of this article. 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. Each day of noncompliance is considered a separate offense. Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation, including application for injunctive relief.
- (3) Any violator may be required to restore land to its undisturbed condition. If corrective action is not taken in reasonable period of time, the department of administration may take corrective action, the cost of which becomes a lien upon the property.
- (4) Any person who shall proceed with any work which requires a stormwater management plan hereunder without first submitting such plan shall pay the Town in addition to any permit or inspection fee, a penalty of \$1,000.00.
- (5) Enforcement of this article is final unless the accused violator submits a written request for a hearing within ten days of the violation notice being served.

(b) *Variances from requirements.*

- (1) The director may grant a variance from requirements of this article if exceptional circumstances applicable to a site exist such that strict adherence to the provisions of this article will result in unnecessary hardship and will not fulfill the intent of this article.
- (2) A written request for a variance shall be required and shall state the specific variance sought and the reasons, with supporting data, a variance should be granted. The request shall include all information necessary to evaluate the proposed variance.
- (3) The director will conduct a review of the request for a variance within ten working days of receiving the request.

(c) *Appeals.*

- (1) Any person aggrieved by a decision of the director (including any decision with reference to the granting or denial of a variance from the terms of this article) may appeal same by filing a written notice of appeal with the director within 30 working days of the issuance of said decision by the director.
 - (2) The director can then reverse his or her decision or send this notice to the Town council. A notice of appeal shall state the specific reasons why the decision of the director is alleged to be in error, and the director shall prepare and send to the Town council and appellant written response to said notice of appeal within 30 days of receipt of the notice.
 - (3) All appeals shall be heard by the Town council in accord with the Town councils authority. The hearing shall be held within 30 days after receipt of notice of appeal or a date mutually agreed upon in writing by the appellant and the mayor. The Town council shall then make its findings within 30 days of the appeal hearing. Decisions of the Town council shall be based on guidelines for appeals established by this Code and amended from time to time, with guidelines published in a newspaper of general circulation.
 - (4) If either the appellant or director is dissatisfied with the Town council decision, he or she can appeal said decision to the superior court.
- (d) *Cooperation with other governments.* The Town may enter into agreements with other local governments to carry out the purpose of this article. These agreements may include, but are not limited to, enforcement of provisions, resolution of disputes, cooperative monitoring and cooperative management of stormwater system and management programs.
- (e) *Property owner liability-supplemental charges.* Any person in violation of any portion of this article shall pay for all Town costs associated with the violation including, but not limited to, containment, cleanup, death, legal and other costs.

Secs. 22-33—22-53. Reserved.

ARTICLE III. POST-DEVELOPMENT STORMWATER MANAGEMENT

Sec. 22-54. Adoption and implementation of the GSMM; conflicts and inconsistencies; designation of administrator.

- (a) In implementing this article, the Town of Carl shall use and require compliance with all relevant design standards, calculations, formulas, methods, and other guidance from the GSMM as well as related appendices.
- (b) This article 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 or 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 Town of Carl's MS4 permit and this article, the provision from the MS4 permit shall control. In the event of any conflict or inconsistency between any provision of this article and the GSMM, the provision from this article shall control. In the event of any other conflict or inconsistency between any provision of this article and any other ordinance, rule, regulation or other provision of law, the provision that is more restrictive or imposes higher protective standards for human health or the environment shall control.
- (c) If any provision of this article is invalidated by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this article.
- (d) The mayor may from time to time appoint someone to administer and implement this article.

Sec. 22-55. Applicability criteria for stormwater management standards.

This article applies to the following activities:

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- (1) New development that creates or adds 5,000 square feet or more of impervious cover, or that involves other land disturbing activities of one 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 disturbing activity of one acre or more;
 - (3) Any new development or redevelopment, regardless of size, that is a hotspot land use as defined in this chapter; or
 - (4) New development and redevelopment if:
 - a. Such new development or redevelopment is part of a subdivision or other common plan of development; and
 - b. The sum of all associated impervious surface area or land disturbing activities that are being developed as part of such subdivision or other common plan of development meets or exceeds the threshold in (1) and (2) above.
 - (5) Linear transportation projects that exceed the threshold in (1) or (2) above.
- (b) The following activities are exempt from this article:
- (1) Land disturbing activity conducted by local, state, authority, or federal agencies, solely to respond to an emergency need to protect life, limb, or property or conduct emergency repairs;
 - (2) Land disturbing activity that consists solely of cutting a trench for utility work and related pavement replacement;
 - (3) Land disturbing activity conducted by local, state, authority, or federal agencies, whose sole purpose is to implement stormwater management or environmental restoration;
 - (4) Repairs to any stormwater management facility or practice deemed necessary by the administrator;
 - (5) Agricultural practices as described in O.C.G.A. § 12-7-17(5) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in subsection (a)(1) or (2) above;
 - (6) Silvicultural land management activities as described in O.C.G.A. § 12-7-17(6) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in subsection (a)(1) or (2) above;
 - (7) Installation or modifications to existing structures solely to implement Americans with Disabilities Act (ADA) requirements, including but not limited to elevator shafts, handicapped access ramps and parking, and enlarged entrances or exits; and
 - (8) Linear transportation projects being constructed by the Town of Carl to the extent the administrator determines that the stormwater management standards may be infeasible to apply, all or in part, for any portion of the linear transportation project. For this exemption to apply, an infeasibility report that is compliant with the Town of Carl's linear feasibility program shall first be submitted to the administrator that contains adequate documentation to support the evaluation of the applicable portion(s) and any resulting infeasibility determination, if any, by the administrator.

Sec. 22-56. Stormwater management standards.

Subject to the applicability criteria in Section 22-55(a) and exemptions in Section 22-55(b), the following stormwater management standards apply. Additional details for each standard can be found in the GSMM Section 2.2.2.2:

- (1) *Design of stormwater management system.* The design of the stormwater management system shall be in accordance with the applicable sections of the GSMM as directed by the administrator. Any design which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.

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- (2) *Natural resources inventory.* Site reconnaissance and surveying techniques shall be used to complete a thorough assessment of existing natural resources, both terrestrial and aquatic, found on the site. Resources to be identified, mapped, and shown on the Stormwater Management Plan shall include, at a minimum, as applicable:
- Topography (minimum of two-foot contours) and steep slopes (i.e., areas with slopes greater than 15 percent);
 - Natural drainage divides and patterns;
 - Natural drainage features (e.g., swales, basins, depressional areas);
 - Natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, drinking water wellhead protection areas and river corridors;
 - Predominant soils (including erodible soils and karst areas); and
 - Existing predominant vegetation including trees, high quality habitat and other existing vegetation.
- (3) *Better site design practices for stormwater management.* Stormwater management plans shall preserve the natural drainage and natural treatment systems and reduce the generation of additional stormwater runoff and pollutants to the maximum extent practicable. Additional details can be found in the GSMM Section 2.3.
- (4) *Stormwater runoff quality/reduction.* Stormwater runoff quality/reduction shall be provided by using the following:
- For development with a stormwater management plan submitted before July 1, 2020, the applicant may choose either 1. Runoff reduction; or 2. Water quality.
 - For development with a stormwater management plan submitted on or after July 1, 2020, the applicant shall choose 1. Runoff Reduction and additional water quality shall not be required. To the extent 1. Runoff Reduction has been determined to be infeasible for all or a portion of the site using the Practicability Policy, then 2. Water Quality shall apply for the remaining runoff from a 1.2-inch rainfall event and must be treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM.
 - Runoff reduction.* The stormwater management system shall be designed to retain the first 1.0 inch of rainfall on the site using runoff reduction methods, to the maximum extent practicable.
 - Water quality.* The stormwater management system shall be designed to remove at least 80 percent of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM for runoff from a 1.2-inch rainfall event.
 - If a site is determined to be a hotspot as detailed in sections 22-1 and 22-55, the Town of Carl may require the use of specific or additional components for the stormwater management system to address pollutants of concern generated by that site.
- (5) *Stream channel protection.* Stream channel protection shall be provided by using all of the following three approaches:
- Twenty-four-hour extended detention storage of the one-year, 24-hour return frequency storm event;
 - Erosion prevention measures, such as energy dissipation and velocity control; and
 - Preservation of any applicable stream buffer.
- (6) *Overbank flood protection.* Downstream overbank flood protection shall be provided by controlling the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour storm event.
- (7) *Extreme flood protection.* Extreme flood protection shall be provided by controlling the 100-year, 24-hour storm event such that flooding is not exacerbated.

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- (8) *Downstream analysis.*Due to peak flow timing and runoff volume effects, some structural components of the stormwater management system fail to reduce discharge peaks to pre-development levels downstream from the site. A downstream peak flow analysis shall be provided to the point in the watershed downstream of the site or the stormwater management system where the area of the site comprises 10% of the total drainage area in accordance with Section 3.19 of the GSMM. This is to help ensure that there are minimal downstream impacts from development on the site. The downstream analysis may result in the need to resize structural components of the stormwater management system.
 - (9) *Stormwater management system inspection and maintenance*The components of the stormwater management system that will not be dedicated to and accepted by the Town of Carl, including all drainage facilities, best management practices, credited conservation spaces, and conveyance systems, shall have an inspection and maintenance agreement to ensure that they continue to function as designed. All new development and redevelopment sites are to prepare a comprehensive inspection and maintenance agreement for the on-site stormwater management system. This plan shall be written in accordance with the requirements in section 22-59.

Sec. 22-57. Application fee and procedures; pre-submittal meeting, stormwater concept plan; stormwater management plan requirements.

- (a) The fee for review of any land development application shall be based on the fee structure established by the Town, and payment shall be made before the issuance of any land disturbance permit or building permit for the development.
- (b) Land development applications are handled as part of the process to obtain the land disturbance permit pursuant to section 22-228 or building permit pursuant to section 18-5, as applicable. Before any person begins development on a site, the owner of the site shall first obtain approval in accordance with the following procedure:
 - (1) File a land development application with the Town of Carl on the Town's form of application with the following supporting materials:
 - a. The stormwater management plan prepared in accordance with section 22-57(g) and (h);
 - b. A certification that the development will be performed in accordance with the stormwater management plan once approved;
 - c. A Preliminary determination of infeasibility, if applicable, prepared in accordance with the practicability policy; and
 - d. An acknowledgement that applicant has reviewed the Town's form of inspection and maintenance agreement and that applicant agrees to sign and record such inspection and maintenance agreement before the final inspection.
 - (2) The administrator shall inform the applicant whether the application and supporting materials are approved or disapproved.
 - (3) If the application or supporting materials are disapproved, the administrator 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 for the administrator to again consider and either approve or disapprove.
 - (4) If the application and supporting materials are the Town may issue the associated land disturbance permit or building permit, provided all other legal requirements for the issuance of such permits have been met. The stormwater management plan included in such applications becomes the approved stormwater management plan.
- (c) All development shall be consistent with the approved stormwater management plan and all applicable land disturbance and building permits and shall be 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.

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- (d) Before a land development permit application is submitted, an applicant may request a pre-submittal meeting with the Town of Carl. The pre-submittal meeting should take place based on an early step in the development process such as before site analysis and inventory (GSMM Section 2.4.2.4) or the stormwater concept plan (GSMM Section 2.4.2.5). The purpose of the pre-submittal meeting is to discuss opportunities, constraints, and ideas for the stormwater management system before formal site design engineering. To the extent applicable, local and regional watershed plans, greenspace plans, trails and greenway plans, and other resources protection plans should be consulted in the pre-submittal meeting. Applicants must request a pre-submittal meeting with the Town of Carl when applying for a Determination of Infeasibility through the Practicability Policy.
- (e) The stormwater concept plan shall be prepared using the minimum following steps:
- (1) Develop the site layout using better site design techniques, as applicable (GSMM Section 2.3).
 - (2) Calculate preliminary estimates of the unified stormwater sizing criteria requirements for stormwater runoff quality/reduction, channel protection, overbank flooding protection and extreme flood protection (GSMM Section 2.2).
 - (3) Perform screening and preliminary selection of appropriate best management practices and identification of potential siting locations (GSMM Section 4.1).
- (f) The stormwater concept plan shall contain:
- (1) Common address and legal description of the site;
 - (2) Vicinity map; and
 - (3) Existing conditions and proposed site layout mapping and plans (recommended scale of 1" = 50'), which illustrate at a minimum:
 - a. Existing and proposed topography (minimum of two-foot contours);
 - b. Perennial and intermittent streams;
 - c. Mapping and predominant soils from USDA soil surveys;
 - d. Boundaries of existing predominant vegetation and proposed limits of clearing and grading;
 - e. 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.);
 - f. Location of existing and proposed roads, buildings, parking areas and other impervious surfaces;
 - g. Existing and proposed utilities (e.g., water, sewer, gas, electric) and easements;
 - h. Preliminary estimates of unified stormwater sizing criteria requirements;
 - i. Preliminary selection and location, size, and limits of disturbance of proposed BMPs;
 - j. Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains;
 - k. Flow paths;
 - l. Location of the boundaries of the base flood floodplain, future-conditions floodplain, and the floodway (as applicable) and relationship of site to upstream and downstream properties and drainage; and
 - m. Preliminary location and dimensions of proposed channel modifications, such as bridge or culvert crossings.
- (g) The stormwater management plan shall contain the items listed in this part 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. Items (3), (4), (5), and (6) shall be sealed and signed by a registered professional

engineer licensed in the state of Georgia. The overall site plan must be stamped by a design professional licensed in the State of Georgia for such purpose. (GSMM Section 2.4.2.7).

- (1) Natural resources inventory.
 - (2) Stormwater concept plan.
 - (3) Existing conditions hydrologic analysis.
 - (4) Post-development hydrologic analysis.
 - (5) Stormwater management system.
 - (6) Downstream analysis.
 - (7) Erosion and sedimentation control plan.
 - (8) BMP landscaping plan.
 - (9) Inspection and maintenance agreement.
 - (10) Evidence of acquisition of applicable local and non-local permits.
 - (11) Determination of infeasibility (if applicable).
- (h) For redevelopment and to the extent existing stormwater management structures are being used to meet stormwater management standards the following must also be included in the stormwater management plan for existing stormwater management structures:
- (1) As-built drawings.
 - (2) Hydrology reports.
 - (3) Current inspection of existing stormwater management structures with deficiencies noted.
 - (4) BMP landscaping plan.

Sec. 22-58. Construction inspections of post-development stormwater management system.

- (a) *Inspections to ensure plan compliance during construction.*
- (1) Periodic inspections of the stormwater management system construction shall be conducted by the staff of the Town or conducted and certified by a professional engineer who has been approved by the Town. Construction inspections shall utilize the approved stormwater management plan for establishing compliance.
 - (2) All inspections shall be documented with written reports that contain the following information:
 - a. The date and location of the inspection;
 - b. Whether construction is in compliance with the approved stormwater management plan;
 - c. Variations from the approved construction specifications; and
 - d. Any other variations or violations of the conditions of the approved stormwater management plan.If any violations are found, the applicant shall be notified in writing of the nature of the violation and the required corrective actions.
- (b) *Final inspection and as built plans.* Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant is responsible for certifying that the completed project is functioning properly and in accordance with the approved stormwater management plan and associated hydrologic analysis. The required certification shall include a certification of volume, or other performance test applicable to the type of stormwater management system component, to ensure each component is functioning as designed and build according to the design specifications in the approved stormwater management plan. This certification and the required performance tests shall be performed by a qualified person and submitted to the Town with the

request for a final inspection. The Town, or a contractor acting on behalf of the Town, shall perform a final inspection with applicant to confirm applicant has fulfilled these responsibilities.

- (1) All applicants are required to submit actual "as built" plans for any stormwater management facilities after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a professional engineer. A final inspection by the Town is required before the release of any performance securities can occur.
- (2) The applicant(s) must certify that the landscaping is established and installed in conformance with the BMP landscaping plan.
- (3) The applicant(s) must deliver to the Town a signed inspection and maintenance agreement that has been recorded by the owner in the property record for all parcel(s) that make up the site.

Sec. 22-59. Ongoing inspection and maintenance of stormwater facilities and practices.

- (a) *Maintenance of stormwater management systems predating current GSSM.* For any stormwater management systems approved and built based on requirements predating the current GSMM and that is not otherwise subject to an inspection and maintenance agreement, such stormwater management systems shall be maintained by the owner so that the stormwater management systems perform as they were originally designed.
- (b) *Inspection and maintenance agreements.*
 - (1) The owner shall execute an inspection and maintenance agreement with the Town obligating the owner to inspect, clean, maintain, and repair the stormwater management systems, including vegetation in the final BMP landscaping plan. The form of the inspection and maintenance agreement shall be the form provided by the Town of Carl. After the inspection and maintenance agreement has been signed by the owner and the Town, the owner shall promptly record such agreement at the owner's cost in the property record for all parcel(s) that make up the site and deliver to the Town a copy of document showing the recording.
 - (2) The inspection and maintenance agreement shall identify by name or official title the person(s) serving as the point of contact for carrying out the owner's obligations under the inspection and maintenance agreement. The owner shall update the point of contact from time to time as needed and upon request by the Town. Upon any sale or transfer of the site, the new owner shall notify the Town in writing within 30 days of the name or official title of new person(s) serving as the point of contact for the new owner. Any failure of an owner to keep the point of contact up to date shall, following 30 days' notice, constitute a failure to maintain the stormwater management system.
 - (3) The inspection and maintenance agreement shall run with the land and bind all future successors-in-title of the site. If there is a future sale or transfer of only a portion of the site, then:
 - a. The parties to such sale or transfer may enter into and record an assignment agreement designating the owner responsible for each portion of the site and associated obligations under the inspection and maintenance agreement. The parties shall record and provide written notice and a copy of such recorded assignment agreement to the Town.
 - b. In the absence of a recorded assignment agreement, all owners of the site shall be jointly and severally liable for all obligations under the inspection and maintenance agreement regardless of what portion of the site they own.
- (b) *Right of entry for maintenance inspections.* The terms of the inspection and maintenance agreement shall provide for the Town's right of entry for maintenance inspections and other specified purposes. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into or recorded, or has otherwise been invalidated or deemed insufficient, then the Town shall have the right to enter and make inspections pursuant to the Town's general provisions for property maintenance inspections pursuant to sections 18-6.

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- (c) *Owner's failure to maintain the stormwater management system.* The terms of the inspection and maintenance agreement shall provide for what constitutes a failure to maintain a stormwater management system and the enforcement options available to the Town of Carl. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into or recorded, or has otherwise been invalidated or deemed insufficient then:
- (1) An owner's failure to maintain the stormwater system so that it performs as it was originally designed shall constitute and be addressed as a violation or failure to comply with owner's maintenance obligations pursuant to Chapter 18 and Sections 50-27, 50-28, and 54-32.
 - (2) To address such a failure to maintain the stormwater management system, the Town shall have all the powers and remedies that are available to it for other violations of an owner's property maintenance obligations including, without limitation, prosecution, penalties, abatement, lien and emergency measures.

Sec. 22-60. Violations, enforcement and penalties.

Any action or inaction which violates the provisions of this article or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this section. A violation may include, but is not limited to, failure to submit as-built drawings, failure to submit a final BMP landscaping plan, or failure of the final inspections and may constitute and be addressed as violations of, or failures to comply with the underlying land disturbance permit pursuant to section 22-228 or the underlying building permit pursuant to Chapter 18. 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 other penalties shall not prevent such equitable relief. To address a violation of this article, the Town shall have all the powers and remedies that are available to it for other violations of building and land disturbance permits and, in addition, it may utilize the notice and penalty provisions below.

- (1) *Notice of violation.* If the Town determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this article, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this article without having first secured a permit therefore, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:
 - a. The name and address of the owner or the applicant or the responsible person;
 - 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 stormwater management plan or this article and the date for the completion of such remedial action;
 - e. A statement of the penalty 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 Town by filing a written notice of appeal within 30 days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hours' notice shall be sufficient).
- (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 Town shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except, that in the event the

violation constitutes an immediate danger to public health or public safety, 24-hours' notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Town 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 Town may issue a stop-work order which shall be served on the applicant or other responsible person. The stop-work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation described therein, provided that the stop-work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation.
- b. *Withhold certificate of occupancy.* The Town may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- c. *Suspension, revocation or modification of permit.* The Town may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated upon such conditions as the Town may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- d. *Civil penalties.* In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the Town shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hours' notice shall be sufficient) after the Town has taken one or more of the actions described above, the Town 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 article, the Town may issue a citation to the applicant or other responsible person, requiring such person to appear in the Town magistrate court to answer charges for such violation. Upon conviction, such person shall be punished according to the general penalties described in section 1-9. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Secs. 22-61—22-78. Reserved.

ARTICLE IV. OPEN SPACE DEVELOPMENT

Sec. 22-79. Purposes.

The purposes of the open space development are as follows:

- (1) To provide for the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure.
- (2) To provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land.
- (3) To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.

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- (4) To permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
 - (5) To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
 - (6) To promote interconnected greenways and corridors throughout the community.
 - (7) To promote contiguous greenspace with adjacent jurisdictions.
 - (8) To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.
 - (9) To encourage street designs that reduces traffic speeds and reliance on main arteries.
 - (10) To promote construction of convenient landscaped walking trails and bike paths both within the Town and connected to neighboring communities, businesses and facilities to reduce reliance on automobiles.
 - (11) To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space.
 - (12) To preserve important historic and archaeological sites.

Sec. 22-80. General regulations.

- (a) *Applicability of regulations.* This conservation of open space option is available on all properties zoned residential in the Town as a use by right. Applicant shall comply with all other provisions of the zoning code and all other applicable laws, except those that are incompatible with the provisions contained herein.
- (b) *Ownership of development site.* The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.
- (c) *Housing density determination.* The maximum number of lots in the subdivision shall be determined, at the discretion of the local jurisdiction, by either of the following two methods:
 - (1) *Calculation.* The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the total area of the parcel:
 - a. Slopes over 25 percent of at least 5,000 square feet contiguous area;
 - b. The 100-year floodplain;
 - c. Bodies of open water over 5,000 square feet contiguous area;
 - d. Wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act ("Federal Water Pollution Control Act" 33 USC 1251 et seq.); or
 - e. Anticipated right-of-way needs for roads and utilities.
 - (2) *Yield plan.* The maximum number of lots is based on a conventional Town design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible. The plan does not have to meet formal requirements for a site design plan, but the design must be capable of being constructed given site features and all applicable regulations.

Sec. 22-81. Application requirements.

- (a) *Site analysis map required.* Concurrent with the submission of a site concept plan, the applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site

features have been adequately identified prior to the creation of the site design, and that the proposed open space will meet the requirements of this article. The preliminary site plan shall include the following features:

- (1) Property boundaries;
 - (2) All streams, rivers, lakes, wetlands and other hydrologic features;
 - (3) Topographic contours of no less than ten-foot intervals;
 - (4) All primary and secondary conservation areas labeled by type, as described in section 22-82;
 - (5) General vegetation characteristics;
 - (6) General soil types;
 - (7) The planned location of protected open space;
 - (8) Existing roads and structures; and
 - (9) Potential connections with existing greenspace and trails.
- (b) *Open space management plan required.* An open space management plan, as described in section 22-82, shall be prepared and submitted prior to the issuance of a land disturbance permit.
- (c) *Instrument of permanent protection required.* An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in section 22-82, shall be placed on the open space concurrent with the issuance of a land disturbance permit.
- (d) *Other requirements.* The applicant shall adhere to all other applicable requirements of the underlying zoning and the building code.

Sec. 22-82. Open space.

- (a) *Definition.* The term "open space" means the portion of the Town that has been set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument.
- (b) *Standards to determine open space.*
- (1) The minimum restricted open space shall comprise at least 40 percent of the gross tract area.
 - (2) The following are considered primary conservation areas and are required to be included within the open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:
 - a. The regulatory 100-year floodplain;
 - b. Buffer zones of at least 75-foot width along all perennial and intermittent streams;
 - c. Slopes above 25 percent of at least 5,000 square feet contiguous area;
 - d. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act ("Federal Water Pollution Control Act" 33 USC 1251 et seq.);
 - e. Populations of endangered or threatened species, or habitat for such species; and
 - f. Archaeological sites, cemeteries and burial grounds.
 - (3) The following are considered secondary conservation areas and should be included within the open space to the maximum extent feasible:
 - a. Important historic sites;
 - b. Existing healthy, native forests of at least one acre contiguous area;

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- c. Individual existing healthy trees greater than eight inches caliper, as measured from their outermost drip line;
 - d. Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads;
 - e. Prime agricultural lands of at least five acres contiguous area; and
 - f. Existing trails that connect the tract to neighboring areas.
- (4) Aboveground utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 40 percent minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the open space.
 - (5) At least 75 percent of the open space shall be in a contiguous tract. The open space should adjoin any neighboring areas of open space, other protected areas, and nonprotected natural areas that would be candidates for inclusion as part of a future area of protected open space.
 - (6) The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Nonadjoining lots shall be provided with safe, convenient access to the open space.
- (c) *Permitted uses of open space.* Uses of open space may include the following:
- (1) Conservation of natural, archeological or historical resources;
 - (2) Meadows, woodlands, wetlands, wildlife corridors, game preserves or similar conservation-oriented areas;
 - (3) Walking or bicycle trails, provided they are constructed of porous paving materials;
 - (4) Passive recreation areas;
 - (5) Active recreation areas, provided that they are limited to no more than ten percent of the total open space and are not located within primary conservation areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected open space;
 - (6) Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within primary conservation areas;
 - (7) Nonstructural stormwater management practices;
 - (8) Easements for drainage, access and underground utility lines; or
 - (9) Other conservation-oriented uses compatible with the purposes of this article.
- (d) *Prohibited uses of open space.*
- (1) Golf courses;
 - (2) Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
 - (3) Agricultural and forestry activities not conducted according to accepted best management practices; and
 - (4) Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.
- (e) *Ownership and management of open space.*
- (1) *Ownership of open space.* The applicant must identify the owner of the open space who is responsible for maintaining the open space and facilities located thereon. The responsibility for maintaining the open space and any facilities located thereon shall be borne by the owner.

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- (2) *Management plan.* Applicant shall submit a plan for management of open space and common facilities (plan) that:
- a. Allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
 - b. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided;
 - c. Provides that any changes to the plan be approved by the Town council; and
 - d. Provides for enforcement of the plan.
- (3) *Liability of party; corrective measures by the Town; cost.* In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the Town may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner, and may include administrative costs and penalties. Such costs shall become a lien on all properties owned by the same party.
- (f) *Legal instrument for permanent protection.*
- (1) The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
 - a. A permanent conservation easement in favor of either:
 1. A land trust or similar conservation-oriented nonprofit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
 2. A governmental entity with an interest in pursuing goals compatible with the purposes of this article;
 3. If the entity accepting the easement is not the Town, then a third right of enforcement favoring the Town shall be included in the easement;
 - b. A permanent restrictive covenant for conservation purposes in favor of a governmental entity; or
 - c. An equivalent legal tool that provides permanent protection, if approved by the Town.
 - (2) The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the applicant chooses to place on the use of the open space.

Sec. 22-83. Greenspace set asides.

Designated "preferred" set aside properties will be identified by the Town council on a Greenspace priority map. Highest priority will be given to those properties adjacent to wetlands, waterways, or areas of intense drainage.

Secs. 22-84—22-108. Reserved.

ARTICLE V. STREAM BUFFER PROTECTION

Sec. 22-109. Title.

This article shall be known as the "The Town of Carl Stream Buffer Protection Ordinance."

Sec. 22-110. Findings and purposes.

- (a) *Findings.* Whereas the council and mayor of the Town finds that buffers adjacent to streams provide numerous benefits including:
- (1) Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources.
 - (2) Removing pollutants delivered in urban stormwater.
 - (3) Reducing erosion and controlling sedimentation.
 - (4) Protecting and stabilizing stream banks.
 - (5) Providing for infiltration of stormwater runoff.
 - (6) Maintaining base flow of streams.
 - (7) Contributing organic matter that is a source of food and energy for the aquatic ecosystem.
 - (8) Providing tree canopy to shade streams and promote desirable aquatic habitat.
 - (9) Providing riparian wildlife habitat.
 - (10) Furnishing scenic value and recreational opportunity.
 - (11) Providing opportunities for the protection and restoration of greenspace.
- (b) *Purposes.* It is the purpose of this article 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 Town 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.

Sec. 22-111. Violations, enforcement and penalties.

Any action or inaction which violates the provisions of this article 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 Town determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved site plan or the provisions of this article, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this article without having first secured the appropriate permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:
 - a. The name and address of the owner or the applicant or the responsible person;
 - b. The address or other description of the site upon which the violation is occurring;
 - c. A statement specifying the nature of the violation;

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- 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 article and the date for the completion of such remedial action;
 - e. A statement of the penalty 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 Town by filing a written notice of appeal within 30 days after the notice of violation (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient).
- (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 Town shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Town 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 Town may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation.
 - b. *Withhold certificate of occupancy.* The Town may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
 - c. *Suspension, revocation or modification of permit.* The Town may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the Town may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
 - d. *Civil penalties.* In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the Town shall deem appropriate (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient), after the Town has taken one or more of the actions described above, the Town 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 article, the Town may issue a citation to the applicant or other responsible person, requiring such person to appear in Town magistrate court to answer charges for such violation. Upon conviction, such person shall be punished as provided by section 1-9. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Sec. 22-112. Applicability.

- (a) This article shall apply to all land development activity on property containing a stream protection area as defined in section 22-110. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established under state law and approval or exemption from these requirements do not constitute approval or exemption from buffer requirements established under state law or from other applicable local, state or federal regulations.
- (1) *Grandfather provisions.* This article shall not apply to the following activities:
- a. 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 the ordinance from which this section is derived.
 - b. Existing development and ongoing land disturbance activities including but not limited to existing agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new development or land disturbance activities on such properties will be subject to all applicable buffer requirements.
 - c. 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 the ordinance from which this section is derived.
 - d. Land development activity that has not been submitted for approval, but that is part of a larger master development plan, such as for an office park or other phased development that has been previously approved within two years of the effective date of the ordinance from which this section is derived.
- (2) *Exemptions.* The following specific activities are exempt from this article.
- a. Activities for the purpose of building one of the following:
 1. A stream crossing by a driveway, transportation route or utility line;
 2. Public water supply intake or public wastewater outfall structures;
 3. Intrusions necessary to provide access to a property;
 4. Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;
 5. Unpaved foot trails and paths;
 6. 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.
 - b. 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 subsection (b)a of this section.
 - c. Land development activities within a right-of-way existing at the time this article takes effect or approved under the terms of this article.
 - d. Within an easement of any utility existing at the time this article takes effect or approved under the terms of this article, 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.

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- e. Emergency work necessary to preserve life or property. However, when emergency work is performed under this section, the person performing it shall report such work to the Town on the next business day after commencement of the work. Within ten days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the Town 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.
 - f. Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the buffer that would otherwise be prohibited, then no other land disturbing activity other than normal forest management practices will be allowed on the entire property for three years after the end of the activities that intruded on the buffer.
- Exemption of these activities does not constitute an exemption for any other activity proposed on a property.
- (b) After the effective date of the ordinance from which this section is derived, it shall apply to new subdividing and platting activities. Any land development activity within a buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted pursuant to section 22-113(b).

Sec. 22-113. Land development requirements.

- (a) *Buffer and setback requirements.* All land development activity subject to this article shall meet the following requirements:
 - (1) An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.
 - (2) An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.
 - (3) No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.
- (b) *Variance procedures.* Variances from the above buffer and setback requirements may be granted in accordance with the following provisions:
 - (1) Where a parcel was platted prior to the effective date of the ordinance from which this section is derived, and its shape, topography or other existing physical condition prevents land development consistent with this article, and the Town finds and determines that the requirements of this article prohibit the otherwise lawful use of the property by the owner, the Town council 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 parcel.
 - (2) Except as provided above, the Town council shall grant no variance from any provision of this article without first conducting a public hearing on the application for variance and authorizing the granting of the variance by an affirmative vote of the council. The Town shall give public notice of each such public hearing in a newspaper of general circulation within the Town. The Town shall require that the applicant post a sign giving notice of the proposed variance and the public hearing. The sign shall be of a size and posted in such a location on the property as to be clearly visible from the primary adjacent road right-of-way. Variances will be considered only in the following cases:
 - a. When a property's shape, topography or other physical conditions existing at the time of the adoption of this article prevents land development unless a buffer variance is granted.
 - b. Unusual circumstances when strict adherence to the minimal buffer requirements in this article would create an extreme hardship.

Variances will not be considered when, following adoption of this article, actions of any property owner of a given property have created conditions of a hardship on that property.

- (3) At a minimum, a variance request shall include the following information:
- a. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
 - b. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
 - c. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;
 - d. Documentation of unusual hardship should the buffer be maintained;
 - e. At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
 - f. A calculation of the total area and length of the proposed intrusion;
 - g. A stormwater management site plan, if applicable; and
 - h. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.
- (4) The following factors will be considered in determining whether to issue a variance:
- a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
 - b. The locations of all streams on the property, including along property boundaries;
 - c. The location and extent of the proposed buffer or setback intrusion;
 - 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.

Sec. 22-114. Compatibility with other buffer regulations and requirements.

This article 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 article should be considered minimum requirements, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

Sec. 22-115. Additional information requirements for development on buffer zone properties.

Any permit applications for property requiring buffers and setbacks hereunder must include the following:

- (1) A site plan showing:
- a. The location of all streams on the property;
 - b. Limits of required stream buffers and setbacks on the property;
 - c. Buffer zone topography with contour lines at no greater than five-foot contour intervals;

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- d. Delineation of forested and open areas in the buffer zone; and
 - e. Detailed plans of all proposed land development in the buffer and of all proposed impervious cover within the setback;
- (2) A description of all proposed land development within the buffer and setback; and
 - (3) Any other documentation that the Town may reasonably deem necessary for review of the application and to insure that the buffer zone ordinance is addressed in the approval process.

All buffer and setback areas must be recorded on the final plat of the property following plan approval.

Sec. 22-116. Responsibility.

Neither the issuance of a development permit nor compliance with the conditions thereof, nor with the provisions of this article shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability upon the Town, its officers or employees, for injury or damage to persons or property.

Sec. 22-117. Inspection.

- (a) The Town may cause inspections of the work in the buffer or setback to be made periodically during the course thereof and shall make a final inspection following completion of the work. The permittee shall assist the Town in making such inspections. The Town shall have the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this article, 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.
- (b) No person shall refuse entry or access to Town administrator and any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative in the process of carrying out official duties.

Sec. 22-118. Administrative appeal and judicial review.

- (a) *Administrative appeal.* Any person aggrieved by a decision or order of Town, may appeal in writing within five days after the issuance of such decision or order to the director of administration of the Town and shall be entitled to a hearing before the Town council of the Town within 30 days of receipt of the written appeal.
- (b) *Judicial review.* Any person aggrieved by a decision or order of Town, after exhausting all administrative remedies, shall have the right to appeal to a court of competent jurisdiction.

Secs. 22-119—22-150. Reserved.

ARTICLE VI. LITTER CONTROL

Sec. 22-151. Findings.

Litter found throughout our community often finds its way into our streams, rivers and lakes and detracts from our quality of life. Pollutants carried into our streams, rivers and lakes by litter, diminish the quality of our water and its aquatic resources. Litter control ordinances provide a prohibition against littering and provide an enforcement mechanism with penalties for dealing with those found littering.

Sec. 22-152. Purpose and intent.

The purpose of this article is to protect the public health, safety, environment and general welfare through the regulation and prevention of litter. The objectives of this article are:

- (1) Provide for uniform prohibition throughout the Town of any and all littering on public or private property; and
- (2) Prevent the desecration of the beauty and quality of life of the Town and prevent harm to the public health, safety, environment and general welfare, including the degradation of water and aquatic resources caused by litter.

Sec. 22-153. Applicability.

This article shall apply to all public and private property within the Town.

Sec. 22-154. Compatibility with other regulations.

This article replaces in its entirety section 50-60, but 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 article should be considered minimum requirements, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

Sec. 22-155. Violations, enforcement and penalties.

- (a) *Violations.* It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. Any person who has violated or continues to violate the provisions of this article, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise sentenced in a manner provided by law.
- (b) *Evidence.*
 - (1) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane or other conveyance in violation of this article, it shall be prima facie evidence that the operator of the conveyance has violated this article.
 - (2) Except as provided in subsection (b)(1) of this section, whenever any litter which is dumped, deposited, thrown or left on public or private property in violation of this article is discovered to contain any article, including but not limited to letters, bills, publications or other writing which display the name of the person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this article.
- (c) *Penalties.* Any person who violates this article shall be guilty of a violation and, upon conviction thereof, shall be punished as follows:
 - (1) As provided by section 1-9;
 - (2) In addition to the fine set out in subsection (c)(1) of this section, the violator shall reimburse the Town for the reasonable cost of removing the litter when the litter is or is ordered removed by the Town; and
 - (3) a. In the sound discretion of the court, the person may be directed to pick up and remove from any public street or highway or public right-of-way for a distance not to exceed one mile any litter he or she has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; or

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- b. In the sound discretion of the court, the person may be directed to pick up and remove any and all litter from any public property, private right-of-way, or with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he or she has deposited litter. Pick up and removal shall include any and all litter deposited thereon by anyone prior to the date of execution of sentence; and
 - (4) The court may publish the names of persons convicted of violating this article.
 - (d) *Enforcement.* All law enforcement agencies, officers and officials of this state or any political subdivision thereof, or any enforcement agency, officer or any official of any commission of this state or any political subdivision thereof, are hereby authorized, empowered and directed to enforce compliance with this article.

Sec. 22-156. Prohibition against littering public or private property or waters.

It shall be unlawful for any person to dump, deposit, throw or leave or to cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property in this Town or any waters in this Town unless:

- (1) The property is designated by the state or by any of its agencies or political subdivisions for the disposal of such litter, and such person is authorized by the proper public authority to use such property;
- (2) The litter is placed into a receptacle or container installed on such property; or
- (3) The person is the owner or tenant in lawful possession of such property, or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.

Sec. 22-157. Vehicle loads causing litter.

No person shall operate any motor vehicle with a load on or in such vehicle unless the load on or in such vehicle is adequately secured to prevent the dropping or shifting of materials from such load onto the roadway.

Secs. 22-158—22-222. Reserved.

ARTICLE VIII. SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE

Sec. 22-223. Title.

This article will be known as "The Town of Carl Soil Erosion, Sedimentation and Pollution Control Ordinance."

Sec. 22-224. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article, unless otherwise specifically stated:

Best Management Practices (BMPs): These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the 'Manual for Erosion and Sediment Control in Georgia' published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

Board: The Board of Natural Resources.

Buffer: The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Certified Personnel: A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

Commission: The Georgia Soil and Water Conservation Commission (GSWCC).

CPESC means a Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.

Cut: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as excavation.

Department: The Georgia Department of Natural Resources (DNR).

Design professional means a professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

Director: The Director of the Environmental Protection Division or an authorized representative.

District: The Barrow County Soil and Water Conservation District.

Division: The Environmental Protection Division (EPD) of the Department of Natural Resources.

Drainage Structure: A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control, or flood control purposes.

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

Erosion, Sedimentation and Pollution Control Plan: A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protections at least as stringent as the State General Permit, best management practices, and requirements in section 22-226.C. of this article.

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

Final stabilization means 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 Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.

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

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

Ground Elevation: The original elevation of the ground surface prior to cutting or filling.

Land-Disturbing Activity: Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section III, Paragraph 5.

Larger Common Plan of Development or Sale: A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch,

advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

Local Issuing Authority: The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. 12-7-8.

Metropolitan River Protection Act (MRPA): A state law referenced as O.C.G.A. 12-5-440 et seq. which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Natural Ground Surface: The ground surface in its original state before any grading, excavation or filling.

Nephelometric Turbidity Units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed or suspended particles are present.

NOI: A Notice of Intent form provided by EPD for coverage under the State General Permit.

NOT: A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.

Operator: The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

Outfall: The location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

Permit: The authorization necessary to conduct a land-disturbing activity under the provisions of this article.

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.

Phase or Phased: Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

Project: The entire proposed development project regardless of the size of the area of land to be disturbed.

Properly Designed: Designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.

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

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

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

Soil and Water Conservation District Approved Plan: An erosion, sedimentation and pollution control plan approved in writing by the Barrow County Soil and Water Conservation District.

Stabilization: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

State General Permit: The National Pollution Discharge Elimination System (NPDES) general permit or permits for storm water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of Code Section 12-5-30.

State Waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Structural Erosion, Sedimentation and Pollution Control Practices: Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Trout Streams means 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.

Vegetative Erosion and Sedimentation Control Measures: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- a. Permanent seeding, sprigging or planting, producing long-term vegetative cover, or
- b. Temporary seeding, producing short-term vegetative cover; or
- c. Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.

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

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

Sec. 22-225. Exemptions.

This article shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

1. Surface mining, as the same is defined in O.C.G.A. 12-4-72, "The Georgia Surface Mining Act of 1968".
2. Granite quarrying and land clearing for such quarrying;
3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
4. The construction of single-family residences, when such construction disturbs less than one (1) acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. 12-7-6 and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of subsection (b) of O.C.G.A. 12-7-6 and the buffer zones provided by this paragraph shall be enforced by the Local Issuing Authority;
5. Agricultural operations as defined in O.C.G.A. 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
6. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (15) and (16) of Section 22-226.C. of this article, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three (3) years after completion of such forestry practices;
7. Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;
8. Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;

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9. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or the State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the Local Issuing Authority, the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;
 10. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and
 11. Any public water system reservoir.

Sec. 22-226. Minimum requirements for erosion, sedimentation and pollution control using Best Management Practices.

- 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 article shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of Section 22-226.B. and C. of this article. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this article and the NPDES General Permit.
- B. *Minimum Requirements/BMPs.*
 1. Best management practices as set forth in Section 22-226.B. and C. of this article shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of storm water issued pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act". As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. 12-7-6 subsection (b).
 2. A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing

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- permit issued by a local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries or by more than ten (10) nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five (5) acres.
3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.
 4. The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.
 5. The LIA may set more stringent buffer requirements than stated in C.15. and 16., in light of O.C.G.A. § 12-7-6(c).
- C. *Additional Requirements.* The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. 12-7-1 et seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:
1. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
 2. Cut-fill operations must be kept to a minimum;
 3. Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
 4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
 5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
 6. Disturbed soil shall be stabilized as quickly as practicable;
 7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
 8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
 9. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 et seq.;
 10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
 11. Cuts and fills may not endanger adjoining property;
 12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;

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13. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
 14. Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section 22-226.B.2. of this article;
 15. Except as provided in paragraph (16) of this subsection, there is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow, Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:
 - a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
 - b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:
 - (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and
 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, 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 shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed:

provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

- b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:
 - (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines.
- D. Nothing contained in O.C.G.A. 12-7-1 et seq. shall prevent any Local Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Section 22-226.B. and C. of this article.
- E. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this article or the terms of the permit.

Sec. 22-227. Application/permit process.

- A. *General.* The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The Local Issuing Authority shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, storm water management ordinance, subdivision ordinance, flood damage prevention ordinance, this article, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the owner and/or operator are the only parties who may obtain a permit.
- B. *Application Requirements.*
 - 1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the Town of Carl, GA without first obtaining a permit from the Town of Carl to perform such activity and providing a copy of Notice of Intent submitted to EPD, as applicable.
 - 2. The application for a permit shall be submitted to the Town Manager or his/her designee and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section 22-227.C. of this article. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of Section 22-226.B. and C. of this article will be met. Applications for a permit will not be accepted unless accompanied by up to six copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.10. Additional copies of the applicant's erosion, sedimentation and pollution control plans may also be submitted directly to EPD, as specified by the Town of Carl.
 - 3. The Town of Carl assesses local permitting fees and also state-mandated fees. All applicable fees shall be paid prior to issuance of the land disturbance permit. Except as otherwise provided for herein, fees for an application for a permit on a per-acre of land disturbed basis, as required by this article, shall be as established by the Town of Carl from time to time by resolution of the Town Council. In addition to the local permitting fees, state-mandated fees shall also be assessed pursuant to O.C.G.A. § 12-5-23(a)(5), and regulations adopted thereunder by EPD, in the amount of \$80.00 per disturbed acre, to be divided as follows: \$40.00 per acre to Bartow County and \$40.00 per acre to the Georgia Environmental Protection Division. In the case of a subdivision or other larger common plan of development or sale, "per disturbed acre" includes all acreage to be disturbed in the entire development. Fees for the county shall be submitted to the county including primary and secondary permittees. Fees for the state shall be submitted to the state on EPD forms available at <http://www.gaepd.org>. However, any and all fees due

from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. § 12-7-17 shall be submitted in full to the division.

4. Immediately upon receipt of an application and plan for a permit, the Town of Carl shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The District shall approve or disapprove a plan within 35 days of receipt. Failure of the District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the Town of Carl. No permit will be issued unless the plan has been approved by the District, and any variances required by Section 22-226.C. 15. and 16. has been obtained, all fees have been paid, and bonding, if required as per Section 22-227.B.6., have been obtained. Such review will not be required if the Town of Carl and the District enter into an agreement which allows the Town to conduct such review and approval of the plan without referring the application and plan to the District.
5. If a permit applicant has had two or more violations of previous permits, this article section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the Local Issuing Authority may deny the permit application.
6. The Town of Carl shall require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the Town may call the bond 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. The Town Manager may release a portion of the letter of credit, for the land-disturbing amount, after final stabilization is complete and all permanent vegetation and stabilization measures are in place. If the permit holder believes they are not in violation of this article such that the surety should not be drawn against, the permit holder may appeal any notice to comply to the Town of Carl. Appeal shall be made by filing a written notice of appeal within five days of any notice to comply to with the Town Manager stating the basis for the appeal. The Town Council shall consider the appeal at the next scheduled public meeting. Except in emergency situations, the surety shall not be drawn against until the appeal is considered. The decision of the Town Council shall be final.

C. *Plan Requirements.*

1. Plans must be prepared to meet the minimum requirements as contained in Section 22-226.B. and C. of this article, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The Manual for Erosion and Sediment Control in Georgia is hereby incorporated by reference into this article. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the Commission and in consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. 12-7-20.
2. Data Required for Site Plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

D. *Permits.*

1. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the Town of Carl of a completed application, providing variances and bonding are

obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.

2. No permit shall be issued by the Town of Carl unless the erosion, sedimentation and pollution control plan has been approved by the District and the Town Manager or his/her designee has affirmatively determined that the plan is in compliance with this article, any variances required by Section 22-226.C. 15. and 16. are obtained, bonding requirements, if necessary, as per Section 22-227.B.6. are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Town of Carl are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
3. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this article, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.
4. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
5. The permit may be suspended, revoked, or modified by the Town of Carl, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this article. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
6. The Town of Carl may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. 12-7-7(f)(1).

Sec. 22-228. Inspection and enforcement.

- A. The Town of Carl is responsible for periodically inspecting all 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 Town of Carl shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this article, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this article.
- B. The Town of Carl must amend its ordinances to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975.
- C. The Town of Carl shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this article, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- D. No person shall refuse entry or access to any authorized representative or agent of the Local Issuing Authority, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
- E. The District or the Commission or both shall semi-annually review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. 12-7-8(a). The District or the Commission or both may provide technical assistance to any county or municipality for the purpose of

improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The District or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.

- F. The Division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to Code Section 12-7-8(a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8(a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7(e), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a Local Issuing Authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a Local Issuing Authority.

Sec. 22-229. 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 article without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Local Issuing Authority.
- B. *Stop-Work Orders.*
1. For the first and second violations of the provisions of this article, the Director or the Town of Carl shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the Director or the Town of Carl shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the Town of Carl shall issue an immediate stop-work order in lieu of a warning;
 2. For a third and each subsequent violation, the Director or the Town of Carl shall issue an immediate stop-work order; and;
 3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
 4. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the Town of Carl or by the Director or his or her Designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the Town or by the Director or his or her Designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.
- 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 shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this article and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Section 22-227.B.6. The Town of Carl 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.

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- D. *Monetary Penalties.* Any person who violates any provisions of this article, or any permit condition or limitation established pursuant to this article, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this article shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this article, notwithstanding any provisions in any Town Charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this article under county ordinances approved under this article shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Sec. 22-230. Education and certification.

- A. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. 12-7-20.
- 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, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.
- 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 article.
- D. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A. 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

Sec. 22-231. Administrative appeal and judicial review.

- 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; shall entitle the person submitting the plan or holding the permit to a hearing before the Town Town Council within thirty (30) days after receipt by the Town Manager of written notice of appeal.
- B. *Judicial Review.* Any person, aggrieved by a decision or order of the Town Town Council, after exhausting his administrative remedies, shall have the right to appeal de novo to the Municipal Court of Town of Carl, Georgia.

Sec. 22-232. Effectivity, validity and liability.

- A. *Effectively.* This article shall become effective upon adoption.
- B. *Validity.* If any section, paragraph, clause, phrase, or provision of this article shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this article.
- C. *Liability.*

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1. Neither the approval of a plan under the provisions of this article, nor the compliance with provisions of this article shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Local Issuing Authority or District for damage to any person or property.
 2. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this article or the terms of the permit.
 3. No provision of this article shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.

Secs. 22-233—22-250. Reserved.

ARTICLE IX. TOWN OF CARL TREE CONSERVATION ORDINANCE

Sec. 22-251. Purpose.

- a. The purpose of this ordinance is to recognize the importance of trees to the environment within the Town of Carl for the purposes of health and welfare, beauty, safety, history, and general well-being, and to promote: (1) tree conservation, (2) the increase, renewal, and proliferation of trees and the tree canopy, and (3) the protection of existing trees. This ordinance is designed to provide reasonable minimum standards regarding the preservation, planting, protection and maintenance of trees within the Town. The provisions and regulations contained herein, along with the Administrative Standards and Best Management Practices for Town's Urban Forest, will guide practices to accomplish said purpose.
- b. The Town of Carl further recognizes benefits derived from the conservation, proliferation, and renewal of trees and increased canopy including but not limited to:
 - i. The improvement of air quality by providing filtration of dust and fumes;
 - ii. The conservation of energy and mitigation of the urban heat island effect through shading and transpiration;
 - iii. The reduction of storm water runoff and flooding by dissipating rainfall and absorbing moisture;
 - iv. The reduction of soil erosion and improved water quality;
 - v. The improvement of habitat for desirable wildlife by providing diversity for food, shelter, and nesting sites;
 - vi. The reduction of health risks to residents due to improved environmental conditions;
 - vii. The improvement of community aesthetics and quality of life by having a diverse environment;
 - viii. The reduction of ambient noise levels;
 - ix. The mitigation of conditions in areas of vehicular use by providing buffering and shading; and
 - x. The general enhancement of economic value to properties.
- c. The requirement of a high level of quality in the maintenance and development of land is consistent with community standards and the economic necessity of maintaining Town as a desirable place to live and conduct business.
- d. The intent of this ordinance is to preserve and enhance the Town's tree canopy and provide environmental education to the residents of the Town.

Sec. 22-252 Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Administrative Standards: The Administrative Standards and Best Management Practices for Town's Urban Forest prepared in conjunction with this Ordinance and which, as they exist and may be amended from time to time, shall be incorporated herein, and a copy of which shall be maintained in the office of the Town Clerk of the Town of Carl, Georgia. If any term of the Administrative Standards is deemed to conflict with the terms of this article, the terms of the Ordinance shall be controlling.

Boundary Tree: A tree 18 inches (dbh) or larger located on a property adjacent to a permitting property whose critical root zone or canopy extends into that permitting property.

Buffer Tree: A tree 18 inches (dbh) or larger located in the minimum required yards/setbacks of any property.

Buildable Area: The area of a lot within a given zoning district not to include the minimum required yards/setbacks of any property.

Caliper: The trunk diameter measurement of nursery stock trees measured at 6 inches above the ground up to and including 4 inches caliper size and 12 inches above the ground for larger trees.

Canopy Requirements: The percentage of tree Canopy coverage as set forth in Exhibit "A," Table 1, Canopy Requirements Table. For the purposes of this ordinance the canopy percentage on any property shall be the square footage of the total existing tree Canopy on a property, divided by the total square footage of the permitting property.

Canopy Tree: A large or medium tree with a crown size and shape that will typically provide at maturity significant shade and beneficial effects on temperature, air quality, water quality, and other environmental conditions. A canopy tree is also referred to as a "shade tree."

Certified Arborist: an arborist certified by the International Society of Arboriculture as possessing the minimum level of competency required to practice arboriculture.

Critical Root Zone: The minimum rooting volume of a tree necessary to sustain the tree's life, generally defined by the tree's drip line or 1.25 feet for every inch (dbh), which ever is greater, to a depth of 3 feet.

Damaged Tree: A tree that has damage to any of its parts, including the roots, root buttress, trunk, or branches.

Destroyed Tree: A tree, which has damage to any of its parts causing, as determined by the Town Arborist, the tree's survival beyond three (3) growing seasons to be unlikely.

Diameter at Breast Height (dbh): The diameter of a tree's trunk measured at 4.5 feet above the ground. For multi-trunk trees the diameter is measured at the narrowest point beneath the point of attachment of the multiple trunks.

Ecological Compatibility: The suitability and functionality of a given tree species for its growing site based on its potential size, slope, exposure, soil, and drainage preferences; growth and structural characteristics; and use in the landscape.

Hazardous Tree A tree where the tree is at risk for failure because it is dead or structurally defective, and where that failure could result in personal injury or property damage, as determined by the Director of Administrator or his/her designee.

Land Disturbance Permit: A permit issued by the Town of Carl that authorizes the alteration or development of a given tract of land or any land disturbing activity.

Landmark Tree: A: (1) hardwood tree 27 inches (dbh) or larger, (2) pine tree 30 inches (dbh) or larger, provided that it is not located within thirty (30) feet of any structure, or (3) dogwood or redbud tree 10 inches (dbh) or larger being in fair or better condition.

Town Arborist/Town Arborist: The individual authorized by the Director of Administration to administer and enforce the requirements and standards as set forth in the Town Tree Conservation Ordinance.

Protected Tree: A tree 18 inches (dbh) or larger, other than a Landmark Tree or Buffer Tree, in fair or better condition.

Qualified Professional: Any individual possessing a degree in forestry, urban forestry, landscape architecture, or horticulture, having been trained by the Town of Carl in the implementation of this article, and tree protection in building construction. The Town Arborist shall certify and maintain a list of Qualified Professionals.

Site/Tree Conservation Plan (STCP): A plan as required in Section 6 of this article.

Tree: A self-supporting woody plant material capable of reaching a minimum (dbh) of 6 inches and a height of 15 feet.

Tree Authority Board (TAB): A board consisting of Town residents, established by Town Council, which presides in conjunction with the Town administration to oversee the permitting of tree removal.

Tree Bank: an account within the Town budget to receive funds to be used for future tree plantings

Tree Canopy: The square footage of the aggregate of the canopy of all trees contained on a property.

Tree Protection Zone: The area of a lot for a given zoning district defined by the minimum required yards and the critical root zone of any protected tree.

Tree Removal Permit: A permit as required pursuant to this Ordinance issued by the Town of Carl for land disturbance or the removal of trees.

Sec. 22-253. Tree removal or destruction—Tree removal permit required.

- a. The removal or destruction of any Landmark Tree shall require a Tree Removal Permit pursuant to Section 22-254(a) of this article.
- b. Any land disturbing activity or construction activity including but not limited to grading, digging, soil disturbance or other activity which could result in damage to root structure in the Critical Root Zone of any Boundary Tree shall require a Tree Removal Permit pursuant to Section 22-254(b) of this article.
- c. The removal or destruction of any Landmark Tree, Protected Tree or Buffer Tree on residential property devoted to any residential use shall require compliance with Section 22-255 of this article.
- d. The removal or destruction of: (1) any Protected Tree on property devoted to other than single family or duplex residential use, or (2) any Landmark Tree, Protected Tree or Buffer Tree in conjunction with activity requiring the issuance of a building permit (other than a building permit for a deck or open air patio not to exceed 200 square feet, fence, or interior renovations), demolition permit, land disturbance permit, or erosion and grading permit by the Town of Carl, Georgia, shall require a Tree Removal Permit in compliance with Section 22-256 hereof.
- e. All permit requirements as set forth herein shall be deemed cumulative with the most restrictive category being operative regarding any particular application.
- f. A Hazardous Tree may be removed without a Tree Removal Permit; provided, however, should the Hazardous Tree have otherwise met the requirements of being a tree protected under the terms of this article, including but not limited to a Landmark Tree, Buffer Tree, Boundary Tree, or Protected Tree, the owner of the property shall immediately notify the Town of Carl of the removal of the tree and provide documentation from a certified arborist that the removed tree was a Hazardous Tree as defined herein. Should it be determined that

any tree so removed was not a Hazardous Tree, the provisions of this article shall be applied regarding the removal of such tree.

- g. A tree may be removed without a Tree Removal Permit if it is no greater than 6' in height, measured from the base of the trunk to the top most point.
- h. Nothing in this article shall prohibit or restrict normal tree maintenance (including the removal of dead wood and branches or limbs which endanger life or property); provided however that no tree protected herein shall be limbed, topped or pruned in a manner so as to deprive the tree of continued viability.

Sec. 22-254. Tree removal permit—Landmark tree/boundary tree.

- a. *Landmark Trees.*
 - i. A Tree Removal Permit allowing the destruction or removal of a Landmark Tree pursuant to this Section shall be permitted only if the Town of Carl determines that the removal of said Landmark Tree is warranted based upon: (1) the size and configuration of the property; (2) the physical condition of the Landmark Tree; (3) the Tree Canopy of common areas adjacent to the property; or (4) other factors creating undue hardship for the applicant including but not limited to: pedestrian or vehicle traffic on or adjacent to the property; the configuration of buildings, structures and utilities on or adjacent to the property; cost effectiveness of potential alternatives to tree removal; whether the tree contributes to meeting any of the requirements set forth in this article or other requirements set forth by the Town; or generally recognized good forestry practices.
 - ii. All Landmark Trees removed pursuant to section (i) above shall be replaced by the planting of a new tree(s) on the property of a comparable species and with a canopy potential of 150% of the canopy of the Landmark Tree to foster the enhancement of the tree canopy. If, however, the Town Arborist determines that replacement is not practical based upon the factors set forth in (a)(i) above, payment may be made into the Town Tree Bank in lieu of replacement planting. The compensation for the lost Tree Canopy shall be calculated on a square foot lost/replaced basis as set forth on Exhibit "A," Table 2, Canopy and Cost Assignment.
 - iii. A Tree Removal Permit shall not be issued until both: (1) payment of any required amounts have been received by the Town Tree Bank, and (2) the Town has been provided adequate assurances of any required canopy replacement, as reflected in the approved site plan.
- b. *Boundary Trees.*
 - i. No land disturbing activity or construction activity including but not limited to grading, digging, soil disturbance or other activity resulting in damage to root structure in the Critical Root Zone of any Boundary Tree shall be permitted should the Town Arborist determine that the activity will deprive the Boundary Tree of continued viability.
 - ii. Should the Town Arborist determine that it is uncertain whether the proposed land disturbance or construction activity will deprive the Boundary Tree of continued viability, and that there is not a sufficient basis to prohibit the activity under section (b)(i), a Tree Removal Permit allowing the activity shall be issued only after compliance with Section 22-257 of this article.
 - iii. Should the Town Arborist determine that the proposed land disturbance or construction activity will not deprive the Boundary Tree of continued viability; a Tree Removal Permit shall be issued.

Sec. 22-255. Tree removal permit—Residential use.

A Tree Removal Permit pursuant to this Section shall be issued only upon compliance with the following:

- a. *Required Documentation.* In conjunction with an application pursuant to this section, the applicant shall submit to the Director of Administration documentation (i.e. photographs, drawings, or similar documentation deemed acceptable by the Director of Administration) showing the location of all existing Trees on the property. Such documentation shall show the location, species, and approximate caliper size of all existing trees noting with specificity the Landmark Trees, Protected Trees and Buffer Trees which are proposed to be removed pursuant to this Section.

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- b. *Landmark Trees.* The removal of Landmark Trees pursuant to the Section shall be in accordance with Section 22-254(a).i-ii. above.
 - c. *Protected Trees.* If:
 - i. the applicant has submitted the documentation required by Section 22-255(a) to the Town of Carl not less than fourteen (14) business days prior to the proposed removal of Protected Trees, and (2) the removal or destruction of the Protected Trees, in conjunction with all tree removal being conducted, will not cause the Tree Canopy on the property to fall below the Canopy Requirements, a Tree Removal Permit may be issued upon review of submitted documentation.
 - ii. For the removal or destruction of Protected Trees on property not meeting the Canopy Requirements, or property on which the removal or destruction of the Protected Tree, in conjunction with all tree removal being conducted, will cause the Tree Canopy to fall below the Canopy Requirements, the applicant shall, at his election, provide for mitigation of all lost Tree Canopy below the Canopy Requirements by: (A) replacing the lost Tree Canopy through planting tree(s) on the property of comparable species and canopy potential, or (B) payment into the Town Tree Bank for the lost Tree Canopy. The compensation for the lost Tree Canopy shall be calculated on a square foot lost/replaced basis as set forth on Exhibit "A," Table 2, Canopy and Cost Assignment.
 - d. *Buffer Trees.*
 - i. The removal or destruction of Buffer Trees shall be permitted only if the Town Arborist determines that the removal of said Buffer Tree is warranted based upon: (1) the size and configuration of the property; (2) the physical condition of the Buffer Tree; (3) the Tree Canopy of common areas adjacent to the property; or (4) other factors creating undue hardship for the applicant including but not limited to: pedestrian or vehicle traffic on or adjacent to the property; the configuration of buildings, structures and utilities on or adjacent to the property; cost effectiveness of potential alternatives to tree removal; whether the tree contributes to meeting any of the requirements set forth in this article or other requirements set forth by the Town; or generally recognized good forestry practices.
 - ii. For removal or destruction of Buffer Trees approved pursuant to (d)(i) above, which removal or destruction, in conjunction with all tree removal being conducted, will not cause the Tree Canopy to fall below the Canopy Requirements, a Tree Removal Permit shall be issued.
 - iii. For removal or destruction of Buffer Trees approved pursuant to (d)(i) above, on property not meeting the Canopy Requirements, or property on which the removal or destruction of the Buffer Tree, in conjunction with all tree removal being conducted, will cause the Tree Canopy to fall below the Canopy Requirements, the applicant shall, at its election, provide for mitigation of all lost Tree Canopy below the Canopy Requirements by: (A) replacing the lost Tree Canopy through planting tree(s) on the property of comparable species and canopy potential, or (B) payment into the Town Tree Bank for the lost Tree Canopy. The compensation for the lost Tree Canopy shall be calculated on a square foot lost/replaced basis as set forth on Exhibit "A," Table 2, Canopy and Cost Assignment.
 - e. *Payment/Assurances Required.*
 - i. A Tree Removal Permit shall not be issued hereunder until both: (1) payment of any required amounts have been received by the Town Tree Bank, and (2) the Town has been provided adequate assurances of any required canopy replacement.

Sec. 22-256. Tree Removal Permit—Site/Tree Conservation Plan Required.

A Tree Removal Permit pursuant to this Section shall only be issued upon compliance with the following:

- a. *Site/Tree Conservation Plan Required.*

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- i. In conjunction with an application pursuant to this section, the applicant shall submit a Site/Tree Conservation Plan (STCP) prepared by a Qualified Professional for review by the Town of Carl. The approval of the STCP by the Town of Carl shall be required prior to the issuance of a Tree Removal Permit pursuant to this section.
 - ii. The STCP shall document: the species, (dbh), critical root zone and location of all existing Trees and Critical Root Zones on the property; the location, species, and caliper size of all proposed mitigation planting trees; and the location of all proposed building construction and land development activities, including grading, drainage, proposed utility locations and all proposed tree protection measures.
 - iii. The STCP shall document all Trees proposed for removal.
 - iv. The STCP shall document the calculation of the Tree Canopy on the property prior to and following the implementation of the tree removal/replacement activity as set forth in the STCP.
 - v. The STCP shall document standard details for tree protection and tree planting in compliance with the Administrative Standards.
 - vi. The STCP shall document compliance with the parking and landscape requirements in compliance with the Administrative Standards.
 - vii. The STCP shall document all trees planted to bring the tree canopy to a minimum 30% canopy coverage threshold.
- b. *Landmark Trees.*
- i. The destruction or removal of Landmark Trees pursuant to this Section shall be permitted only if said Landmark Tree is: (1) located within the building footprint of the proposed construction as permitted by the Town of Carl, or (2) outside of the permitted building footprint, and the Town of Carl determines that the permitted land disturbance or construction activity will require the removal of said Landmark Tree based on Section 22-258 below.
 - ii. All Landmark Trees removed pursuant to section (i) above shall be replaced by the planting of a new tree(s) on the property of a comparable species and with a canopy potential of 150% of the canopy of the Landmark Tree to foster the enhancement of the tree canopy. If, however, the Town determines that replacement is not practical based upon: (1) the size and configuration of the property; (2) the Tree Canopy of common areas adjacent to the property; or (3) other factors creating undue hardship for the applicant including but not limited to: pedestrian or vehicle traffic on and adjacent to the property; the configuration of buildings, structures and utilities on or adjacent to the property; cost effectiveness of potential replacement; whether the tree contributes to meeting any of the requirements set forth in this article or other requirements set forth by the Town; or generally recognized good forestry practices, payment may be made into the Town Tree Bank in lieu of replacement planting. The compensation for the lost Tree Canopy shall be calculated on a square foot lost/replaced basis as set forth on Exhibit "A," Table 2, Canopy and Cost Assignment.
- c. *Boundary Trees.*
- i. The STCP shall document the protection of Boundary Trees in accordance with Section 22-254(b) of this article.
- d. *Protected Trees.*
- i. The removal or destruction of Protected Trees, where said removal or destruction in conjunction with all proposed removal or destruction as set forth in the STCP will not cause the Tree Canopy to fall below the Canopy Requirements, shall be permitted.
 - ii. The removal or destruction of Protected Trees on property not meeting the Canopy Requirements, or property on which all proposed removal or destruction of as set forth in the STCP will cause the Tree Canopy to fall below the Canopy Requirements, shall be permitted only if said Protected Tree

is: (1) located within the building footprint of the proposed construction as permitted by the Town of Carl, or (2) outside of the permitted building footprint, and the Town of Carl determines that the permitted land disturbance or construction activity will require the removal of said Protected Tree based on Section 22-258 below.

- iii. All trees removed pursuant to section (ii) above shall be replaced by the planting of a new tree(s) on the property of a comparable species and canopy potential. If, however, the Town Arborist determines that replacement is not practical based upon: (1) the size and configuration of the property; (2) the Tree Canopy of common areas adjacent to the property; or (3) other factors creating undue hardship for the applicant including but not limited to: pedestrian or vehicle traffic adjacent to the property; the configuration of buildings, structures and utilities on or adjacent to the property; cost effectiveness of potential replacement; whether the tree contributes to meeting any of the requirements set forth in this Ordinance or other requirements set forth by the Town; or generally recognized good forestry practices, payment may be made into the Town Tree Bank in lieu of replacement planting. The compensation for the lost Tree Canopy below the Canopy Requirements shall be calculated on a square foot lost/replaced basis as set forth on Exhibit "A," Table 2, Canopy and Cost Assignment.
- e. *Buffer Trees.*
 - i. The removal or destruction of Buffer Trees shall be permitted only if the Town Arborist determines that the removal of said Buffer Tree is warranted based upon: (1) the size and configuration of the property; (2) the condition of the Buffer Tree; (3) the Tree Canopy of common areas adjacent to the property; or (4) other factors creating undue hardship for the applicant including but not limited to: pedestrian or vehicle traffic adjacent to the property; the configuration of buildings, structures and utilities on or adjacent to the property; cost effectiveness of potential alternatives to tree removal; whether the tree contributes to meeting any of the requirements set forth in this article or other requirements set forth by the Town; or generally recognized good forestry practices.
 - ii. For removal or destruction of Buffer Trees approved pursuant to (e)(i) above, which removal or destruction, in conjunction with all tree removal set forth in the STCP, will not cause the Tree Canopy to fall below the Canopy Requirements, a Tree Removal Permit shall be issued.
 - iii. For removal or destruction of Buffer Trees approved pursuant to (e)(i) above, on property not meeting the Canopy Requirements, or property on which the removal or destruction of the Buffer Tree, in conjunction with all tree removal set forth in the STCP, will cause the Tree Canopy to fall below the Canopy Requirements, all Buffer Trees shall be replaced by the planting of a new tree(s) within the minimum required yards/setback of the property of a comparable species and canopy potential. If, however, the Town of Carl determines that replacement is not practical based upon the factors set forth in section (e)(i) above, payment may be made into the Town Tree Bank in lieu of replacement planting. The compensation for the lost Tree Canopy below the Canopy Requirements shall be calculated on a square foot lost/replaced basis as set forth on Exhibit "A," Table 2, Canopy and Cost Assignment.
- f. *Payment/Assurances Required.*
 - i. A Tree Removal Permit/STCP Approval shall not be issued hereunder until both: (1) payment of any required amounts have been received by the Town Tree Bank, and (2) the Town has been provided adequate assurances of any required canopy replacement.
- g. *Permit Fee Incentive.*
 - i. Any applicant required to submit and receive an approved STCP pursuant to this Section 22-256, who shall present a plan which increases the existing Tree Canopy on the property, beyond the requirements by this Ordinance, may receive a credit against the Permit Fees required to be paid for the project defined in the STCP in an amount equal to $\frac{1}{3}$ of the value of the increased Tree Canopy as calculated on a square foot lost/replaced basis as set forth on Exhibit "A," Table 2,

Canopy and Cost Assignment. Such reduction of fees, however, shall not exceed 50% of the amount of the Permit Fees required for the project as defined in the STCP.

h. *Field Verification.*

- i. The Qualified Professional submitting the STCP shall field verify the accuracy of the STCP prior to submittal.
- ii. A Qualified Professional shall certify successful compliance with the terms of the approved STCP to the Town prior to issuance of a Certificate of Occupancy for the permitted property.
- iii. The Town Arborist shall validate submitted STCPs for field accuracy, and compliance as he or she deems appropriate.
- iv. In addition to all other provisions of this article, and where allowed by law, submission of an inaccurate STCP or inaccurate certification of compliance with a STCP shall cause the submitting Qualified Professional to be removed from the approved list maintained by the Town Arborist for a period of not less than ninety (90) days.

Sec. 22-257. Boundary Tree Protection.

- a. Prior to the issuance of a Tree Removal Permit pursuant to this Section, funds shall be deposited into an account established by the Town in an amount determined by the Town Arborist to be sufficient to offset the removal and replacement costs of the Boundary Tree. Notice shall be provided to the property owner whose property contains the Boundary Tree which notice shall include notice of the deposited funds and a copy of the Boundary Tree provisions of this article.
- b. In establishing the escrow amount required pursuant to Section (a) above, the proposed replacement tree upon which payment shall be computed shall be a comparable species and size potential to the Boundary Tree, shall be ecologically compatible with the intended growing site, and at maturity shall fully mitigate the loss of the entire canopy area of the Boundary Tree.
- c. For the purposes of the Ordinance, credit will be granted to applicants for the entire Tree Canopy of a Boundary Tree protected hereunder.
- d. At any time prior to a determination authorizing the return of the escrow funds to the applicant pursuant to Section (e) below, if the property owner whose property contains the Boundary Tree ("Petitioner") contends that the permitted activity has caused the Boundary Tree to fail to survive or be in a state of irreversible decline, the Petitioner may petition the Town Arborist for the payment of the escrow funds to be utilized for the removal and replacement of the Boundary Tree. Upon receipt of such petition, notice of the petition shall be provided to the applicant hereunder at the address provided at the time of the Tree Removal Permit application, or at any alternative address subsequently designated by the applicant to the Town Arborist in writing, via first class and certified mail. Within thirty (30) days of mailing of the notice, the Town Arborist shall make a determination as to whether the Boundary Tree has failed to survive or is in a state of irreversible decline due to the permitted activity. Notice of the decision shall be provided to the Petitioner and the applicant by certified and first class mail as set forth above. Either party may appeal the Town Arborist's determination pursuant to Section 13 of this Ordinance. Should the Town Arborist determine that the Boundary Tree failed to survive or is in a state of irreversible decline due to the permitted activity, and no appeal has been timely filed, or the applicant has fully exhausted his or her appellate rights, the escrow funds shall be paid to the Petitioner to offset any costs incurred in removal and replacement of the Boundary Tree. The Petitioner's rights pursuant to this section may not be exercised more than one (1) time in any eighteen (18) month period.
- e. After five (5) years from the date of the payment of the escrow funds, unless otherwise disbursed pursuant to section (d) above, the applicant shall have the right to petition the Town Arborist for the return of all escrow funds held for the Boundary Tree. Notice of the applicant's petition shall be provided to the property owner whose property contains the Boundary Tree by first class and certified mail at the address of the property containing the Boundary Tree, and at the address set forth in the tax digest regarding the property. Within thirty (30) days of mailing of the notice, the Town Arborist shall make a determination as to whether the

Boundary Tree has failed to survive or is in a state of irreversible decline due to the permitted activity. Notice of the decision shall be provided to the applicant and the property owner by certified and first class mail as set forth above. Either party may appeal the Town Arborist's determination pursuant to Section 22-263 of this article. Should the Town Arborist determine that the Boundary Tree has not failed to survive or is not in a state of irreversible decline due to the permitted activity, and no appeal has been timely filed, or the property owner has fully exhausted his or her appellate rights, the escrow funds shall be paid to the applicant.

- f. Any funds not collected by either an affected property owner or the applicant within a period of five (5) years and six (6) months of the establishment of the escrow fund shall be deposited in the Town Tree Bank.
- g. No party shall be entitled to receive interest on any escrow funds required pursuant to this provision.

Sec. 22-258. Tree Removal and Replacement in Conjunction with Tree Removal Permit.

- a. The removal or destruction of any tree where approval is required shall only be approved by the Town of Carl, if the following conditions are met:
 - i. Unavoidable site modifications resulting from grading, utility work, and construction activities will result in destruction or irreparable damage to the tree; and
 - ii. Site plan modifications to prevent destruction or irreparable damage to the tree are impossible or unduly burdensome on the applicant.

Sec. 22-259 – 260 Reserved.

Sec. 22-261. Enforcement.

- a. The Director of Administration or his or her designated agents shall enforce of Community to the terms of this article.
- b. No Certificate of Occupancy shall be issued on any property without compliance with the terms of this article.
- c. Examples of violations shall include, but not be limited to:
 - i. Land disturbance or building construction without a permit.
 - ii. Improperly installed or maintained tree protection.
 - iii. The removal of applicable trees prior to the issuance of a permit.
 - iv. Non-approved encroachment of tree protection zones.
 - v. Other violations of the terms, provisions and standard of this article established herein.
- d. Notices of violations, the issuance of stop work orders and citations shall be in accordance with the Code and Ordinances of the Town, Georgia.
- e. Where it is deemed necessary, the Director of Administration shall require sureties to assure compliance to the terms, conditions and standards of this ordinance.

Sec. 22-262. Fines and penalties.

- a. Any person, firm, corporations or other entity violating any of the provisions of this article shall be liable for a fine. Each calendar day a violation exists shall be considered a separate offense. There are no maximum limitations to the accrual of fines. Each offense shall further be subject to a maximum of six (6) months imprisonment.
- b. Each owner of any property wherein a violation exists shall be jointly and severally responsible for said violation.

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- c. Removal of a Tree protected under the terms of this article without compliance with the terms hereof shall result in an assessment for the replacement of the lost canopy in the amount of three (3) times the value of the lost Tree Canopy calculated in accordance with Exhibit "A," Table 2, Canopy and Cost Assignment, being assessed against the person causing the removal of the tree.
 - d. The jurisdiction for any violations hereunder shall be in the Town Municipal Court.

Sec. 22-263. Appeals.

- a. Any applicant under this article aggrieved by an action of the Town Arborist, or any adjacent property owner directly impacted by a decision, may appeal and be heard by the Town Tree Authority Board in accordance with the rules and regulations as set forth by the Code of the Town, and said Board.
- b. All appeals, pursuant to this section, must be filed in writing with the Town of Carl within thirty (30) days from the date of the decision or action from which the aggrieved party appeals. All appeals must be filed on forms, which can be obtained at the Town of Carl.
- c. Appeals shall only be granted for errors of interpretation, application, or where the unique natural features of the site are such that it is impractical or impossible to apply the terms, conditions or standards of these regulations resulting in an undue hardship to the property owner.
- d. Any person aggrieved by an action of the Town Tree Authority Board as it relates to this article may appeal within 30 days to the Superior Court of Barrow County Georgia by writ of certiorari.

Sec. 22-264. Effective date.

This article shall become effective upon adoption by the Mayor and Council.

Secs. 22-265—22-280. Reserved.

ARTICLE X. STANDARDS FOR OUTDOOR WATERING OF LANDSCAPE

Sec. 22-281. Restriction on outdoor water of landscape.

Outdoor watering for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants may occur only between the hours of 4:00 p.m. and 10:00 a.m.; provided, however, that this limitation shall not create any limitation upon the following outdoor water uses:

- (A) Commercial raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or poultry; the commercial production or storing of 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, ratites, and turkeys; producing plants, trees, fowl, or animals; or the commercial production of aquacultural, horticultural, dairy, livestock, poultry, eggs, and apiarian products or as otherwise defined in O.C.G.A. § 1-3-3;
- (B) Capture and reuse of cooling system condensate or storm water in compliance with applicable local ordinances and state guidelines;
- (C) Reuse of gray water in compliance with O.C.G.A. § 31-3-5.2 and applicable local board of health regulations;
- (D) Use of reclaimed waste water by a designated user from a system permitted by the Environmental Protection Division of the Georgia Department of Natural Resources to provide reclaimed waste water;
- (E) Watering personal food gardens;
- (F) Watering new and replanted plant, seed, or turf in landscapes, golf courses, or sports turf fields during installation and for a period of 30 days immediately following the date of installation;

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- (G) Drip irrigation or irrigation using soaker hoses;
 - (H) Hand watering with a hose with automatic cutoff or handheld container;
 - (I) Use of water withdrawn from private water wells or surface water by an owner or operator of property if such well or surface water is on said property;
 - (J) Watering horticultural crops held for sale, resale, or installation;
 - (K) Watering athletic fields, golf courses, or public turf grass recreational areas;
 - (L) Installation, maintenance, or calibration of irrigation systems; or
 - (M) Hydroseeding.

Sec. 22-882. Enforcement.

- (a) No person shall use or allow the use of water in violation of the restrictions on outdoor water use contained in ordinance.
- (b) The director or chief of police shall be the enforcement authority for this article.
- (c) Criminal and alternative penalties. Any violation of this section may also be enforced by a citation or accusation returnable to the municipal court or by any other legal means as set forth in this Code.

Sec. 22-283. Repealer.

All ordinances or parts of ordinances in conflict with this article are repealed.

Sec. 22-284. Effective date.

This article shall become effective upon adoption by the Mayor and Council.

Chapter 26 FINANCE AND TAXATION

ARTICLE I. IN GENERAL

Secs. 26-1—26-20. Reserved.

ARTICLE II. PURCHASING

Sec. 26-21. Introduction.

- (a) Purchasing is the procurement of supplies, equipment and services at the lowest prices consistent with the quality needed for the effective operations of the departments of the Town of Carl. This procurement is an important function of the Town, and for any purchasing department to be truly effective, there must be full cooperation between all departments. Serving the needs of each department will be the foremost consideration of the purchasing department. However, to obtain the greatest value for every dollar spent it is necessary to follow a set of procedures when purchases are made.
- (b) The procedures outlined are to be used by all Town employees in requesting and purchasing equipment and supplies.
- (c) Changes will be issued as new procedures are approved.

Sec. 26-22. Office of purchasing agent.

- (a) There is hereby created the position of purchasing agent, who shall be the Town's principal public purchasing official.
- (b) The purchasing agent shall be Town clerk or their designee. In the case of committees appointed by mayor and council, the committee chairperson is to act in the capacity of designee of the purchasing agent with all the responsibility and authority of the duly appointed purchasing agent.

Sec. 26-23. Objectives.

- (a) To conduct Town business in such an open manner that potential vendors will be impressed by the fairness of the system and thus be encouraged to furnish competition which will ensure that the Town will secure the best product at the lowest price at all times.
- (b) To encourage competitive purchasing.
- (c) To develop and maintain an adequate supply of materials, services and supplies as required.
- (d) To give due consideration to ethical and quality standards and also to real value rather than price alone.
- (e) To establish and build good relations with suppliers and departments.
- (f) To discourage, as far as possible, any procedure other than that of competitive purchasing.
- (g) To purchase the highest quality in supplies, equipment and contractual services at the least expense.

Sec. 26-24. Powers and duties of the purchasing agent.

- (a) Observe and enforce the procedures outlined in this ordinance.
- (b) Procure for the Town the highest quality in supplies and services at the least expense.
- (c) Supervise and be held responsible for a decentralized purchasing system, whereas department heads have purchasing authority.
- (d) Encourage competitive bidding at all possible times.
- (e) Explore the possibilities of buying in bulk to take full advantage of discounts.
- (f) Prepare written specifications for supplies, equipment and services as required. Specifications shall be developed with information available through governmental and private sources and in cooperation with Town departments.
- (g) Prescribe and maintain such forms as necessary for the operation of the purchasing department.
- (h) Maintain such files as necessary to the operation of the purchasing department in an organized manner.
- (i) Authority to declare vendors who default on their quotations irresponsible and to disqualify them from receiving any business from the Town for a specified period of time.
- (j) Authority to remove a bidder from bid list under certain conditions.
- (k) Obtain all federal and state tax exemptions to which the Town is entitled.
- (l) Investigate and report any possibilities of collusion.
- (m) Join with other governmental agencies in cooperative purchasing when it is for the best interest of the Town.
- (n) Keep abreast of current developments in the field of purchasing.
- (o) Advise and assist in formulation of policies concerning purchasing.

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- (p) Responsible for the disposal of Town property declared surplus. No Town employee shall dispose of Town property by trade-in or otherwise without first consulting with the purchasing agent. Departments having property that is no longer needed should submit a description of such to purchasing.

Sec. 26-25. Functions of the departments.

- (a) Departments should plan their work so that "rush orders" and emergencies will be held to a minimum. Requests should be forwarded to the purchasing department far enough in advance to allow sufficient time for delivery.
- (b) Departments should assist the purchasing department by suggesting the names of vendors that have access to particular items being requested, especially items of a technical nature. However, the purchasing department is in no way confined to the vendors suggested. The purchasing department maintains a list of vendors and any responsible firm may be added to that list upon application by telephone or mail.
- (c) The Town is not obligated to purchase equipment or accessories that are delivered for use on a "trial" basis.
- (d) No department has the authority to order directly from a vendor or negotiate purchases in excess of \$500.00.
- (e) No Town employee shall purchase supplies, material or equipment of any kind for personal use.
- (f) Department heads will be called upon to assist in writing specifications for bids. Specifications should not be written which are considered "closed" (written around one specific brand). Brand names, model numbers, etc., may be submitted as a guideline as to the type and quality of merchandise desired. However, the wording "or approved equal" will always be added so as not to discriminate against any vendor's merchandise. Competition must be kept in mind throughout the writing of specifications.

Sec. 26-26. Purchasing procedures.

- (a) *Based on dollar amount.* The purchasing procedures to be followed by the Town based on the dollar amount of the purchase are as follows, unless under state contract (Note: these procedures apply on a per item basis); state contract bidding should be used if available.
- (1) Up to \$500.00 and line item budgeted—Direct purchase by the purchasing agent.
 - (2) \$500.00 up to \$2,000.00 and line item budgeted—Minimum of three e-mail or fax quotations required. Results of quotations and award to be recorded and filed.
 - (3) \$2,000.00 up to \$3,500.00 and line item budgeted—Minimum of three written quotations submitted. Results of quotations and award to be recorded and filed.
 - (4) \$3,500.00 up to \$10,000.00 and budgeted—Minimum of three written quotations. Purchasing agent or their designee shall make a recommendation to Town council and council shall award the bid. Results of written quotations and award shall be recorded and filed.
 - (5) Above \$10,000.00 and budgeted—Requires solicitation of advertised formal sealed bids. Purchasing agent or their designee makes recommendation to Town council who awards bid. Results of bids and awards are to be recorded and filed.
 - (6) Non-budgeted items approved by Purchasing Agent in amounts up to \$2,500.00. Amounts above \$2,500.00 require approval of mayor and council. Once approval has been granted, compliance with procedures (1) through (5) is required, (whichever are applicable.)
 - (7) Budgeted items—Direct purchase from state contract by department heads with approval of purchasing agent.
 - (8) Professional services—Mayor and Town council may appoint vendors for professional services annually, based upon qualifications and experience of the respective vendors. These professional services shall include, but not be limited to, auditor, attorney, solicitor, judge, judge pro-tem, engineers, artistic personnel, architects and surveyors.

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- (9) Council review—Items over \$1,000.00 not otherwise required to be awarded by council and purchasing agent shall bring those items forward for discussion at Town council work session meetings.
 - (b) *Bond and insurance requirements.*
 - (1) Public road project contracts over \$5,000.00 require performance bond and payment bond as well as public liability and property damage insurance bonds or policies, and bonds to maintain in good condition; such completed construction for a period of not less than five years, pursuant to O.C.G.A. § 32-4-119. The amount of insurance depends on the size of the project.
 - (2) Public works contracts over \$40,000.00 must provide a bid bond, performance bond, and payment bond in accordance with O.C.G.A. §§ 13-10-1 and 13-10-2.
 - (3) Any contractor entering a contract with the Town must carry a worker's compensation policy at the minimum statutory limit, unless he is exempt under O.C.G.A. § 34-9-1 et seq.
 - (4) Licensed professionals contracting with the Town for services in the amount of \$40,000.00 or more must provide professional liability coverage of \$1,000,000.00.

Sec. 26-27. Formal bids.

- (a) *Bid requirements.*
 - (1) *Public roads.* All contracts for public roads exceeding \$20,000.00 shall be let by competitive sealed bids after advertising same once a week for two weeks prior to the opening of sealed bids, all in accordance with O.C.G.A. §§ 32-4-90 through 32-4-123. Provided, however, that contracts listed in O.C.G.A. § 32-4-113 may be let without advertising and without competitive sealed bids.
 - (2) *Public works.* All contracts exceeding \$10,000.00 for public works other than public roads shall be let by competitive sealed bids after advertising same for a minimum of three weeks utilizing newspaper, and transmitting invitation to bid directly to potential bidders, prior to the opening of sealed bids and posting a written notice at Town hall for the same length of time.
 - (3) *Utility system contracts.* Contracts for utility system work, as defined in O.C.G.A. § 43-14-2(17), for which costs exceed \$100,000.00 must be performed by a state licensed utility contractor. Bidders for utility contracting must have a valid license pursuant to O.C.G.A. § 43-14-8.2 or intend to have the work performed by a state licensed contractor.
 - (4) *Other contracts.* All other contracts not hereinbefore provided for shall be let by competitive sealed bids after advertising same once a week for two weeks prior to the opening of the sealed bids.

Sec. 26-28. Purchasing orders required.

- (a) Except as provided herein in the case of an emergency, no officer or employee of the Town shall request any merchant, dealer or other vendor to deliver goods to the Town or any department or officer or employee thereof, without first obtaining a regular purchase order that has been approved by the purchasing agent.
- (b) All purchase orders must be executed by the purchasing agent or his designee.
- (c) Any purchases made without obtaining a purchase order in advance shall be disallowed and payment refused. Vendors, merchants and dealers will be deemed to have dealt with any employee or officer who does not have a purchase order at their own risk.

Sec. 26-29. Emergency purchases.

In all cases where there is immediate need for any materials, supplies, goods, wares or merchandise by any department, such department must advise the purchasing agent, and if he cannot be located, the officer or employee must immediately notify the mayor or finance officer or chairman of the committee having jurisdiction over that subject matter for action. In the event none of the above can be reached and an emergency purchase of the item is

absolutely necessary, such purchase must be reported to the purchasing agent and finance officer within 24 hours of such purchase.

Sec. 26-30. Discretion on purchases.

In all purchases where quality as well as price and service is involved, the purchasing agent shall exercise discretion in making the purchase. In all cases where patented items or special purpose items are requested, the purchasing agent at his direction has the discretionary authority to decide whether similar products of equal quality and at a lower price shall be ordered in lieu of items requested.

Sec. 26-31. Sale of Town property.

- (a) No property belonging to the Town shall be sold except after approval of the mayor and Town council.
- (b) When any property owned by the Town has become surplus, unserviceable or useless, the head of the department in charge of the property shall certify to mayor and Town council that such property is no longer useful and should be disposed of. Any property to be sold shall be sold at public sale either by sealed bid or public outcry to the highest bidder for cash or certified funds. Nothing herein shall prevent the Town from donating or exchanging such surplus property with other governmental units of quasi-governmental units.

Secs. 26-32—26-55. Reserved.

ARTICLE III. PROPERTY TAXES

Sec. 26-56. Ad valorem tax; rate.

An annual ad valorem tax shall be established by ordinance of the Town council. Such tax shall be a lien against each and every species of property subject to taxation in the Town and shall be collected from the owners thereof as provided by law. The current ad valorem tax rate is zero (0).

(Code 1988)

Sec. 26-57. Assessment.

The assessment shall be 40 percent of the fair market value on each and every piece of property within the corporate Town limits in accordance with the laws of the state. Fair market value shall be determined in accordance with the current year's tax assessment rendered by the county.

State law reference(s)—Assessment of tangible property, O.C.G.A. § 48-5-7; determination of fair market value, O.C.G.A. § 48-5-352.

Sec. 26-58. Due dates; penalties; collection.

The Town shall contract with the county to collect the ad valorem taxes due the Town at the same time the county collects its own ad valorem taxes, now and hereafter. The Town will adopt a millage rate by ordinance in time to conform to the county's requirements. The county will conduct all collection actions, including fi. fa., and the county will be entitled to keep any fines or interest that may arise.

State law reference(s)—Collection and payment in installments, O.C.G.A. § 48-5-23; county and municipality may contract for county to collect taxes for municipality, O.C.G.A. § 48-5-359.1; establishing millage rate, O.C.G.A. § 48-5-32.1.

Secs. 26-59—26-81. Reserved.

ARTICLE IV. OCCUPATION, PROFESSION AND BUSINESS TAXES

Sec. 26-82. Required; occupation tax required for business dealing in the Town.

- (a) Each person engaged in any business, trade, profession or occupation in the Town, whether with a location in the Town or in the case of an out-of-state business with no location in the state exerting substantial efforts within the state pursuant to O.C.G.A. Section 48-13-7, shall pay an occupation tax for the business, trade, profession or occupation, which tax and any applicable registration shall be displayed in a conspicuous place in the place of business if the taxpayer has a permanent business location in the Town. If the taxpayer has no permanent business location in the Town, such occupational tax registration shall be shown to the Town clerk, code enforcement officer and/or police officers of the Town, upon request.
- (b) The following businesses are not covered by the provisions of this article, but may be assessed an occupation tax or other type of tax pursuant to the provisions of other general laws of the state or by act of local law.
 - (1) Those businesses regulated by the Georgia Public Service Commission.
 - (2) Those electrical service businesses organized under O.C.G.A. Chapter 3 of Title 46.
 - (3) Any farm operation for the production from or on the land of agricultural products, but not including agribusiness.
 - (4) Cooperative marketing associations governed by O.C.G.A. Section 2-10-105.
 - (5) Insurance companies governed by O.C.G.A. Section 33-8-8.
 - (6) Motor common carriers governed by O.C.G.A. Section 48-5-355.
 - (7) Agricultural products and livestock raised in the state governed by O.C.G.A. Section 48-5-356.
 - (8) Depository financial institutions governed by O.C.G.A. Section 48-6-93.
 - (9) Facilities operated by a charitable trust governed by O.C.G.A. Section 48-13-55.
 - (10) Persons engaged in recreation activities sponsored by the parks and recreation department of the Town.
 - (11) The following classes of persons may peddle, conduct business, or practice the professions or semi-professions without paying an occupation tax, administrative fee, or regulatory fee for the privilege of so doing:
 - a. Any disabled veteran of any war or armed conflict in which any branch of the Armed Forces of the United States engaged, whether under United States command or otherwise;
 - b. Any blind person; or
 - c. Any veteran of peace time service in the United States armed forces who has a physical disability incurred during the period of such service;

provided such person receives a certificate of exemption issued by the commissioner of veterans service, has furnished proof of disability, and provides documentation that the person making application is a resident of this state and that the income of such person is such that he or she is not liable for the payment of state income taxes, subject to O.C.G.A. Section 43-12-1, et seq.

Sec. 26-83. Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Administrative fee means a component of an occupation tax that approximates the reasonable cost of handling and processing the occupation tax.

Business means any business, trade, occupation, profession, avocation or calling of any kind for gain or profit, directly or indirectly.

Dominant line means the type of business, within a multiple-line business, from which the greatest amount of income is derived.

Employee means an individual whose work is performed under the direction and supervision of the employer and whose employer withholds FICA, federal income tax or state income tax, or whose employer issues to such individual for the purposes of documenting compensation and IRS Form W-2, but not an IRS Form 1099.

Engaged in business means when any person performs any act of selling any goods or service or solicits business or offers goods or services for sale for payment in an attempt to make a profit, including the sales or services of the character as made by a wholesaler or retailer or involved in any of the functions performed as a manufacturer, either as an owner, operator or agent in any business, trade, profession or occupation within this Town.

Location or office means any structure or vehicle where a business, profession or occupation is conducted, but shall not include a temporary or construction work site which serves a single customer or project or a vehicle used for sales or delivery by a business or practitioner of a profession or occupation which has a location or office. The renter's or lessee's location which is the site of personal property which is rented or leased from another does not constitute a location or office for the personal property's owner, lessor or the agent of the owner or lessor. The site of real property which is rented or leased to another does not constitute a location or office for the real property's owner, lessor or the agent of the owner or lessor unless the real property's owner, lessor or agent of the owner or lessor, in addition to showing the property to prospective lessees or tenants and performing maintenance or repair of the property, otherwise conducts the business of renting or leasing the real property at such site or otherwise conducts any business, profession or occupation at such site.

Number or employees shall be computed on a full-time position basis. An employee who works 40 hours or more per week shall be considered a full-time employee. Employees who work less than 40 hours per week shall be considered for the purpose of this ordinance as a part-time employee. Each part-time employee shall be considered to be equal to one-half of a full-time employee. The total number of employees shall be the sum total of all full-time employees plus all part-time employees rounded to the next whole number.

Person includes sole proprietors, corporations, partnerships, nonprofit or any other form of business organization (but specifically excludes charitable nonprofit organizations which utilize 100 percent of their proceeds for charitable purposes).

Practitioner of profession or occupation means one who by state law requires state licensure regulation such profession or occupation. The term does not include a practitioner who is an employee of a business if the business pays an occupation tax.

Sec. 26-84. Administration.

The Town clerk shall administer and enforce the provisions of this chapter for the levying and assessment and collection of the occupational tax and penalties. the clerk shall have the power and authority to make and publish reasonable rules and regulations not inconsistent with the chapter or other laws of the Town and state, or the constitution of the state or the United States, for the administration and enforcement of the provisions of this chapter and the collection of the occupational tax fees.

Sec. 26-85. Occupation tax levied; restrictions.

A successor is named: North American Industry Classification System (NAICS).

The taxation rates shall be based upon NAICS class amounts, as adopted. The homebased occupation tax shall be an annual tax \$100.00, plus a \$25.00 administrative fee. Commercial business tax shall be an annual tax calculated as specified in the NAICS Tax Class Codes, or \$125.00, whichever is greater of the calculations.

Sec. 26-86. Paying occupation tax on business with no location in state.

Registration and assessment of an occupation tax is imposed on those businesses and practitioners of professions with no location or office in the state if the business's largest dollar volume of business in the state is in the Town and the business or practitioner:

- (1) Has one or more employees or agents who exert substantial efforts within the jurisdiction of the Town for the purpose of soliciting business or serving customers or clients; or
- (2) Owns personal or real property which generates income and which is located within the jurisdiction of the Town.

Sec. 26-87. Each line of business to be identified on business registration.

The business registration of each business operated in the Town shall identify the dominant line of business that the business conducts.

Sec. 26-88. The number of businesses considered to be operating in the Town.

Where a person conducts business at more than one fixed location, each location or place shall be considered a separate business for the purpose of occupation tax.

Sec. 26-89. Professionals as classified in state law, paragraphs 1 through 18.

Practitioners of professions as described in O.C.G.A. Section 48-13-9(c)(1), paragraphs (1) through (18) shall pay their tax based on the number of employees as all other businesses.

Sec. 26-90. Practitioners exclusively practicing for a government.

Any practitioner whose office is maintained by and who is employed in practice exclusively by the United States, the state, a municipality or county of the state, instrumentalities of the United States, the state, or a municipality or county of the state shall not be required to obtain a license or pay an occupation tax for that practice.

Sec. 26-91. Purpose and scope of tax.

The occupation tax levied in this article is for revenue purposes only and is not for regulatory purposes; nor is the payment of the tax made a condition precedent to the practice of any such profession, trade or calling. The occupation tax only applies to those businesses and occupations which are covered by the provisions of O.C.G.A. Sections 48-13-5—48-13-26. All other applicable businesses and occupations are taxed by the local government pursuant to the pertinent general and/or local law and ordinance.

Sec. 26-92. When tax due and payable; effect of transacting business when tax is delinquent.

- (a) Each occupation tax shall be for the calendar year unless otherwise specifically provided. The certificate and occupation tax shall be due and payable annually within 30 days of January 1st of each year and shall, if not paid by May 1st of each year, be subject to a penalty of ten percent of the tax or fee due. On any new profession, trade or business being in the Town before July of any year, the certificate and tax shall be delinquent if not obtained immediately upon beginning business and a ten percent penalty imposed if not paid within ninety days from the date business is commenced. When any person commences business on or after

July 1st in any year, the occupation tax for the remaining portion of the year shall be 50 percent of the tax imposed for the entire year. Any certificate not renewed prior to May 1st shall be suspended.

- (b) In addition to other remedies available to the Town for the collection of occupation taxes from persons subject to the tax who fail or refuse to pay the tax, the court for the Town is authorized to impose a civil fine for failure to pay the occupation tax. Such fine shall not exceed \$500 and may be enforced by the contempt power of the court.

Sec. 26-93. Occupational tax registration to be displayed.

All persons shall exhibit and display the occupation tax registration issued to them in some conspicuous place in their business establishment. Any transient person doing business within the Town, and liable for occupational tax within the Town, shall carry such registration either upon his person or in any vehicle or other conveyance which he uses in such business; and such person shall exhibit the registration to any authorized enforcement officer of the Town when so requested.

Sec. 26-94. License transferable.

All occupational tax registrations shall be transferable for a business moving from one location to another if such person or business notifies the Town clerk in writing of such new address no later than the day of moving.

Sec. 26-95. Duration of occupational tax.

Each occupational tax issued under this article shall automatically expire on December 31st of the year of its issuance unless otherwise provided in this article.

Sec. 26-96. Evidence of state registration required if applicable; state registration to be displayed.

- (a) Each person who is licensed by the secretary of state pursuant to O.C.G.A. Title 43 shall provide evidence of proper and current state licensure before the Town registration may be issued.
- (b) Each person who is licensed by the state shall post the state license in a conspicuous place in the licensee's place of business and shall keep the license there at all times while the license remains valid or have the license available for review at the request of a Town enforcement official.

Sec. 26-97. Evidence of qualification required if applicable.

Any business required to obtain health permits, bonds, certificates of qualification, certificates of competency, or any other regulatory matter shall first, before the issuance of a Town business registration, show evidence that such requirements have been met.

Sec. 26-98. Penalty for violation.

Any person violating any provision of this chapter shall, upon conviction before the Town judge, be punished in accordance with Section 26-92.

Sec. 26-99. Amendment, repeal of provisions.

This chapter shall be subject to amendment or repeal, in whole or in part, at any time; and no such amendment or repeal shall be construed to deny the right of the Town to assess and collect any of the taxes or other charges prescribed. An amendment may increase or lower the amounts and tax rates of any occupation. The payment of any occupation tax provided for shall not be construed as prohibiting the levy or collection by the jurisdiction of additional occupation taxes upon the same person.

Sec. 26-100. Liability of officers and agents; registration required; failure to obtain.

All persons subject to the occupation tax levied pursuant to this chapter shall be required to obtain the necessary registration for the business as described in this chapter; and in default, the officer or agent soliciting for or representing such persons shall be subject to the same penalty as other persons who fail to obtain a registration. Every person commencing business in the Town after January 1st of each year shall likewise obtain the registration before commencing business; and any person transacting or offering to transact in the Town any of the kinds of business, trade, profession or occupation without first having so obtained such registration shall be subject to penalties provided for failure to do so.

Sec. 26-101. [Taxes levied under such prior ordinance have not been paid in full.]

This chapter does not repeal or affect the force of any part of any ordinance heretofore passed where taxes levied under such prior ordinance have not been paid in full. So much and such parts of ordinances heretofore and hereinafter passed as provided for the issuing and enforcing of execution for any tax or assessment required by such ordinances, or that imposed fines or penalties for the nonpayment of such tax, or for failure to pay regulatory fees provided for in such ordinance or ordinances, or failure to comply with any other provisions of this chapter, shall continue and remain in full force until such tax, regulatory fee or assessment shall be fully paid.

Sec. 26-102. Provisions to remain in full force and effect until changed by council.

This chapter shall remain in full force and effect until changed by amendments adopted by the Town council. All provisions relating to any form of tax levied in this article shall remain in full force and effect until such taxes have been paid in full.

Sec. 26-103. Appeals.

Any person who desires to contest the determination of the Town clerk with respect to any provision of this chapter shall so notify the mayor in writing within ten days of such determination, specifying the reasons such person believes the determination of the clerk is incorrect. The mayor shall thereupon notify such person of the time and place of the next meeting of the council, or of an occupational tax review board consisting of not less than three members of the council; and such aggrieved person may appear at such time and place to present arguments as to why the determination of the clerk is incorrect. The determination of the council or the review board appointed by the council, as the case may be, with respect to the contested determination of the clerk shall be binding and conclusive upon such person.

Sec. 26-104. [Public hearing—Rate increase.]

The Town council shall conduct at least one public hearing before adopting any ordinance or resolution which will set or increase the rate of occupation tax as set forth in this chapter.

Sec. 26-105. [Severability.]

In the event any portion of this article shall be declared or adjudged invalid or unconstitutional, it is the intention of the Town council of the Town of Carl that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the article.

Secs. 26-106—26-143. Reserved.***ARTICLE V. MALT BEVERAGES, WINE AND DISTILLED SPIRITS***

Sec. 26-144. Imposition of excise tax; rates.

In addition to the malt beverage, wine retail and distilled spirits license fees, there is hereby assessed an excise tax to be paid by the licensed wholesale dealer in malt beverages, wine and distilled spirits based on sales, in the following amounts:

- (1) Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of \$6.00 on each container sold containing not more than 15½ gallons and a proportionate tax at the same rate on all fractional parts of 15½ gallons; and exemptions shall be as provided by law;
- (2) Where malt beverages are sold in bottles, cans or other containers, except barrel or bulk containers, a tax of \$0.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces; and exemptions shall be as provided by law;
- (3) On the first sale or use of wine by the package, a tax of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter; and exemptions shall be as provided by law.
- (4) Distilled spirits meaning any alcoholic beverage containing more than 21 percent alcohol by volume, including, but not limited to, all fortified wines. Ordinance No. 05-2008 also provides to allow for the imposition and collection of an excise tax on distilled spirits either by sale on premises consumption or by sale of packages. The maximum excise tax allowed by the State of Georgia is the amount to be imposed and collect by the Town.

State law reference(s)—Local excise tax on malt beverages, O.C.G.A. § 3-5-80 et seq.; local excise tax on wine, O.C.G.A. §§ 3-6-40, 3-6-60, 3-6-70 et seq.

Sec. 26-145. Reports; remittance.

The excise taxes provided for shall be paid by such dealer on or before the tenth day of the month following the calendar month in which the beverages are sold or disposed of within the Town.

State law reference(s)—Collection and enforcement of excise tax on malt beverages, O.C.G.A. § 3-5-84; collection of excise tax on wine, O.C.G.A. § 3-6-60(b).

Chapter 30 FLOODPLAIN MANAGEMENT/FLOOD DAMAGE PREVENTION¹⁵

See Appendix B.

Chapter 38 LICENSING AND MISCELLANEOUS REGULATIONS¹⁶

¹⁵ State law reference(s)—Stormwater, sewage collection and disposal systems authorized under home rule powers, Ga. Const. art. IX, § II, ¶ 3(a)(6); Metropolitan River Protection Act, O.C.G.A. § 12-5-440 et seq.

¹⁶ State law reference(s)—Persons engaged in profession or business required to be licensed under Title 43 to provide evidence of licensure before county or municipality issues business license, O.C.G.A. § 36-60-6; collection of certain county and municipal taxes by commissioner authorized, O.C.G.A. § 48-2-10; municipal corporations to enact ordinances and resolutions in compliance with Georgia Public Revenue Code (O.C.G.A. § 48-1-1 et seq.), O.C.G.A. § 48-13-27.

ARTICLE I. IN GENERAL

Secs. 38-1—38-47. Reserved.

ARTICLE III. MISCELLANEOUS REGULATIONS

Sec. 38-48. Minors prohibited in poolrooms.

It is unlawful for any person who operates a billiard parlor or poolroom in the Town to allow any person under the age of 16 years of age to enter billiard parlors or poolrooms in the Town, unless accompanied by a parent or guardian.

Sec. 38-49. Handbills.

It shall be unlawful for any person to:

- (1) Post any bills or other advertising matter on any place where he or she has not secured the permission of the owner or manager of the property to do so.
- (2) Place or cause any commercial handbill to be placed within or upon, or under the windshield wiper of any private automobile parked upon any of the public streets or in any public parking area. This shall not preclude the delivery of any handbill to an owner, occupant or person present and in charge of a vehicle willing to accept and receive the handbill.
- (3) Post any bills or other advertising matter upon any permanent or temporary structure or building, pole or tree located on any street, park or public way without first obtaining a permit therefore from the Town clerk.

Secs. 38-50—38-71. Reserved.

ARTICLE IV. PARADES AND DEMONSTRATIONS

Sec. 38-72. Parades; permit required.

It shall be unlawful for any person to participate in, conduct or accompany any organized parade or procession, other than a funeral procession, on the public streets, sidewalks or other public property in the Town unless an application has been previously filed and a permit granted to conduct such parade or procession within the Town.

Sec. 38-73. Application for permit.

An application for permit to conduct or sponsor a parade or procession shall be filed with the chief of police in writing and shall contain the following information furnished by the person in official charge of the proposed parade or procession:

- (1) The name of all organizations or persons organizing or sponsoring the parade or procession;

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- (2) The purpose of the parade or procession;
 - (3) The date and hours of the parade or procession;
 - (4) The proposed route of the parade or procession, and its beginning and termination points;
 - (5) The number and types of vehicles, marching units and floats to be used in the parade or procession; and
 - (6) The number of persons participating in the parade or procession.

Sec. 38-74. Investigation.

The chief of police shall investigate all applications for parade permits, and may issue permits where the information specified in section 38-73 has been furnished, provided the proposed parade or procession is otherwise lawful and can be held without undue interference with vehicular and pedestrian traffic within the Town, of which circumstances the chief of police shall exercise his or her discretion. A denial of a parade permit may be appealed to the council.

Secs. 38-75—38-98. Reserved.

ARTICLE VI. [FIREWORKS]

Sec. 38-99. [Use of fireworks in the Town Park.]

- (a) The Town of Carl asserts the authority delegated to the Town by O.C.G.A., section 25-10-2(d) for the purpose of allowing, under limited circumstances, the use of fireworks within the Town Park. The provisions of this ordinance are mandatory and apply to all use of fireworks within the Town Park.
- (b) The use of consumer fireworks, as defined by state law, shall be lawful in the Town Park between the hours of 9:00 p.m. and 10:00 p.m. on July 4, provided the person igniting such fireworks has first obtained a special use permit as provided by O.C.G.A., section 25-10-2(d).
- (c) Application for special use permit to discharge fireworks in the Town Park shall be made in person at Town hall for each date such discharge is allowed pursuant to subsection (b) of this section. Incorporated entities wishing to discharge consumer fireworks in the Town Park may make application in their corporate name, provided they designate a responsible adult at least 18 years of age who will be responsible for the transportation to the park and ignition of the fireworks covered by the permit. All applicants and designated dischargers shall be responsible adults at least 18 years of age. All applicants and designated dischargers shall produce, at the time of application, photo identification as required by O.C.G.A., section 25-10-2. The fee for permits shall be \$15.00 and paid at the time of application. Upon submission of an application and payment of the permit fee, the applicant shall be issued a receipt, which shall be taken to and produced at the police department to secure the permit. A maximum of ten permits shall be issued for each date, on a first come, first served basis. No application shall cover more than one date and/or one applicant.
- (d) State law prohibits any person under the influence of alcoholic beverages or drugs from discharging fireworks. The police department shall enforce this provision throughout the Town, including those fireworks discharged in the Town Park.
- (e) Fireworks shall be discharged in the Town Park only from those areas roped off for such discharge during allowable days and hours of discharge as indicated by subsection (b). Police officers shall monitor the entrance to the discharge area. Only persons holding a discharge permit and one assistant shall be permitted within the discharge area upon presentation of their permit and photo identification. All persons within the discharge area shall cooperate with one another to ensure all permit holders have an equal opportunity to discharge the fireworks covered by their permits. Fireworks discharged at the Town Park shall be pointed toward the lake and away from all persons.

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- (f) Persons discharging fireworks in the Town Park shall be responsible for picking up all trash and debris associated with their activities and disposing of same in a safe, appropriate manner after all fireworks have been discharged.
 - (g) Permit holders remain legally responsible for fireworks discharged by them and shall, as a condition of permit issuance, indemnify the Town, its officers and employees from injury or property damage resulting from their discharges.
 - (h) No fireworks shall be discharged in the Town Park except as allowed by this ordinance. No fireworks shall be discharged on the public streets or sidewalks or other public property at any time.
 - (i) The permit issued for fireworks discharge may be revoked on site by law enforcement officers for any violation of this ordinance or location restrictions established by the Town, as well as failure to follow law enforcement directives. Any person violating the terms of this ordinance may be cited for such violation, and upon conviction, shall be punished as for ordinance violations under the Town's charter; provided that persons discharging fireworks at any location in the Town, including the Town Park, while under the influence of alcoholic beverages or drugs shall be cited under state law and bound over to state court.

Chapter 42 MOTOR VEHICLES AND TRAFFIC¹⁷

ARTICLE I. IN GENERAL

Sec. 42-1. Uniform rules of the road adopted.

- (a) *Generally.* Pursuant to O.C.G.A. §§ 40-6-372—40-6-376, 40-6-1—40-6-395 (except for O.C.G.A. §§ 40-6-393—40-6-394) known as the "Uniform Rules of the Road," are hereby adopted as and for the traffic regulations of this Town with like effect as if recited herein.
- (b) *Definitions.* The definitions contained in O.C.G.A. § 40-1-1 are hereby adopted as and for the traffic regulations of the Town with like effect as if fully recited herein.
- (c) *Penalties.* Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this article shall be punished as provided in section 1-9.

Sec. 42-2. Insurance requirements.

The provisions of O.C.G.A. §§ 33-34-1 et seq., 36-32-7, 40-2-137, 40-6-10 are hereby adopted by reference and are made a part of this Code as fully as if set out at length herein. A copy of these provisions shall be maintained on file in the office of the Town clerk. Any owner or any other person who knowingly operates or knowingly authorized another to operate a motor vehicle within the Town without effective insurance thereon or without an approved plan of self-insurance as required by the state Motor Vehicle Accident Reparations Act shall, upon conviction, be punished as provided for in section 1-9.

¹⁷State law reference(s)—Municipal authority pertaining to roadways, traffic, traffic control devices, terminals, docks, and parking facilities, Ga. Const. art. 9, § 2, ¶ III(a)(4), (11); uniform vehicle and traffic provisions, O.C.G.A. § 40-6-370 et seq.; municipal court jurisdiction over misdemeanor traffic offenses, O.C.G.A. § 40-13-21; municipal court jurisdiction over persons operating motor vehicle without valid license or registration, O.C.G.A. §§ 40-13-22, 40-5-124; alternative sentencing for traffic violations, O.C.G.A. § 17-10-3; uniform regulations regarding signs, signals, markings, and other traffic control devices, O.C.G.A. § 32-6-50.

Sec. 42-3. Traffic, speed, truck, parking and other zones; signs and traffic control devices; schedule.

- (a) The police chief or a designee thereof, upon approval by ordinance of the Town council, is authorized to designate and maintain with appropriate traffic control signs, markings and devices after engineering and traffic investigations:
 - (1) Speed zones;
 - (2) Truck routes and streets to be designated specifically to prohibit various classes of trucks;
 - (3) One-way streets and other directional control devices;
 - (4) Freight loading and regulations;
 - (5) Parking and no parking zones and regulations thereof;
 - (6) Stop, yield and other right-of-way signs; and
 - (7) Stop signals and other traffic signals.
- (b) The police chief or a designee thereof is authorized to issue written orders designating by appropriate traffic control signs, markings and devices after engineering and traffic investigations:
 - (1) Pedestrian crosswalks;
 - (2) Other safety zones for pedestrians;
 - (3) Traffic lanes; and
 - (4) Any other device or sign, marking or zone necessary for orderly and safe conditions on the streets of the Town.
- (c) The police chief shall maintain or cause to be recorded a current schedule of all traffic rules, regulations and orders under this section, which record shall be available for inspection by the public. For items listed in subsection (a) of this section, this schedule, and any amendments thereto, shall become effective only upon approval thereof by ordinance of the Town council and this schedule is hereby incorporated herein and copies thereof shall be available for public inspection in the office of the Town clerk.
- (d) All traffic control signs, signals, devices and markings shall conform to the uniform regulations adopted by the state transportation board. All signs and signals required hereunder for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the Town. All traffic control devices so erected and not inconsistent with the provisions of state law or this Code shall be official traffic control devices of the Town.
- (e) Any violation of any traffic zone, marking, sign or other traffic control device established hereunder shall be a violation of this Code.

Secs. 42-4—42-24. Reserved.

ARTICLE II. VEHICLE REGULATIONS

Sec. 42-25. Vehicle cover required.

No person shall operate or load any vehicle on the public streets and roads of the Town unless the vehicle is constructed, loaded and securely covered so as to prevent any of its load from dropping, escaping or shifting in such a manner as to create a safety hazard or in such a manner so as to litter the streets and roads of the Town.

State law reference(s)—Securing load to prevent danger and litter, O.C.G.A. § 40-6-248.1; securing load to prevent hazard, O.C.G.A. § 40-6-254.

Sec. 42-26. Use of coasters, roller skates, skateboards, nonmotorized two-wheel scooters and similar devices restricted.

- (a) No person upon roller skates, roller blades, skateboards, nonmotorized two-wheeled scooters, or riding in or by means of coasters, toy vehicle or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing the person shall be granted all the rights and shall be subject to all duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized by resolution of this Town.
- (b) There shall be no such activity on the sidewalks except under such terms and conditions as are expressly allowed by resolution for a designated area.
- (c) It shall be unlawful for persons skating or riding as herein provided to gather in crowds, or to create noise or be guilty of any disorderly conduct, or to take hold of or hang on to any automobile or other vehicle, or in any way to interfere with the natural progress of automobiles or other vehicles along and in the streets of the Town, or for two or more persons to join hands while skating on the sidewalk. Any person so skating or riding shall give right-of-way to, and in no way interfere, with persons walking on the sidewalks.
- (d) Any person violating any provisions of this section shall be subject to the penalties herein provided for violation of this Code; provided, however, that any offender under the age of 17 years of age shall be dealt with as provided by the state law creating juvenile courts.
- (e) The parent of any child and the guardian of the person of any ward shall not authorize or knowingly permit any child or ward to violate any of the provisions of this section.

Secs. 42-27—42-55. Reserved.

ARTICLE III. TRAFFIC REGULATIONS

Sec. 42-56. Penalty for violation.

Any person who shall violate any provision of this article shall, upon conviction be punished as provided in section 1-9.

Sec. 42-57. Temporary traffic regulations.

In cases where traffic upon the streets of the Town may become congested upon occasions of parades, at theaters and other public assemblages where large numbers of vehicles are assembled, the police chief may make temporary rules directing and regulating the traffic in these congested districts, and any person, after being warned of the temporary traffic regulations, who shall violate them shall be liable therefore as for other violations of this Code.

Sec. 42-58. Free flow of traffic; obstruction prohibited.

All persons are prohibited from engaging in driving procedures which obstruct the free flow of traffic in, around, over and through the streets, alleyways and other public ways of the Town. Any person is prohibited from stopping his or her vehicle (except at a stop signal or stop sign, or to honor another driver's right-of-way, or in an emergency situation) in a manner as to obstruct the free and orderly flow of traffic by the maneuver, or to engage in unduly slow driving procedures so as to obstruct the free flow of traffic or to needlessly "circle the block" or dawdle

or make unnecessarily rapid accelerations and decelerations or to in any other manner constitute a traffic nuisance or hazard.

Sec. 42-59. Speed limits established.

- (a) No person shall operate any motor vehicle or tractor upon any of the streets and highways of the Town at a greater speed than is reasonable and proper having regard to the width, traffic and use thereof, or so as to endanger the property or life and limb of any person.
- (b) Twenty-five miles per hour shall be the maximum speed on all streets or portions of streets within the Town unless otherwise indicated by officially posted signs designating the maximum vehicular speed upon those streets as approved by the Town council.

Sec. 42-60. Traffic signs, signals and markings.

All traffic shall obey and be directed by official traffic control signals, signs and markings erected at street intersections and other locations now or hereafter approved by the Town council.

Sec. 42-61. Tracked vehicles prohibited on streets.

It is unlawful for any person to operate any tracked or other vehicle having metal tracks or wheels upon the Town streets.

Sec. 42-62. Reserved.

Sec. 42-63. Obstruction of view and use by trees and shrubs; notice.

- (a) Any shrubbery, trees, signs and fences within ten feet of any street corner each way from the corner and the diagonal thereof within the Town limits shall be cut or trimmed to a height of not more than 30 inches from the ground by the owner or occupant of the property.
- (b) If any person does not comply within ten days of notice to clear blind corners of shrubbery, trees, etc., the Town shall have the right to remove such obstacles and shall assess the property owner for the cost thereof.

Secs. 42-64—42-84. Reserved.

ARTICLE IV. PARKING REGULATIONS¹⁸

Sec. 42-85. Penalty for violation.

Any person who shall violate any provision of this article shall, upon conviction, be punished as provided in section 1-9.

Sec. 42-86. Vehicles to be parked within marked spaces.

Whenever a space is marked off on any highway for the parking of an individual vehicle, every vehicle there parked shall be parked within the lines bounding that space.

¹⁸State law reference(s)—Parking provisions and procedure, O.C.G.A. § 40-6-200 et seq.; local authority to regulate parking, O.C.G.A. § 40-6-371.

Sec. 42-87. Parking prohibited at all times in certain locations.

It is unlawful for the owner or operator of any motor vehicle or other vehicle to park the vehicle in any of the places on the streets and alleys of the Town specifically designated by posted signs indicating the prohibited parking.

Sec. 42-88. Parking prohibited in certain locations, certain days and hours.

It is unlawful for the owner or operator of any motor vehicle or other vehicle to park the vehicle in any of the places on the days and between the hours indicated and specified by posted signs indicating the prohibited parking.

Sec. 42-89. Parking time limited in certain locations, certain days and hours.

It is unlawful for the owner or operator of any motor vehicle, or other vehicle to park the vehicle or allow the vehicle to remain parked in any of the places on the streets and alleys of the Town, at any time on the days and between the hours indicated and specified by posted signs limiting parking time in certain locations on certain days and hours.

Sec. 42-90. Special purpose parking zones established, parking otherwise prohibited.

It is unlawful for the owner or operator of any motor vehicle, or other vehicle to park the vehicle or allow the vehicle to remain parked in any locations on the streets and alleys of the Town established and designated as special purpose parking zones indicated and specified by posted signs approved by the Town council.

Sec. 42-91. Restricted parking.

- (a) Parking on the streets of the Town shall be restricted to operable, validly registered, insured and where applicable by state law, inspected, passenger vehicles and passenger vehicle sized or smaller commercial vehicles, except for trailers of any kind.
- (b) Vehicles prohibited for parking upon the streets of the Town include, but are not limited to: buses, school buses, tractors, semi-tractors, tow trucks, earth moving equipment, recreational vehicles, flat bed trucks, moving vans, step vans, dump trucks, hearses, ambulances, limousines, taxicabs or other vehicles for hire, trailers of every kind, any vehicles not validly registered, insured and where applicable by state law, inspected, and any vehicles as now or in the future defined by state law as other than passenger vehicles or passenger cars.
- (c) All vehicles may be parked on the residential, commercial, business or professional property of the owner or occupant of the property provided all of the following conditions are met:
 - (1) No portion of any vehicle, as restricted herein, shall be parked within five feet of a side or rear lot line.
 - (2) No portion of any vehicle, as restricted herein, shall be visible from any point within 50 feet of the property line where such vehicle is located and from a vantage point of up to six vertical feet above the ground or street.
 - (3) No portion of any vehicle, shall be parked on any surface other than a prepared surface as defined herein.
 - (4) No portion of any vehicle shall be parked upon a front yard.
 - (5) No portion of any vehicle shall be used for the purpose of storage or living quarters.
 - (6) Parking on any residential street should only occur after all available off-street parking has been filled.
- (d) Prepared surface is defined as a surface consisting of one or more of the following: concrete, asphalt, crushed stone or gravel within dimensions as defined by other Town codes.

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- (e) A minimum fine per day or fraction of a day that any vehicle as restricted herein is parked within the Town limits, in violation of this article, shall be assessed in addition to other fines or punishment upon conviction as provided by section 1-9.

Chapter 46 MUNICIPAL UTILITIES¹⁹

Sec. 46-1 – 47-7. Reserved.

Chapter 50 OFFENSES²⁰

ARTICLE I. IN GENERAL

Secs. 50-1—50-18. Reserved.

ARTICLE II. UNLAWFUL CONDUCT

Sec. 50-19. Disorderly conduct.

It shall be unlawful and shall constitute disorderly conduct for any person in the Town to:

- (1) Act in a violent or tumultuous manner toward another, whereby a reasonable person would be placed in fear of safety for life, limb, or health;
- (2) Place the property of another in serious danger of being destroyed or damaged;

¹⁹State law reference(s)—Local authority over stormwater and sewage collection and disposal systems and development, storage, treatment, purification, and distribution of water, Ga. Const. art. IX, § II, ¶ III(a)(6), (7); acquisition, operation, maintenance, and regulation of sewage systems, O.C.G.A. § 36-34-5; restrictions on enforcing unpaid charges, O.C.G.A. § 36-60-17; prohibition against damaging utility property, O.C.G.A. § 16-7-25; Georgia Utility Facility Protection Act, O.C.G.A. § 25-9-2 et seq.; Certification of Water and Wastewater Treatment Plant Operators and Laboratory Analysts Act, O.C.G.A. § 43-51-1 et seq.

²⁰State law reference(s)—Limitation on special legislation, Ga. Const. art. III, § VI, ¶ IV; limitations on municipal offenses, O.C.G.A. § 36-35-6(a)(2); abandonment of containers with snap-locks or motor vehicles which cannot be easily opened, O.C.G.A. § 16-11-100; fireworks, O.C.G.A. § 25-10-1 et seq.; disorderly houses, O.C.G.A. § 16-11-44; peeping Toms, O.C.G.A. § 16-11-61; gambling, O.C.G.A. § 16-12-20 et seq.; cruelty to animals, O.C.G.A. § 16-12-4; criminal trespass, O.C.G.A. § 16-7-21; criminal interference and damage to public property, O.C.G.A. § 16-7-24; abandoned vehicles, O.C.G.A. §§ 40-11-1 et seq., 40-11-20 et seq.; adoption of ordinances to enforce property nuisances, O.C.G.A. § 41-2-9; discharging of firearms, O.C.G.A. §§ 16-11-103, 16-11-104.

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- (3) Without provocation, use to or of another person in such other person's presence, opprobrious or abusive words which by their very utterance tend to incite to an immediate breach of the peace, that is to say, words which as a matter of common knowledge and under ordinary circumstances will, when used to or of another person in such other person's presence, naturally tend to provoke violent resentment that is, words commonly called "fighting words";
 - (4) Violently interfere with another's pursuit of a lawful occupation; or
 - (5) Congregate with others to halt the flow of vehicular or pedestrian traffic and refuse to clear the way when ordered by lawful authority to do so.

State law reference(s)—Disorderly conduct, O.C.G.A. § 16-11-39.

Sec. 50-20. Public drunkenness.

- (a) It shall be unlawful for any person to be and appear in an intoxicated condition in any public place or within the curtilage of any private residence not his or her own other than by invitation of the owner or lawful occupant, which condition is made manifest by boisterousness, by indecent condition or act, or by vulgar, profane, loud or unbecoming language.
- (b) For purposes in this section, the term "public place" shall not only include publicly owned property, but shall also include privately owned property commonly used as a gathering place for the public and at the time is being so used.

State law reference(s)—Public drunkenness, O.C.G.A. § 16-11-41.

Sec. 50-21. Public consumption of alcoholic beverages.

It shall be unlawful for any person to consume any distilled spirits, wine or malt beverage, in or upon any street, alley, sidewalk or other public thoroughfare or public place in the Town; provided that this prohibition shall not apply where the consumption of alcoholic beverages has been allowed pursuant to special permit or license.

Sec. 50-22. [Possession of marijuana.]

- (a) It shall be unlawful for any person to possess one ounce or less of marijuana within the corporate limits of the Town.
- (b) Conviction for violation of this ordinance shall be punished by a fine of not more than \$75.00, which fine shall be subject to alternative sentencing.
- (c) No person convicted solely of violating this ordinance shall be punished by confinement for any period of time and no additional time served should be added for violation of this ordinance if arrested or cited for another offense.

Sec. 50-23. Unnecessary noise.

- (a) *Generally.* The creating of any unreasonably loud, disturbing and unnecessary noise within the limits of the Town is prohibited. Noise of such character, intensity or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.
- (b) *Noises in violation.* The following acts, among others, are declared to be loud, disturbing and unnecessary noises and noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:
 - (1) *Horns.* The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, while not in motion except as a danger signal if another vehicle is approaching apparently out of control or, if in motion, only as a danger signal; the creation by means of any such signal device of any unreasonably loud or harsh sound or the sounding of that device for an unnecessary or unreasonable period of time.

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- (2) *Musical instruments.* The playing of any radio, phonograph or any musical instrument in such a manner or with such volume, particularly during the hours between 12:00 midnight and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital or in any dwelling, hotel or other type of residence, or any persons in the vicinity, except, this section shall not apply to schools of music between the hours of 7:00 a.m. and 10:00 p.m.
 - (3) *Voices.* Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 12:00 midnight and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any hospital, dwelling, hotel or other type of residence, or any persons in the vicinity.
 - (4) *Noisy vehicle.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in any manner as to create loud and unnecessary grating, grinding or rattling, or other noise.
 - (5) *Steam whistles.* The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, or as a warning of fire or danger, or upon request of proper Town authority.
 - (6) *Exhausts.* To discharge into the open air the exhaust of any stationary steam engine, stationary internal combustion engine, motor vehicle or motorboat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
 - (7) *Construction work.* The erection (including excavating), demolition, alteration or repair of any building in any residential district or section, the excavation of streets and highways in any residential district or section, other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, 9:00 a.m. and 6:00 p.m. on Saturdays, 10:00 a.m. and 6:00 p.m. on Sundays, except in cases of urgent necessity, and then only with a permit from the Town, which permit may be granted for a period not to exceed 60 days while the emergency continues.
 - (8) *On streets of institutions requiring quiet.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in session, or adjacent to any hospital, which unreasonably interferes with the workings or sessions thereof.
 - (9) *Loudspeakers on vehicles.* The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.
 - (10) *Animals.* The owning, possessing or harboring of any animal which frequently, or for continued duration, howls, barks, meows, squawks or makes other sound which creates excessive and unnecessary noise across a residential or commercial real property line or within a noise sensitive area. For the purposes of this subsection "barking dog" shall mean a dog that barks, bays, cries, howls or makes any other noise continuously and/or incessantly for a period of ten minutes, or barks intermittently of one-half hour or more to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property; provided, however, that a dog shall not be deemed a barking dog if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon property in or upon which the dog is situated. In such cases where one resident is making a complaint against the caretaker of the barking dog, the Town police shall be notified. If the situation persists, as witnessed by a police officer, the dog's caretaker may receive a first time warning. Should the incident reoccur, then a citation may be issued.
- (c) *Exceptions.* None of the foregoing terms or prohibitions shall apply to or be enforced against:
- (1) Any vehicle of the Town while engaged upon necessary public business;
 - (2) Excavations or repairs of bridges, streets or highways, by or on behalf of the Town, county or state during the nighttime, when the public welfare and convenience renders it impossible to perform that work during the day; nor shall the same apply to work performed by public utility companies under like conditions and circumstances, or when there is urgent necessity therefore; and
 - (3) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.
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- (d) *Permitted activities.* The prohibitions shall not be applicable to any parade, celebration or performance for which a written permit has been obtained prior thereto from the Town clerk.
 - (e) *Amplifying equipment on public grounds.* It shall be unlawful to use, maintain or operate loudspeakers, sound trucks, amplifiers or other mechanical or electrical devices for increasing the volume of sound, upon the streets, sidewalks, parks or other public places of the Town; provided that nothing in this section shall apply to the United States of America, the state, the county, the Town, nor to public agencies.

State law reference(s)—Conditions under which sound from motor vehicle that are audible at a distance of 100 feet or more prohibited, O.C.G.A. § 40-6-14.

Sec. 50-24. Posting signs on poles without consent.

It shall be unlawful for any person to post or display in or upon any bridge any sign or advertisement, or to post or display upon any telegraph, telephone or electric company's pole, or upon any public property or the private property of any person any bills, signs or advertisements without the consent in writing of the owner thereof.

State law reference(s)—Placement of posters, O.C.G.A. § 16-7-58.

Sec. 50-25. Discharge of firearms; manner of transporting.

No person shall have the right nor shall they discharge any rifle, pistol, gun or other firearm, or any air rifle, air pistol or airgun or any other contrivance whereby a projectile is propelled by means of a propellant, within the Town limits.

Sec. 50-26. Reserved.

Sec. 50-27. Sanitary condition of improved or vacant property.

- (a) Owners and occupants of all vacant and improved lots within the Town limits shall at all times maintain their property in such a manner that unsightly overgrowth of tall grasses (ten inches or higher), weeds, underbrush and accumulation of trash or other thing will not create an unsanitary or unsafe condition or hazard as determined by appropriate Town officials.
- (b) If the owner of any property shall so maintain the same and shall fail to clean or remove said weeds, underbrush, trash or other fire hazard within ten days after having been notified in writing by an official of the Town administration or the police department, such failure shall constitute a violation of this section. Upon subsequent failures within 12 months of first written notice, a citation will be issued.
- (c) In all cases where the property owner and/or occupant, after notice by the Town, fails to clean or maintain said property, the same may be cleaned or maintained by the Town and reasonable costs may be billed to the property owner. Failure to pay the bill will result in a lien being placed upon the property. The Town may also cite the property owner and/or occupant to appear in the municipal court of the Town and upon conviction thereof, the property owner and/or occupant may be punished as provided in section 1-9.

Sec. 50-28. Abandoned appliances; building rubbish.

It shall be unlawful for the owner or occupant of a residential building, structure or property to utilize the premises of such residential property for the open storage of any abandoned icebox, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such abandoned items, as listed above, including but not limited to weeds, dead trees, trash, garbage, etc., upon notice from the police department.

Sec. 50-29. Open burning in streets.

It shall be unlawful for any person to light, set fire to or burn leaves, trash or any other substance in or upon the streets of the Town.

Sec. 50-30. Parental responsibility for minors.

Any parent, guardian or other party standing in the place of a parent, who shall permit, aid or encourage any minor to violate any ordinance of the Town, shall be guilty of an offense and, upon conviction, shall be punished as provided by section 1-9.

Sec. 50-31. Loitering or prowling.

- (a) A person commits the offense of loitering or prowling when he or she is in a place at a time or in a manner not usual for law-abiding individuals under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.
- (b) Among the circumstances which may be considered in determining whether alarm is warranted is the fact that person takes flight upon the appearance of a law enforcement officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself or any object. Unless flight by the person or other circumstances make it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself or herself and explain his or her presence and conduct. No person shall be convicted of an offense under this section if the law enforcement officer failed to comply with the foregoing procedure or if it appears at trial that the explanation given by the person was true and would have dispelled the alarm or immediate concern.

State law reference(s)—Loitering prohibited, O.C.G.A. § 16-11-36.

Sec. 50-32. Maintaining a disorderly house.

A person who keeps and maintains, either by himself or herself or others, a common, ill-governed, and disorderly house, to the encouragement of gaming, drinking or other misbehavior, or to the common disturbance of the neighborhood or orderly citizens, commits the offense of maintaining a disorderly house.

Sec. 50-33. Giving a false name, address or date of birth to a law enforcement officer.

A person who gives a false name or address, or date of birth, to a law enforcement officer in the lawful discharge of his or her official duties with the intent of misleading the officer as to his or her identity or birth date, commits the offense of giving a false name, address or date of birth to a law enforcement officer.

State law reference(s)—Giving false name to officers, O.C.G.A. § 16-10-25.

Sec. 50-34. Truancy.

Any minor who shall be within the Town limits of the Town during school hours shall be in violation of this Code and declared as truant. Said minor, upon apprehension shall be taken to the appropriate school. If the minor is not a resident of the Town, said minor shall be escorted out of the Town limits. Upon the first offense, the parent, guardian or other party standing in the place of a parent shall receive a "courtesy call." Upon the second offense, the parent, guardian or other party standing in the place of a parent, upon conviction shall be punished by a minimum fine of \$100.00. Upon the third offense, the parent, guardian or other party standing in the place of a parent, upon conviction shall be punished by a minimum fine of \$500.00. Upon the fourth and subsequent offenses, the parent, guardian or other party standing in the place of a parent, upon conviction shall be punished by a minimum fine of \$1,000.00.

Sec. 50-35. Vandalism.

It is unlawful to damage public property. Cost for repairs of damage to public property will be the responsibility of the defender.

- (1) Accidental damage cost will be assessed on a cost plus administrative fee basis.
- (2) Intentional damage costs will be assessed at the fees above plus an additional fine (plus all applicable court fees).
- (3) Unintentional damages not reported within two business days will be treated as intentional.
- (4) The Town will pay a reward for information leading to the conviction of anyone responsible for defacing or vandalizing public property.

All damage must be reported promptly to the office of the Town clerk, Town Hall.

Sec. 50-36—50-80. Reserved.

ARTICLE III. NUISANCES²¹

DIVISION 1. GENERALLY

Secs. 50-81—50-103. Reserved.

DIVISION 2. ABATEMENT

Sec. 50-104. Definition of nuisances.

The following conditions may be declared to be nuisances:

- (1) Stagnant water on premises;
- (2) Any dead or decaying matter, weeds, vegetation or any fruit, vegetable, animal or rodent, upon premises which is odorous or capable of causing disease or annoyance to the inhabitants of the Town;
- (3) The generation of smoke or fumes in sufficient amount to cause odor or annoyance to the inhabitants of the Town;
- (4) The pollution of public water or the injection of matter into the sewage system which would be damaging thereto;
- (5) Maintaining a dangerous or diseased animal or fowl;
- (6) Obstruction of a public street, highway or sidewalk without a permit;
- (7) Loud or unusual noises which are detrimental or annoying to the public, including without limitations, unusual loud disturbances in or around churches or multiple family complexes such as loud music and other activities in swimming pool and clubhouse areas;
- (8) All walls, trees and buildings that may endanger persons or property;

²¹State law reference(s)—Nuisances, O.C.G.A. §§ 41-1-1 et seq., 41-2-1 et seq.

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- (9) Any business or building where illegal activities are habitually and commonly conducted in such a manner as to reasonably suggest that the owner or operator of the business or building was aware of the illegal activities and failed to reason;
 - (10) Unused iceboxes, refrigerators and the like unless the doors or locks thereof are removed;
 - (11) Any trees, shrubbery or other plants or parts thereof, which obstruct clear, safe vision on roadways and intersections of the Town; and
 - (12) Any other conditions constituting a nuisance under state law.

Sec. 50-105. Offense; penalty.

It is hereby declared to be an offense for any owner, agent or tenant to maintain or allow a nuisance to exist. Each day a nuisance is continued shall constitute a separate offense.

Sec. 50-106. Jurisdiction.

The municipal court shall have full jurisdiction to try and dispose of all questions of nuisance affecting the public health or welfare, and shall also have jurisdiction to try and, in cases of convictions, to punish persons failing to abate nuisances, as prescribed in section 1-9.

Sec. 50-107. Complaint of nuisance; hearing.

- (a) Any official or inhabitant of the Town may direct a complaint of nuisance to the Town police department, who shall investigate and may place the complaint on the municipal court docket for a hearing upon the basis of the investigation. The municipal court after a ten day notice to the party involved, shall hold a hearing thereon and upon finding that a nuisance does exist shall issue an order to the owner, agent in control of or tenant in possession, stating that a nuisance has been found to exist and that the nuisance must be abated within so many hours or days as the court shall deem reasonable, having consideration for the nature of the nuisance and its effect on the public.
- (b) Animal control officers, license and building inspectors shall and may also receive complaints, investigate the same and place on the court docket such complaints in the same manner as police officers.

Sec. 50-108. Abatement by Town.

- (a) In any case where the owner, agent or tenant fails to abate the nuisance in the time specified, or where the owner, agent or tenant cannot be served with notice, or where the nature of the nuisance is such, in the opinion of the recorder that it must be immediately abated, the court may issue an order to the chief of police directing the nuisance to be abated. The chief of police in such case, shall keep record of the expense and cost of abating same, and the costs shall be billed against the owner, agent or tenant for collection as for Town revenues.
- (b) Other Town departments shall assist the chief of police as is necessary in abating nuisances hereunder.

Sec. 50-109. Nuisances per se; exception; summary abatements.

Nothing contained in this division shall prevent the mayor from summarily and without notice ordering the abatement of or abating any nuisance that is a nuisance per se in the law or where the case is an urgent one and the health and safety of the public or a portion thereof is in imminent danger.

Secs. 50-110—50-131. Reserved.

PART II - CODE OF ORDINANCES
Chapter 50 - OFFENSES
ARTICLE III. - NUISANCES
DIVISION 3. JUNKED VEHICLES

DIVISION 3. JUNKED VEHICLES²²

Sec. 50-132. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Junked motor vehicle means any motor vehicle, trailer or camper which does not have lawfully affixed thereto an unexpired license plate and the condition of which is wrecked, dismantled, partially dismantled, inoperative or discarded.

Person means any person, firm, partnership, association, corporation, company or organization of any kind.

Police department means the chief of police or a designee thereof.

Private property means any real property within the Town which is privately owned and which is not public property as defined in this section.

Public property means any street or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly owned property or facility.

Sec. 50-133. Storing, parking or leaving junked motor vehicle prohibited; exceptions.

No person shall park, store, leave or permit the parking, storing or leaving of any junked motor vehicle or parts of any such motor vehicle whether attended or not, upon any public or private property within the Town for a period of time in excess of 72 hours. The presence of a junked vehicle or parts thereof on private or public property is hereby declared illegal. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise, lawfully licensed by the Town and property operated in the appropriate business zone, pursuant to the zoning laws of the Town, or to any motor vehicle in operable condition specifically adopted or designed for operation on drag strips or raceways, or any vehicle retained by the owner for antique collection purposes bearing a valid state antique licenses.

Sec. 50-134. Notice to remove.

Whenever it comes to the attention of the police department that any vehicle is located in violation of this division in the Town, a notice in writing shall be served upon the occupant or the land where the vehicle is located, or in case there is no such occupant, then upon the owner of the property or an agent thereof notifying them of the violation and requesting its removal in the time specified in this division.

Sec. 50-135. Responsibility for removal.

Upon proper notice and opportunity to be heard, the owner of the junked vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the Town, the owner, or occupant of the private property where same is located, shall be liable for the expenses incurred. Expenses must be paid before the owner may reclaim the vehicle.

²²State law reference(s)—Authority to provide for removal of junked vehicles, O.C.G.A. § 36-60-4.

Sec. 50-136. Notice procedure.

The police department of the Town shall give notice to remove to the owner or occupant of the private property where such vehicle is located at least ten days before compliance is required. It shall constitute sufficient notice, when a copy of same is posted in a conspicuous place upon the private property on which the vehicle is located.

Sec. 50-137. Content of notice.

The notice shall contain the request for removal within the time specified in this division, and the notice shall advise that upon failure to comply with the notice to remove, the police chief or a designee thereof shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property.

Sec. 50-138. Removal of motor vehicle from public streets.

The police department shall have the right to take possession of motor vehicles in violation of this division from public streets which are a threat to the safety and welfare of the public or on private property blocking access to fire hydrants, driveways and the like, without prior notice.

Sec. 50-139. Request for hearing.

The persons to whom the notice is directed, or their duly authorized agent, may file a written request for a hearing before the municipal court to the Town within the ten day period for compliance prescribed in this division. If it is determined in the municipal court that this division has been violated, then the person responsible for the vehicle shall be punished by a fine, imprisonment, and/or ordered to remove the vehicle pursuant to section 1-9. Further, each day after the expiration of the notice shall be considered a separate offense.

Sec. 50-140. Notice of removal.

Within 48 hours of the removal of a vehicle under this division, the police department shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that the vehicle has been impounded and stored for violation of this division. The notice shall give the location of where the vehicle is stored, and the costs incurred by the Town for removal.

Sec. 50-141. Right to contract with independent contractors.

The Town shall maintain the right to contract with independent contractors for towing, storage, and for sale of unclaimed junked vehicles.

Sec. 50-142. Public sale.

The time and place of public sale for unclaimed junked vehicles shall be set and disposal provided in the same manner as the disposal of Town property.

Sec. 50-143. Liability of owner or occupant.

Upon the failure of the owner or occupant of property on which junked vehicles have been removed by the Town to pay the un-recovered expenses incurred by the Town in the removal, a lien shall be placed upon the property for the amount of the expenses, less the amount obtained in the sale of the vehicle.

Secs. 50-144—50-199. Reserved.

Chapter 54 PLANNING AND DEVELOPMENT

ARTICLE I. IN GENERAL

Secs. 54-1—54-80. Reserved.

ARTICLE II. REGULATIONS

The Barrow County Unified Development Code (“UDC”) is adopted in its entirety and as it may be amended from time to time. The provisions of the UDC shall govern except the Town shall have all authority as reserved to any county building, planning, or inspection official and all authority designated to the County Commissioners for final approval or rejection of zoning and land use applications shall apply to the Town council.

(See Appendix B)

Chapter 58 PUBLIC SAFETY²³

ARTICLE I. IN GENERAL

Secs. 58-1—58-18. Reserved.

ARTICLE II. LAW ENFORCEMENT

Sec. 58-19. Penalties.

Any person violating any provision of this article, or any rule, order or regulation made pursuant to this article, shall, upon conviction thereof, be punishable as for committing a misdemeanor.

²³State law reference(s)—Authority to provide police protection, Ga. Const. art. IX, § II, ¶ III(a)(1); authority to provide fire protection, Ga. Const. art. IX, § II, ¶ III(a)(1); head of municipal law enforcement, O.C.G.A. § 35-1-12; requirements for identity fraud, O.C.G.A. § 35-1-13; municipalities may expend funds for police training, O.C.G.A. § 35-4-7; municipal compensation for law enforcement, O.C.G.A. § 36-30-9; municipal liability for torts committed by police or other officers, O.C.G.A. § 36-33-3; Georgia Emergency Management Act of 1981, O.C.G.A. § 38-3-1 et seq.; Municipal and County Police Departments' Nomenclature Act of 1996, O.C.G.A. § 35-10-1 et seq.; authority of municipalities regarding fire and life safety, O.C.G.A. § 25-3-4 et seq.; local government may adopt fire safety code, O.C.G.A. § 25-3-4; minimum standards codes, O.C.G.A. § 8-2-25; Municipal, County, and Volunteer Fire Departments Nomenclature Act of 1996, O.C.G.A. § 25-13-1 et seq.; volunteer firemen may serve as member of governing authority, O.C.G.A. § 36-60-23; liability and immunity of municipal corporations, O.C.G.A. § 36-33-1 et seq.

Sec. 58-20. Composition of police department.

The police department shall consist of those officers and employees of those ranks and positions as approved by the Town council.

Sec. 58-21. Responsibilities.

The department shall be responsible for patrol, traffic control, investigation of accidents, investigation of crimes, apprehension of offenders, court appearances, security of business establishments, and for any other matters of public safety and law enforcement as directed by the Town council.

Sec. 58-22. Police department rules and regulations.

Under the direction of the mayor and council, the police chief shall maintain written rules and regulations for the operation of the police department as are necessary. Changes in the departmental rules and regulations shall be proposed in writing by the police chief. Such changes shall be submitted to the mayor and council for approval.

Sec. 58-23. Emergency; special powers.

- (a) In the event of man-made or natural disaster, mass electrical failure, rioting, actual enemy attack upon the United States or any other emergency which may affect lives and property, the mayor may declare that a state of emergency exists by written order setting out the circumstances of the emergency and that portion of the Town affected. Thereafter the mayor shall have and may exercise for any period as this state of emergency exists or continues, the following emergency powers:
 - (1) To enforce all rules, laws and regulations relating to emergency management;
 - (2) To seize, take for temporary use, or condemn any property for the protection of the public;
 - (3) To sell, lend, give or distribute all or any property or supplies among the inhabitants of the Town; to maintain a strict accounting of property or supplies distributed and for funds received for the property or supplies;
 - (4) To declare a limited or general curfew as may be needed to restore public order;
 - (5) To prohibit or regulate the possession, sale or use of explosives, gasoline or other flammable liquids, firearms, ammunition or dangerous weapons of any kind;
 - (6) To close any business establishments necessary;
 - (7) To perform and exercise any other functions and duties and take any emergency actions as may be necessary to promote and secure the safety, protection and well-being of the inhabitants of the Town.
- (b) Upon a declaration of an emergency above, the Town council shall immediately be called into session to perform any duties necessary.
- (c) The state of emergency and the resulting powers may be ended immediately upon a motion thereon being adopted by the Town council or by an order of the officer declaring the emergency.
- (d) Otherwise, such emergency and the powers under this section shall lapse within 72 hours of the declaration unless another specific time period is provided in the declaration.

State law reference(s)—Orders, rules, and regulations made by political subdivision, O.C.G.A. § 38-3-28.

Sec. 58-24. Emergency management.

As used in this article, the term "emergency management" means the preparation for and the carrying out of all emergency and disaster functions other than those functions for which military forces or state and federal agencies

are primarily responsible, to prevent, minimize and repair injury and damage resulting from emergencies, energy emergencies or disasters, or the imminent threat thereof, of man-made or natural origin caused by enemy attack, sabotage, acts of domestic or international terrorism, civil disturbance, fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, drought, infestation, explosion, riot or other hostile action, radiological action or other causes. These functions may include, without limitation, fire-fighting services, police services, emergency medical and health services, rescue, engineering, warning services, communications, defense from the effects of radiological, chemical, biological and other special weapons to include weapons of mass destruction, evacuation of persons from stricken areas, emergency welfare services, consequence management functions to include victim services, emergency transportation, plant protection, shelter, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to total emergency and disaster preparedness for carrying out the foregoing functions.

State law reference(s)—Definitions, O.C.G.A. § 38-3-3.

Sec. 58-25—58-26. Reserved.

Sec. 58-27. Powers during an emergency or disaster.

In the event of a man-made or natural disaster, actual enemy attack upon the United States, or any other emergency which may affect the lives and property of the citizens, the mayor of the Town, separately or jointly with the CEO, county commissioners and the county, or in their absences, their legally appointed successors, or any two members of the council may determine that an emergency or disaster exists and thereafter shall have and may exercise for such period as such emergency or disaster exists or continues, the following powers:

- (1) To enforce all rules, laws and regulations relating to emergency management, and to assume direct operational control over all emergency management resources;
- (2) To seize or take for temporary use, any private property for the protection of the public;
- (3) To sell, lend, give or distribute all or any such property or supplies among the inhabitants of the county and to maintain a strict accounting of property or supplies distributed and for funds received for such property or supplies; and
- (4) To perform and exercise such other functions and duties, and take such emergency actions as may be necessary to promote and secure the safety, protection and well-being of the inhabitants of the county.

State law reference(s)—Powers of political subdivision during an emergency, O.C.G.A. § 38-3-54; local organization and emergency management, O.C.G.A. § 38-3-27(e).

Sec. 58-28. Volunteers.

All persons, other than officers and employees of the Town performing emergency functions pursuant to this article, shall serve with or without compensation. While engaged in such emergency functions, duly assigned volunteers shall have the same immunities from liability as Town officers and employees.

State law reference(s)—Immunity of emergency management workers and volunteers, O.C.G.A. § 38-3-35.

Sec. 58-29. Liberality of construction.

This article shall be construed liberally in order to effectuate its purpose.

Secs. 58-30—58-48. Reserved.

ARTICLE III. FIRE PREVENTION AND PROTECTION

Sec. 58-49. Fire safety standards; adoption by reference.

The minimum fire safety standards of the state and the fire prevention ordinances of Barrow County, as adopted by the county board of commissioners, are hereby incorporated by reference herein and adopted as the ordinances of this Town, and the county is hereby authorized to extend the services of the fire prevention bureau to the citizens of this Town, and the personnel of said bureau are authorized to enforce said ordinances within the limits of this Town, and are hereby made deputy marshals thereof. Copies of the fire safety standards and fire prevention ordinances shall be maintained on file in the office of the Town clerk.

Sec. 58-50. Tampering with alarm system.

It shall be unlawful for any person to willfully, maliciously or mischievously interfere or tamper with any fire alarm box or any of the appliances or apparatus connected therewith, located within the corporate limits.

Sec. 58-51. Smoke detectors.

- (a) All new and existing dwellings shall have an approved smoke detector on each living area level and, where one or more bedrooms or sleeping areas are on a level, a detector shall be located not more than 15 feet from the doorway of each such bedroom or sleeping area.
- (b) Approved smoke detectors shall be installed in accordance with the manufacturer's instructions.
- (c) Smoke detectors in all new construction shall be installed prior to the issuance of any occupancy permit by the Town for the occupancy of the dwelling.
- (d) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved smoke detector means a device for giving early warning upon the detection of smoke that is approved by Underwriter's Laboratory or Factory Mutual or other major testing laboratory and is capable of sensing particles of combustion and providing an audible alarm of a minimum of decibels.

Dwelling means and includes, but is not limited to, one- and two-family dwellings, duplexes and apartment units.

State law reference(s)—Smoke detectors to be installed in new dwellings, dwelling units, and other facilities, O.C.G.A. § 25-2-40.

Chapter 62 PUBLIC WORKS

ARTICLE I. IN GENERAL

Secs. 62-1—62-18. Reserved.

ARTICLE II. STREETS AND SIDEWALKS²⁴

Sec. 62-19. Permit to dig in streets.

No person shall make any excavations or openings or dig any ditch, trench, tunnel or hole in, along, across or under any street, sidewalk or other public place for the purpose of laying or placing therein any pipe, wires, poles or for any other purposes, unless a written permit therefor has been issued by the Town clerk. A permit shall not be required where the work is performed under a contract with the Town but in the event that work requires a sidewalk or street to be wholly or partially obstructed, the person shall notify the Town clerk and the police department at least two hours before obstructing the sidewalk or street, unless prevented by sudden emergency.

Sec. 62-20. Application for permit.

All persons desiring a permit in order to make an opening in any street or sidewalk, as set forth in section 62-19, shall make written application therefor, which application shall show the location of the proposed opening, the purpose therefor and the approximate number of square yards of surface to be cut.

Sec. 62-21. Town indemnified.

Any person obtaining a permit as provided for in sections 62-19 and 62-20 agrees, as a condition of the issuance of the permit to indemnify and hold harmless the Town against any claims or expenses, including attorney's fees for bodily injury or property damage for accidents or occurrences arising out of the person's operations.

Sec. 62-22. Street repair.

When any part of any street, sidewalk, alley or other public place of the Town shall be torn or dug up for any purpose, the person, firm or corporation making that excavation or opening shall have the duty of refilling the excavation or opening so as to restore it to essentially the same condition that existed prior to the excavation or opening. Any person neglecting, refusing or failing to comply with any provisions of this section shall be guilty of a violation thereof; and where any neglect, refusal or failure is continued, after notice from the Town clerk, every day's continuance thereafter shall constitute a separate and distinct offense.

Sec. 62-23. Excavations; leaving unprotected.

It shall be unlawful for any person who obtains a permit under the sections of this article to do any excavation of any kind which may create or cause a dangerous condition in or near any street, alley, sidewalk or public place of the Town without placing and maintaining proper guard rails and signal lights or other warnings at, in or around the work, sufficient to warn the public of any excavation or work, and to protect all persons using reasonable care from injuries on account of work.

²⁴State law reference(s)—Constitutional powers regarding streets, Ga. Const. art. IX, § II, ¶ III(a)(4); municipal authority to own, operate and maintain parks, recreational facilities, and streets, O.C.G.A. § 36-34-3; street obstructions, O.C.G.A. § 36-30-10; municipal street administration, O.C.G.A. § 32-4-90 et seq.; street improvements, O.C.G.A. § 36-39-1 et seq.; regulation of maintenance and use of public roads generally, O.C.G.A. § 32-6-1 et seq.; liability and immunity of municipal corporations, O.C.G.A. § 36-33-1 et seq.

Sec. 62-24. Sidewalk construction.

No sidewalk of any description shall be built by any individual of any brick, wood or other material without a written permit from the Town.

Sec. 62-25. Streets and sidewalks not to be damaged.

It shall be unlawful for any person to drag or run, or cause to be dragged or run any harrow or other implement, engine, machine or tool upon any asphalt, bithulitic, warrenite or other type of permanently paved street or sidewalk of the Town which shall be liable in any way to injure or cut the surface thereof. It shall also be unlawful to injure any dirt street in the same manner.

Sec. 62-26. Violation.

All persons found guilty of a violation of this article shall be punished as provided in section 1-9.

Secs. 62-27—62-34. Reserved.***ARTICLE III. SOLID WASTE COLLECTION AND DISPOSAL²⁵******DIVISION 1. IN GENERAL*****Sec. 62-35. Definitions.**

For the purposes of this chapter, certain terms and words are defined. Where words have not been defined, but are defined in section 1-2, those words shall have the meaning as defined therein. The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved receptacle for residential solid waste means a galvanized metal container or durable plastic container or durable plastic bag with the capacity of not less than 20 gallons and no more than 32 gallons, with the containers having two durable handles on the sides thereof and a removable tight-fitting top. All containers shall be waterproof. Oil or grease drums, paint cans and similar salvaged containers shall not be acceptable.

Approved receptacle for yard debris trimmings means a biodegradable paper bag, empty card board box, clean galvanized metal container or durable plastic container with a capacity Town of not less than 20 gallons and no more

²⁵Editor's note(s)—Ord. No. 2018-02, § 1(Exh. A), adopted Nov. 13, 2018, repealed the former Art. III, §§ 62-56—62-63, inasmuch as it superceded said provisions, and enacted a new Art. III as set out herein. The former Art. III pertained to similar subject matter and derived from Code 1987, § 4-2-1—4-2-8; Ord. of 10-14-1996, § 4-2-1.

State law reference(s)—Authority of municipalities to provide for garbage and solid waste collection and disposal, Ga. Const. art. IX, § II, ¶ III(a)(2); municipal authority to own, operate, maintain water/sewage systems, O.C.G.A. § 36-34-5; local solid waste management plans, O.C.G.A. § 12-8-31.1; Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20; creation of municipal solid waste management authority, O.C.G.A. § 12-8-53; prohibition against public littering, O.C.G.A. § 16-7-43 et seq.; no limitation on municipal authority to declare nuisance, O.C.G.A. § 12-8-30.9; adoption of ordinances to enforce nuisance provisions, O.C.G.A. § 41-2-9; municipal authority to impose restrictions on tire disposal, O.C.G.A. § 12-8-40.1.

than 40 gallons. Containers shall have two durable handles on the container or an approved receptacle for yard debris trimmings.

Collector means a person who, under agreements, verbal or written, with or without compensation, does the work of collecting and/or transporting solid waste from industries, offices, retail outlets, businesses, institutions and/or similar locations or from residential dwellings; provided, however, that this definition shall not include an individual collecting and/or transporting waste from the individual's own single-family dwelling unit.

Commercial container means a manufactured container suitable for emptying by mechanical equipment and approved by the director. The following general standards are prescribed for commercial containers:

- (1) All containers must be steel, continuous welded and properly reinforced.
- (2) All lids will be flanged and reinforced for strength.
- (3) Pickup side of container shall be reinforced inside or outside at point of torque tub contact.
- (4) Inside reinforcement shall be pressed steel angel.
- (5) Bottoms shall be reinforced with one-and-one-half-inch drain plug installed flush to bottom.
- (6) All containers shall be primed and finished with enamel and epoxy paint.
- (7) Body dimensions as to length and height of container can vary with the size of container; however, all container widths will be 70 inches. Minimum gauges of steel shall be as follows:

Walls	12 gauge
Ends	12 gauge
Bottoms	12 gauge for 4 cu. ft. and below
	10 gauge for all over 4 cu. ft.
Lids	16 gauge
Doors	14 gauge

Commercial establishment means any hotel, motel, apartment house, rooming house, business, industrial, public or semipublic establishment of any nature or kind whatsoever other than a single dwelling unit/residential unit and condominiums.

Commercial front loader container means a manufactured container suitable for emptying by mechanical equipment and approved by the director.

Commercial/industrial solid waste means solid waste from commercial establishments that includes but is not limited to material from industrial processes, manufacturing canneries, slaughterhouses, packing plants, poultry processing plants or similar industries, and food waste.

Compactor container means a manufactured commercial container of any size with a self-contained compacting mechanism or an external compactor which is designed to be used in conjunction with the dividual home appliance.

Compactor front loader container means a manufactured commercial container of any size with an external mechanical compacting system that detaches in order to be serviced by driving forward to the container using a commercial front loader vehicle.

Compactor roll-off container means a manufactured commercial container of any size with an internal or external mechanical compacting system that either detaches or is fully self-contained and is serviced by backing up to the container and hoisting it onto a commercial roll-off container vehicle.

Condominium means individual ownership units in a multifamily structure with a front and back entrance to each unit on the ground level.

Construction and demolition solid waste means solid waste from construction and demolition projects that include but is not limited to remodeling, repair operations on houses, commercial buildings, multiple dwellings and other structures such as concrete, bricks, plaster, stone, earth, lumber, roofing materials, gutters, shavings and sawdust.

Conveyance means any automobile, plane, train, bus, bicycle, motorcycle or other method of transporting persons from one place to another.

Discard means to throw, abandon, place, deposit, discharge, dump, bury, burn or dispose of a substance.

Disposal facility means any facility or location where any treatment, utilization, processing or deposition of solid waste occurs.

Garbage means waste including but not limited to food waste, including waste accumulation of animal or vegetable matter used or intended for use as food, or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.

Hazardous waste means solid or liquid waste that does not meet the toxic characteristic leachate procedure requirements and includes but is not limited to highly flammable or explosive wastes; toxic wastes; industrial sludge; and other waste material that the director determines to be a likely hazard to the public health, safety or environment, except radioactive waste materials.

Incinerator means the high temperature waste combustion unit designed to dispose of pathological matter.

Landfill means a method of disposing of solid wastes, other than putrescible wastes or hazardous wastes, on land by placing an earth cover thereon.

Litter means, but is not limited to, any organic or inorganic waste material, rubbish, refuse, garbage, trash, yard debris, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic, and glass containers, broken glass, dead animals or intentionally or unintentionally discarded materials of every kind and description but the term litter does not include "waste" as that term is defined in O.C.G.A. § 16-7-51(6), as amended.

Multiple dwelling means a building designed for and containing two or more dwelling units.

Municipal solid waste means, but is not limited to, any solid waste derived from households, including garbage, trash and solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes yard debris not separated for recycling and commercial solid waste but does not include solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations.

Noncombustible trash means, but is not limited to, materials which are unburnable in the incinerator or at incinerator temperature of 800 to 1,800 degrees Fahrenheit such as mineral water, metal furniture, large metal scraps and wires, auto bodies or parts, and other similar materials.

Owner means any person or entity that generates solid waste on real property in the Town and who is designated by the records of the office of tax commissioner as the owner of such real property within the Town.

Plastic bag means a polyethylene or other heavy-duty plastic bag meeting the National Sanitation Foundation standard of at least one and one-half (1.5) mils and not exceeding a thirty-two-gallon capacity.

Public or private property means the right of way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; timberlands or forests; and land used for business, residential, commercial, industrial, or farm purposes.

Putrescible waste means wastes that are capable of being decomposed by microorganisms. Examples of putrescible wastes include but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, and garbage.

Recycle means any process by which materials that would otherwise become solid waste are collected, separated or processed and reused or returned to use in the form of raw materials or products.

Refuse means garbage, rubbish or commercial refuse.

Residential unit means any freestanding structure or shelter or any part thereof used or constructed for use as a residence for one family.

Sanitary landfill means a method of disposing of putrescible waste on land for final disposition and/or management.

Sanitation or sanitary district means the designated service area established by the county encompassing the Town.

Scavenge means uncontrolled picking from discarded solid waste materials.

Solid waste means any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded materials including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operation materials; solid or dissolved matters in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject under 33 U.S.C. § 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended and as defined by O.C.G.A. § 12-8-22(33), as amended.

Special industrial waste container means any container such as a metal box, bucket, an open bed container or special container used for transporting chemicals, paint, metals, glass, oil products, plastics or any type of material that requires special handling and cannot be incinerated.

Stationary compactor means an object of refuse container system which compacts refuse at the site of generation into a pull-on detachable container.

Tax commissioner means the constitutional officer charged with collecting both state, county and special taxes as established by Ga. L. 1927, p. 558, § 2.

Yard debris means leaves, brush, grass clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural, and silvicultural operations.

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

Sec. 62-36. Applicability.

This chapter applies to the preparation and storage, collection, transportation and disposal of all refuse in the Town, including all public and private property. This chapter prescribes rules and regulations therefore, regulates the collection of garbage and refuse, provides for the licensing and regulation of private garbage and refuse collection, prescribes rules and regulations for hauling garbage refuse and other waste material within or through the Town, and prohibits the unlawful deposit of litter within the incorporated area of the Town.

Sec. 62-37. Private transportation of refuse.

- (a) It shall be unlawful for any person including county refuse collectors and sanitary contractors to haul, convey or cause to be conveyed any refuse, including discarded building material or discarded furniture, upon or along the public streets and roadways except when the material transported is adequately secured in such a manner as to prevent it from falling, leaking or being blown from transporting vehicles. The operator or owner of the offending vehicle shall be personally responsible for any violation of this section.
- (b) It shall be unlawful for any person not licensed by the county to collect and haul any refuse other than that arising from such person's own accumulation within any areas of the Town in which refuse collection service is maintained by the county under intergovernmental contract with the Town.

Sec. 62-38. Disposal of refuse and garbage generally.

- (a) It shall be unlawful for any person to dump or to cause to be dumped any garbage, refuse, litter, junk, appliances, equipment, cans, bottles, paper, lumber, trees, tree limbs, brush or parts thereof anywhere in the Town.
- (b) The provisions of subsection (a) of this section do not apply to the dumping on private property with the owner's permission of sand, dirt, broken dirt, blocks, broken pavement or other suitable material for use as a fill to raise the elevation of the land, provided it is not maintained in an unsightly condition and provided the owner or owners of the property on which such material is dumped agrees to level such dumped material with appropriate grading equipment and assess the cost thereof against the real property on which such material was dumped.
- (c) If any of the matter or material dumped in violation of the provisions of subsection (a) of this section can be identified as having last belonged to, been in the possession of, sent to or received by, or to have been the property of any person prior to its being dumped as prohibited therein, this identification shall be presumed to be prima facie evidence that the owner dumped or caused to be dumped such matter and material in violation of this chapter.

Sec. 62-39. Operation of private landfills.

- (a) No sanitary landfill or dump shall be operated within the Town.

Sec. 62-40. Service provided to Town under contract with county.

Sanitation service shall be provided to the Town in accordance with a third-party agreement.

Secs. 62-41—62-80. Reserved.

Chapter 66 SIGNS

See Appendix B

APPENDIX A. ZONING

ARTICLE 1. INTRODUCTION

Sec. 1-1. Purpose and intent.

For the purpose of promoting the health, safety, morals, convenience, order, and general welfare of the municipality; lessening congestion in the streets; securing safety from fire, panic and other dangers; providing adequate light and air, encouraging such distribution of land and classification of land uses to facilitate economic development and facilitate the adequate provisions of transportation, sewage, schools, parks and other public requirements; conserving the value of buildings; providing for the orderly evolution of a retail district within a mixed-use corridor along Rockbridge Road that is responsive to neighborhood needs, made with reasonable consideration of the character of the Town and its peculiar suitability for particular uses, with a view to promoting and protecting a clean healthy lake and natural environment, and creating sustained protection and stability of the single-family neighborhood; protecting properties against blight and depreciation and promoting the general stability and prosperity of the Town, all in accordance with a comprehensive plan, the Town of TOWN OF CARL does ordain and enact into law the following articles and sections.

Sec. 1-2. Title.

This ordinance of the Town Code will be known as the "Town of Carl Zoning Ordinance" and will be referred to as the "Zoning Ordinance."

Sec. 1-3. Authority.

This ordinance is adopted under the authority of the Charter of the Town, as approved by the Governor; in pursuance of the authority given by the Art. IX, Sec. II; Para. IV of the Georgia Constitution of 1983, granting powers to municipal corporations, and is subject to all requirements of the Zoning Procedures Law of the State of Georgia, O.C.G.A., Sec. 36-66-1 et seq.

Sec. 1-4. Severability.

Should any article, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such action shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid, each article, clause and provision hereof being declared severable.

Sec. 1-5. Conflicts.

Insofar as the provisions of The Zoning Ordinance are inconsistent with the other ordinances of TOWN OF CARL, the provisions of this ordinance shall be controlling. The requirements of, and restrictions imposed by, and powers conferred by, this ordinance shall be in addition and supplemental to the requirements of, and restrictions imposed by, and powers conferred by other ordinances of the Town. In the event of conflicts within this ordinance, the most stringent requirement shall apply.

Sec. 1-6. Applicability.

These regulations shall apply to all present and future land use and development on property located within the corporate limits of Town. Standards adopted in this ordinance are intended to be minimum requirements necessary to implement the purposes of this ordinance. This ordinance shall regulate the height, number of stories, and the size of buildings and other structures; the percentage of lot that may be occupied; the dimensions of yards and other open spaces; the density and distribution of population; the location and use of buildings and other structures; and the use, manner of use or occupancy of land; This ordinance shall also create districts for such purposes and establish district boundaries; define certain terms used here; provide for the methods of administration, enforcement and amendment; provide for penalties and resolutions and for other purposes.

ARTICLE 2. ZONING MAP AND DISTRICTS

Sec. 2-1. Official zoning map.

- A. The Town is divided into districts as shown on the official zoning map, attached as Exhibit B to the ordinance adopting this ordinance, together with all explanatory notes thereon, and the zoning map, is hereby adopted by reference and declared an essential element of this zoning ordinance. Such official zoning map shall be the official record of the zoning status of all property within the Town limits of the Town.
- B. Where the scale of the general zoning map is inadequate for presentation of details in a particular area, such area may be cross-referenced on the official zoning map to separate inset maps at the appropriate scale.
- C. No change of any nature shall be made in the official zoning map except in conformity with the procedures and requirements of this Ordinance.

Sec. 2-2– 2-80 Reserved.

Sec. 13-13. Rezoning of property proposed for annexation.

The zoning of property to be annexed into Town shall proceed in the following manner:

- A. Mayor and council shall comply with the procedures required by this ordinance for such zoning, except for the final vote of the mayor and council prior to adoption of the annexation ordinance or resolution or the effective date of any local Act, but no earlier than the date the notice of the proposed annexation is provided to the governing authority of the county as required under Code Section 36-36-6 of the State Code;
- B. The public hearing required by section 13-5 shall be conducted prior to annexation of the property into the Town limits of Town;
- C. In addition to the other public notice requirements, the mayor and council shall cause to be published in a newspaper of general circulation within the boundaries of the county in which the property to be annexed is situated a notice of the hearing as required under the provisions of section 13-4 as applicable,

of this ordinance and shall place a sign on the property when required by subsection (b) of such Code section; and

- D. The zoning classification approved by the mayor and council following the public hearing required by this Code section shall become effective on the later of the following:
1. The date the zoning is approved by the municipality;
 2. The date the annexation becomes effective pursuant to Code Section 36-36-2; or
 3. Where a county has interposed an objection pursuant to Code Section 36-36-11, the date provided for in paragraph (8) of subsection (c) of that Code section.

Sec. 13-14. Administrative approval of minor site plan amendments.

- A. Minor changes to any site plan that was approved by the Mayor and Council as part of a conditional zoning may be authorized by the zoning official, provided that the change in layout does not violate any of the conditions of the zoning; or result in the intrusion of a built element, such as a building, structure, paved area, walkway or drive, into a sidewalk area, yard, buffer, undeveloped space, or any open space that is shown on the site plan as next to a street or property line, or violate any requirements of the district in which the site is located.
- B. A minor change to a site plan shall not permit any increase in height of any building or structure by more than five percent, any increase in square footage of any heated or livable space of any building or structure by more than five percent, or any change in the number of parking spaces by more or less than five percent. Additionally, a minor change shall not permit any decrease in the square footage of any required open space, any reduction of function of any approved sidewalk or trail, the removal of any sidewalk along the street frontage, or any relocation of any building or structure that is on a lot that is adjacent to but not within an R district such that the building is closer to an R district than is shown on the approved site plan.
- C. If for any reason the development or use of a property cannot be accomplished in accordance with the procedure outlined above, the site plan shall not be varied, altered or changed except after approval by the mayor and council. Applications for amendments to any approved site plan shall include all requirements of a rezoning application.

APPENDIX B. UDC

Chapter 89 UNIFIED DEVELOPMENT CODE²⁶

ARTICLE I. IN GENERAL

Sec. 89-1. Purpose of article.

This article sets out the legal basis for the Unified Development Code and its broad purposes, describes the lands to which and circumstances under which the Code applies, and describes how the Code is to be interpreted when certain words or phrases are used or uncertainty of meaning may exist.

(Ord. of 10-13-2020)

Sec. 89-2. Title and authority.

- (a) *Title.* This Development Code regulates the use of land, the location and use of buildings and other site improvements, and the construction of public facilities and private improvements related to the development of land. This Development Code shall be known as and may be cited as "The Unified Development Code of Town of Carl, Georgia" or, for brevity, "The Development Code".
- (b) *Authority.* This Development Code is adopted under authority of Article 9, Section 2, Paragraph 3 and 4 of the Constitution of the State of Georgia, and pursuant to the zoning procedures law (O.C.G.A. §§ 36-66-1 et seq.) and other applicable laws enacted by the general assembly.

(Ord. of 10-13-2020)

²⁶An ordinance adopted by Barrow County on Oct. 13, 2020, repealed the former ch. 89, §§ 89-1—89-10, 89-61—89-69, 89-121—89-132, 89-156—89-189, 89-216—89-228, 89-301, 89-302, 89-401—89-409, 89-461—89-468, 89-721—89-734, 89-781—89-795, 89-846, 89-847, 89-861—89-865, 89-891—89-896, 89-951, 89-952, 89-966—89-971, 89-995—89-1000, 89-1021—89-1023, 89-1046—89-1052, 89-1070—89-1072, 89-1091—89-1094, 89-1175—89-1193, 89-1251—89-1253, 89-1254—89-1260, 89-1311—89-1329, 89-1381—89-1388, 89-1441—89-1448, 89-1601—89-1606, and enacted a new ch. 89 as set out herein. The former ch. 89 pertained to similar subject matter. See the Code Comparative Table for the complete derivation of ch. 89.

State law reference(s)—Development impact fees, O.C.G.A. §§ 36-71-1 et seq.

Sec. 89-3. Adoption.

- (a) *Adoption of the Unified Development Code.* Under the authority and for the purposes stated herein, the Town of Carl does hereby enact as law, the articles, chapters, and sections contained in this Development Code.
- (b) *Conflict with other regulations.*
 - (1) All regulations or parts of regulations of the Code of Laws of Town of Carl, Georgia, in conflict with these regulations shall be and the same are hereby repealed in their portions so in conflict.
 - (2) Where this Development Code overlaps with other requirements adopted by the board of commissioners, the more restrictive regulation shall govern.
 - (3) It is not the intent of these regulations to repeal or affect any law of the State of Georgia, or any code, or ordinance of Town of Carl, adopted as a requirement of a state law, in which case the most restrictive requirement shall control.
 - (4) In no case shall Town of Carl be required to enforce private easements, covenants, or other private agreements or legal relationships, whether they are more restrictive than the requirements of the Development Code or they apply a standard that is not addressed in this Code. See also section 89-4(c).
 - (5) Nothing in these regulations shall be construed to affect the validity of any building permit lawfully issued prior to the effective date of these regulations.
- (c) *Amendments.*
 - (1) These regulations may be amended from time to time by resolution of the board of commissioners. Such amendments shall be effective as of their date of adoption unless otherwise stated in the adopting resolution.
 - (2) No amendment to these regulations shall be construed to affect the validity of any other.
- (d) *Severability.* If any action, section, subsection, sentence, clause, or phrase of these regulations is for any reason held unconstitutional, void, or invalid, the validity of the remaining portions of these regulations shall not be affected thereby, it being the intent of the board of commissioners in adopting these regulations that no portion thereof or provision of the regulations contained herein, shall become inoperative or failed by reason of the unconstitutionality or invalidity of any section, subsection, sentence, clause, phrase or provisions of this Development Code.

(Ord. of 10-13-2020)

Sec. 89-4. Purpose and intent.

- (a) *Purpose.* This Development Code is made with reasonable consideration, among other things, of the character of the district and its peculiar suitability for particular uses, and with a view to promoting desirable living conditions and the sustained stability of neighborhoods, protecting property against blight and depreciation, securing economy in governmental expenditures, conserving the value of buildings and encouraging the most appropriate use of land and other buildings and structures throughout Town of Carl.

This Development Code is made and designed to:

- (1) Lessen congestion in the streets;
- (2) Secure safety from fire, panic, and other dangers;
- (3) Prevent flooding of improved property;
- (4) Provide adequate light and air;
- (5) Prevent the overcrowding of land;
- (6) Avoid undue concentration of population;

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- (7) Facilitate the adequate provision of transportation, water, sanitation, schools, parks, housing, communications, health care and other public requirements;
 - (8) Promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the county; and
 - (9) Improve the quality of life through protection of the county's total environment including, but not limited to, the prevention of air, water and noise pollution.
- (b) *Intent in interpretation.* In the interpretation and application of this Development Code all provisions shall be:
- (1) Considered as minimum requirements;
 - (2) Liberally construed in favor of the property owner; and
 - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.
- (c) *Intent relative to private property agreements.* This Development Code is not intended to repeal, abrogate, or impair any valid easement, covenant or deed restriction duly recorded with the clerk of the superior court, to the extent that such easement, covenant or deed restriction is more restrictive than the requirements imposed by this Development Code. However, when this Development Code imposes a greater restriction upon the use or development of buildings or land than are imposed by such easements, covenants, agreements, or deed restrictions, the provisions of this Development Code shall govern.
- (Ord. of 10-13-2020)

Sec. 89-5. General applicability.

- (a) *Lands to which this Development Code applies.* This Development Code shall apply only in the unincorporated areas of Town of Carl, Georgia.
- (b) *Use of land or structures.*
- (1) No structure or land shall hereafter be used or occupied, located, extended, moved, converted or structurally altered except in full compliance with the provisions of this Development Code.
 - (2) No part of a yard, buffer or off-street parking spaces required in connection with any use or structure for the purpose of complying with this Development Code shall be included as part of a yard, buffer or off-street parking space required for any other use or structure, unless specifically allowed under the provisions of this Development Code.
 - (3) Street rights-of-way shall not be considered a part of a lot or front yard setback for the purpose of meeting the minimum requirements of this Development Code.
- (c) *Street frontage required.* No building permit shall be issued on any lot unless the street giving access to the lot shall be accepted and opened as a public street prior to that time, or shall be a recorded private street approved by the board of commissioners, or shall otherwise have achieved the status of a public street.
- (d) *One principal house on a lot.* With respect to single-family detached dwellings, only one principal building and its customary accessory uses, buildings and structures may be erected on any one lot.
- (e) *Lot reduction prohibited.* No yard or lot existing prior to the effective date of this Development Code or any subsequent amendment to it shall be reduced in dimension or area below the minimum requirements set forth in this Development Code. Yards or lots created after the effective date of this Development Code shall meet at least the minimum requirements established by this Development Code.
- (f) *Dedication of public lands and facilities.* No land dedicated as a public street or other public purpose shall be opened or accepted as a public street or for any other public purpose, and no subdivision of land shall be made, nor subdivision plat thereof shall be recorded before obtaining final approval from the board of commissioners. Said approval shall be entered in writing on the final plat by the planning and community development director. Said planning and community development director is hereby authorized to accept such

dedications of lands and public facilities on behalf of Town of Carl and to cause such dedications to be recorded by the Clerk of Superior Court of Town of Carl.

- (g) *Requirements for moving a building.* No dwelling unit or other permanent structure shall be moved within or into the county unless, when relocated, it meets all requirements of the Development Code and other County Code requirements and is first approved by the planning and community development director.

(Ord. of 10-13-2020)

Sec. 89-6. Conformance with comprehensive plan.

The arrangement, character, extent, width, grade, and location of all streets shall conform to these regulations and the comprehensive plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

(Ord. of 10-13-2020)

Sec. 89-7. Grandfathered development.

(a) *Nonconformities in general.*

- (1) This section sets out the provisions that protect uses, structures, lots and signs that lawfully existed prior to the adoption of this Development Code or a subsequent amendment, but no longer conform to the new regulations. The primary intent of the treatment of nonconformity is to allow continuation of these uses, structures, lots and signs until the end of their useful life, while encouraging conformance to the new regulations when it becomes reasonable.
- (2) Nothing in this Development Code shall prevent the strengthening, repair or restoration to a safe or lawful condition of any part of any building or structure declared unsafe or unlawful by the planning and community development director or any other duly authorized county official.
- (3) The lawful use of any nonconforming uses, structures, lots and signs may be continued, even though such use does not conform to the provisions of this Development Code under the circumstances presented in this section for each type of development.

(b) *Nonconforming uses.*

- (1) *Nonconforming uses; defined.* A nonconforming use is a use or activity that was lawfully established prior to the adoption, revision or amendment of this Development Code, but which, by reason of such adoption, revision or amendment, is no longer a use or activity permitted by right or no longer meets or conforms to the requirements of this Development Code.
- (2) *Grandfathered nonconforming uses.* To avoid undue hardship, the lawful but nonconforming use of any structure or land at the time of the enactment of this Development Code or any subsequent amendment may be continued even though the use does not conform to the provisions of this Development Code, except that the nonconforming use:
 - a. Shall not be changed to another nonconforming use.
 - b. Shall not be re-established after its removal from the property for more than 15 days in the case of a nonconforming manufactured home, or its discontinuance for six months or more for all other uses, unless the premises are under a continuing lease but are unoccupied by the nonconforming use, regardless of the intent of the owner or occupier to resume the nonconforming use.
 - c. Shall not be extended to occupy a greater area of land.
 - d. Shall not be 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 Development

Code and was clearly designed to house the same use as the nonconforming use occupying the other portion of the building or structure.

- e. If an existing use was lawfully established in a zoning district that is subsequently amended to require special use approval for such use, the existing use shall not be subject to the provisions of this subsection.
- f. Any intended but not yet existing nonconforming use for which a vested right was acquired prior to the adoption of this Development Code or the adoption of an amendment to it shall be prohibited unless such intended nonconforming use for which a vested right was acquired is actually commenced within one year of the adoption of this Development Code or the adoption of an amendment to it regardless of the intent or expectation to commence or abandon such nonconforming use.

(c) *Nonconforming structures.*

- (1) *Nonconforming structures; defined.* A nonconforming structure is a structure or building whose size, dimensions or location on a property were lawful prior to the adoption, revision or amendment of this Development Code, but which, by reason of such adoption, revision or amendment, no longer meets or conforms to one or more such requirements of this Development Code.
- (2) *Grandfathered nonconforming structures.* A nonconforming structure may continue to be occupied and used, provided that the nonconforming structure:
 - a. Shall not be enlarged or altered in any way that increases its nonconformity.
 - b. Shall not be replaced after removal except in conformance with this Development Code.
 - c. Shall not be occupied by a use for which off-street parking requirements cannot be met.
- (3) Grandfathered nonconforming structures may be routinely repaired and maintained, provided that:
 - a. Repairs are as necessary to maintain a structure in a safe and sanitary condition and do not exceed 50 percent of the current replacement cost of the structure, during any period of 12 consecutive months.
 - b. A structure damaged or destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction shall be reconstructed only in conformance with this Development Code. Nonconforming structures that are damaged 50 percent or less must begin reconstruction or repair within six months after the damage is incurred in order to maintain the structure's grandfathered status.
- (4) A nonconforming structure that is declared by the administrator to be physically unsafe or unlawful due to lack of repairs and maintenance shall not thereafter be restored, repaired, or rebuilt except in conformity with this Development Code.

(d) *Nonconforming lots.*

- (1) *Nonconforming lots; defined.* A nonconforming lot is a lot of record whose area, frontage, width or other dimensions, or location were lawful prior to the adoption, revision or amendment of this Development Code, and which, by reason of such adoption, revision or amendment, no longer meets or exceeds one or more such requirements of the applicable zoning district.
- (2) *Grandfathered nonconforming lots.*
 - a. Where the owner of a legal lot of record at the time of the adoption of this Development Code does not own sufficient land to conform to the minimum lot size or lot width requirement of this Development Code, such lot may nonetheless be used as a building site provided that:
 - 1. No further subdivision of the lot is allowed;
 - 2. The building setback and other lot dimensions conform as closely as possible, given the size and shape of the lot, to the required dimensions of the zoning district; and

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3. Access to a public street is provided directly or through an easement recorded prior to adoption of this Development Code.
 - b. On a legal nonconforming flag lot, landlocked lot or other lot where the minimum lot width cannot be achieved at the minimum front building setback line, the principal building shall be moved back to a location on the lot where the minimum lot width can be achieved.
- (3) *Unbuildable lots.* If a legal nonconforming lot has inadequate area or an unusual shape such that an adequate buildable area cannot be established under the setback requirements of the zoning district, a building permit may be issued under the following circumstances:
- a. Administrative approval as a special exception may be granted for reductions in setback or lot width of up to 20 percent of the requirement; or
 - b. Approval for construction is granted as a hardship variance by the board of appeals.
- (4) *Combination of nonconforming lots; where required.* If the owner of two or more adjoining lots, at least one of which is a nonconforming lot, decides to build on or sell off these lots, he must first combine said lots to comply with the dimensional requirements of this Development Code.
- (e) *Nonconforming signs.*
- (1) *Nonconforming signs; defined.* A nonconforming sign is a sign that was lawfully erected and maintained prior to the adoption of this article, and which by reason of such adoption fails to conform to all applicable regulations and restrictions of this article.
 - (2) *Grandfathered nonconforming signs.* A nonconforming sign that is permanently affixed to the ground or to a building may continue to be used, except that the nonconforming sign:
 - a. Shall not be moved or replaced except in conformity with the provisions of this Development Code.
 - b. Shall not be repaired, rebuilt, or altered after damage exceeding 60 percent of its replacement cost at the time of destruction except in conformance with this Development Code; provided that reconstruction begins within six months after damage of 60 percent or less is incurred.
 - c. Shall not be enlarged or altered in a way that increases its nonconformity, but it may be repaired to the extent necessary to maintain it in a safe and well-maintained condition.
 - d. These provisions shall not have the effect of excusing any violation of any other ordinance. Nor shall these provisions have the effect of permitting the continued existence of any unsafe sign or any sign that is not in a good state of repair.
 - (3) *Temporary signs to be removed.*
 - a. Any nonconforming sign that is temporary in nature and not permanently affixed to the ground or to a building, such as a streamer or pennant, shall be removed within 30 days of becoming a nonconforming sign.
 - b. Failure to remove such illegal sign or bring it into conformance following 30 days notice to the owner or occupant of the property by the code enforcement officer shall authorize the county to institute enforcement procedures pursuant to this Development Code.
 - (4) *Treatment of illegal signs.*
 - a. Illegal signs located within a public right-of-way or on public lands:
 1. Signs located illegally within any public right-of-way or other public lands shall be removed immediately upon adoption of this Development Code.
 2. The planning and community development director other county employee(s), (and/or private individuals, corporations and entities, if so authorized by the board of commissioners), shall be authorized to remove and dispose of nonconforming signs from

public rights-of-way and other public lands with or without notice to and at the expense of the owner, builder or other parties responsible for placement of said sign.

- b. Illegal signs not located within a public right-of-way or on public lands:
 - 1. A sign that was not lawfully existing under the county's regulations prior to adoption of this article shall, within 30 days of adoption of this article, either: a) be removed, or b) be brought into conformance with all provisions of this article.
 - 2. Failure to remove such illegal sign or bring it into conformance following 30 days notice to the owner or occupant of the property by the code enforcement officer shall authorize the county to institute enforcement procedures pursuant to this Development Code.
- (5) *Removal due to road improvements.* If a nonconforming sign must be removed due to a county or state road improvement project, the board of commissioners may authorize the relocation of said sign even though the new location may not meet the setbacks, location and/or spacing or other provisions of this Development Code.
- (6) *Continuing maintenance of nonconforming signs.*
 - a. Nothing in this section shall be deemed to prevent keeping in good repair nonconforming signs.
 - b. No repairs other than minor maintenance and upkeep of nonconforming signs shall be permitted except to make the sign comply with the requirements of this Development Code.
 - c. A nonconforming sign that has been declared by the county to be unsafe because of its physical condition shall not be repaired, rebuilt, or restored unless such repair or restoration will result in a sign that conforms to all applicable provisions of this article.

(Ord. of 10-13-2020)

Sec. 89-8. Exemptions.

- (a) *Previously issued permits.* The provisions of the Unified Development Code shall not affect the validity of any lawfully issued and previously effective preliminary plat approval, site development plan approval, building permit or development permit if:
 - (1) The development activity or building construction authorized by the approval or permit has been commenced prior to the effective date of the Unified Development Code, or will be commenced after such effective date but within six months of issuance of the permit; and
 - (2) The development activity or building construction continues without interruption (except because of war or natural disaster) until the development or construction is complete. If the permit expires, any further development or construction on that site shall occur only in conformance with the requirements of this Development Code in effect on the date of the permit expiration.
- (b) *Governmental bodies.* It is recognized that as a matter of law, all governmental bodies and authorities legally exempt from regulation under the police power of Town of Carl are exempt from the regulations contained in this Development Code.
- (c) *Validity.* The provisions of any amendment of the development standards contained in the Unified Development Code shall not affect the validity of any lawfully issued and previously effective preliminary plat approval, site development plan approval, building permit or development permit if the development activity or building construction authorized by the approval or permit has been commenced prior to the effective date of such amendment, or will be commenced after such effective date but within 12 months from the date of such amendment. In the event that the development activity is not commenced within the 12-month period immediately following the effective date of the amendment, unless otherwise required by law, the development activity shall comply with those development standards in effect at the time of the commencement of such development activity.

Sec. 89-9. Interpretation.

(a) *Responsibility for interpretation.*

- (1) The planning and community development director shall be responsible for the interpretation of the requirements, standards, definitions or any other provision of this Development Code.
- (2) Interpretations of the planning and community development director may be appealed under the provisions of this Development Code relating to appeals.

(b) *Use of figures and examples for illustration.*

- (1) Figures associated with defined terms or regulatory paragraphs in this Development Code are provided for illustration only and do not limit or change the meaning of the term as defined or the requirements of the regulation as written.
- (2) When an example of the application of a specific provision is given, or other explanatory text is provided, such example or text is identified by placement in a shaded box separate from the regulatory paragraphs in this Development Code. Such examples or explanatory text are provided for illustration only and do not limit or change the meaning of the provision or the requirements of this Development Code as written.

(c) *Use of words and phrases.* For the purpose of this Development Code, the following shall apply to the use of words and phrases:

- (1) Words used in the present tense include the future tense. Words used in the singular tense include the plural tense, and words used in the plural tense include the singular tense. The masculine person "he" or "his" also means "her" or "hers".
- (2) References to the "county" and to the board of commissioners and any public officials or appointed bodies of the county not otherwise named by political jurisdiction or defined in this Development Code shall always mean Town of Carl, Georgia, and its governing body, appointed or employed officials, and appointed bodies as named. These include:
 - a. The planning commission, created as such and appointed by the board of commissioners.
 - b. The board of appeals, created as such and appointed by the board of commissioners.
 - c. The county manager, appointed as such by the board of commissioners, or the county manager's designee.
 - d. The county attorney, appointed as such by the board of commissioners, or the county attorney's designee.
 - e. The planning and community development director, appointed as such by the board of commissioners, or his or her designee.
 - f. The director of public works, appointed as such by the board of commissioners, or his or her designee.
- (3) References to an administrative department of Town of Carl shall always mean the department created by the board of commissioners as such. These include:
 - a. Planning and community development department: References to action by the "planning and community development department" shall mean action by that administrative official to whom responsibility for that action has been assigned by the planning and community development director.

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- b. Public works department: A reference to action by the "public works department" shall mean action by that administrative official to whom responsibility for that action has been assigned by the director of public works.
 - (4) References to public officials, departments or appointed bodies of jurisdictions other than Town of Carl shall always mean such persons or bodies having jurisdiction over or relative to Town of Carl, Georgia. These include:
 - a. The Clerk of the Superior Court of Town of Carl, Georgia;
 - b. The Town of Carl Health Department;
 - c. The Oconee Natural Resources Conservation Service;
 - d. The Northeast Georgia Regional Commission (the NEGRC);
 - e. The Georgia Departments of Natural Resources (DNR) and Transportation (GDOT); and
 - f. The United States Army Corps of Engineers, the Federal Aviation Administration (FAA), the Federal Emergency Management Agency (FEMA) and the Federal Environmental Protection Agency (EPA).
 - (5) The word "person" is intended to include any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this state, any interstate body or any other legal entity.
 - (6) The words "shall", "will", "is to" and "must" are always mandatory and not discretionary, while the word "may" is permissive.
 - (7) The word "and" indicates that all of the conditions, requirements or factors so connected must be met or fulfilled, while the word "or" indicates that at least one condition, requirement or factor so connected must be met.
 - (8) The term "such as" is intended to introduce one or more examples in illustration of a requirement or point, and is intended to mean "including but not limited to the following".
 - (9) The verbs "zone" and "rezone" have the same meaning and refer to the act of amending the official zoning map through the process established by this Development Code.
 - (10) The nouns "zone", "zoning district" and "district" have the same meaning and refer to the zoning districts established under this Development Code.
 - (11) The word "day" means a calendar day unless otherwise specified as a work day, which means Monday through Friday excluding official County holidays.
 - (12) The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged", or "designed to be used or occupied".
 - (13) The term "zoning map" means the Official Zoning Map of Town of Carl, Georgia, and may include a single map or a series of maps in sections.
 - (d) *Interpretation of words and phrases.*
 - (1) All words and phrases are to be interpreted within the context of the sentence, paragraph, subsection, section and article in which they occur.
 - (2) Words and phrases specifically relating to a category of use of land or a structure that are defined in this Development Code shall be interpreted as defined without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise. Words and phrases not defined in this Development Code shall be construed to have the meaning given by common and ordinary use, the meaning of which may be further clarified by use of the word or phrase in the North American Industrial Classification System (NAICS) published by the U.S. Department of Commerce.

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- (3) Other words and phrases defined in this Development Code shall be interpreted as defined without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise. Words and phrases not defined in this Development Code shall be construed to have the meaning given by common and ordinary use, the meaning of which may be further clarified by definition of the word or phrase in a dictionary of the English language in current circulation.

(Ord. of 10-13-2020)

Sec. 89-10. Glossary of defined terms.

- (a) *Purpose.* This section is a glossary of all definitions specifically used in the text of this Development Code. Refer also to section 89-4 regarding the interpretation of figures, words and phrases as used in this Development Code. All definitions, regardless of location within an article of this Development Code, apply equally to the use of such terms throughout the Code.

- (b) *Definitions.*

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

Accessory structure setback line: A line delineating the minimum allowable distance between a property line or the right-of-way line of an abutting street and an accessory structure.

Accessory use or structure: A use or structure that is permitted on a property in conjunction with a principal use. An accessory use is incidental to the principal use and would not exist independent of the principal use.

Addition (to an existing building): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter, load-bearing walls is new construction.

Adult bookstore: An establishment having, as a substantial or significant portion of its stock in trade, books, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section, comprising five percent of its total floor space, devoted to the sale or display of such materials or five percent of its net sales consisting of printed materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult cabaret: An adult entertainment facility, or that part of an adult entertainment facility, which regularly features or otherwise offers to the public, customers or members, in a viewing area which is designed for occupancy by more than five persons, any live exhibition, performance or dance by a person whose exhibition, performance or dance is characterized by the exposure of any specified anatomical area, or by specified sexual activities, or who otherwise appears unclothed or in such attire, costume or clothing so as to expose to view specified anatomical areas.

Adult dancing establishment: A business that features dancers displaying or exposing specified anatomical areas.

Adult hotel or motel: A hotel wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult massage parlor: A sexually oriented commercial enterprise whose major business is the offering, for any form of consideration, of a service of rubbing, kneading or striking the customer's body in a way which is intended to provide sexual stimulation or sexual gratification to the customer.

Adult mini-motion-picture theater: An enclosed building with a capacity of less than 50 persons used for commercially presenting material distinguished or characterized by an emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult motion picture arcade: Any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time

and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult motion picture theater: An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patron therein.

Adult video store: An establishment having, as a substantial or significant portion of its stock in trade, videotapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section, comprising five percent of its total floor space, devoted to the sale or display of such material or which derives more than five percent of its net sales from videos which are characterized or distinguished by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Agricultural: A property used primarily for the cultivation of crops, dairying or the raising of livestock, or a vacant property zoned or offered for sale or lease for such purpose. Agricultural uses are all uses listed on Table 2.3 under the category "Agricultural, forestry, fishing and hunting".

Agricultural activities:

- (1) Good-faith commercial production from the land or on the land of agricultural products, including horticultural, floricultural, dairy, livestock, poultry, and apiarian products, but not including forestry products (see "tree harvesting" below).
- (2) Clearing trees for the purpose of planting crops, providing pasture for livestock, or constructing buildings accessory to production of agricultural products.

Agritourism: Any activity carried out on a working farm that produces an agricultural commodity that allows members of the public, for recreational, entertainment, or educational purposes, to view, experience, or enjoy rural activities, including farming, ranching, historic, cultural, or harvest-your-own activities, and excluding any competitions utilizing motorized vehicles. An activity may constitute agritourism whether or not a fee is collected to participate.

Airport: The airport facility known as the Town of Carl Airport (WDR).

Antenna: Any device or combination of devices, whether rods, panels or dishes, designed to receive and/or transmit radio frequency signals for amateur radio or personal wireless services, including but not limited to cellular telephone, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), private mobile radio (PMR) and paging.

Appeal: A request for a review of the Town of Carl Department of Community and County Development Director's interpretation of any provision of this ordinance.

Applicant: A property owner or their authorized representative who has petitioned the county for approval of a zoning change, development permit, building permit, hardship variance, special exception or appeal, or any other authorization for the use or development of their property under the requirements of this Development Code.

Application: A petition for approval of a zoning change, development permit, building permit, hardship variance, special exception or appeal, or any other authorization for the use or development of a property under the requirements of this Development Code.

Aquifer: Any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

Area of shallow flooding: A designated AO or AH zone on the County's flood insurance rate map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be those designated by the county.

As-built survey drawings: Drawings specifying the dimensions, location, capacities, and operational capabilities of structures and facilities as they have been constructed.

Awning: A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway, or window from the elements. Awnings are often made of fabric or flexible plastic supported by a rigid frame and may be retracted into the face of the building.

Awning sign: See "building sign".

Banner: A sign other than an official flag, made of paper, cloth, thin plastic, or similar lightweight material, and usually containing a message or logo.

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year (100-year flood).

Base flood elevation (BFE): The elevation shown on the flood insurance rate map for Zones AE, AH, A1—A30, AR, AR/A, AR/AE, AR/A1—A30, AR/AH, AR/AO, V1—V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Base zone: The primary zoning designation of a property that confers restrictions on buildings and land uses. All property in Town of Carl has one base zone (such as R-1 low density single-family residential or C-2 community commercial), but properties may be further regulated by one or more overlay zoning districts.

Basement: That portion of a building having its floor subgrade (below ground level) on all sides.

Bed and breakfast inn: A business establishment operated within a dwelling by the owner or occupant, offering temporary lodging not to exceed 14 consecutive days and offering one or more meals to guests while away from their normal places of residence. In contrast, see "short term rental" and "rooming or boarding house."

Berm: A mound of earth, or the act of pushing earth into a mound.

Best management practices (BMP's): A collection of structural measures and vegetative practices which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control for all rainfall events up to and including a 25-year, 24-hour rainfall event. These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the 'Manual for Erosion and Sediment Control in Georgia' published by the commission as of January 1 of the year in which the land-disturbing activity was permitted.

Breakaway wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Buildable area of lot: That portion of a lot bounded by and interior to the required rear, side and front building setback lines for a principal building.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind. For flood management purposes, refer to "structure" hereinbelow.

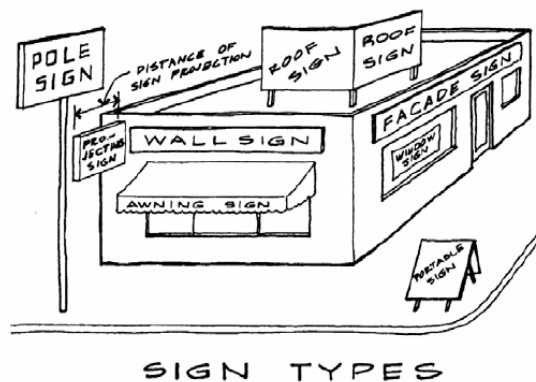
Building code: The technical codes approved for enforcement or otherwise adopted or adopted as amended by the county under the Georgia Uniform Codes Act, which regulate the construction of buildings and structures.

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

Building height: The vertical distance measured to the highest point of a building from the average finished grade across those sides of a building that face a street.

Building sign: A sign that in any manner is fastened to, projects from, or is placed or painted upon the exterior wall, window, door, or roof of a building. The term "building sign" includes but is not limited to the following:

Figure 1.1 - Sign Types



- (1) *Awning sign*: A sign imposed, mounted or painted upon an awning.
- (2) *Canopy sign*. A sign affixed to, imposed upon, or painted on any canopy, such that the sign is mounted in such a manner that a continuous face with the canopy is formed.
- (3) *Mansard sign*: A sign imposed, mounted or painted upon a mansard and not extending above the top of the mansard.
- (4) *Marquee sign*: Any sign attached flat against the marquee or permanent sidewalk canopy of a building and not extending above the top of the marquee.
- (5) *Parapet sign*: A sign imposed, mounted or painted on a parapet and not extending above the top of the parapet.
- (6) *Projecting sign*: A sign affixed to a wall and extending more than 18 inches from the surface of such wall, usually perpendicular to the wall surface.
- (g) *Roof sign*: A sign that is mounted on, applied to, or otherwise structurally supported by the roof of a building.
- (h) *Under-canopy sign*: A display attached to the underside of a marquee or canopy and protruding over private sidewalks.
- (i) *Wall (or fascia) sign*: A sign that is fastened directly to or is placed or painted directly upon the exterior wall of a building, with the sign face parallel to the wall, and extending from the surface of the wall no more than 18 inches.
- (j) *Window sign*: A sign that is placed on or behind a windowpane or glass door and intended to be viewed from outside the building.

Caliper: The diameter of a proposed tree (usually nursery stock) measured at a point six inches above the ground or top of root ball for up to and including four-inch caliper trees, and at a point 12 inches above the ground or top of root ball for larger sizes.

Canopy: A permanent roof-like structure projecting from a building and open on at least one side for the purpose of shielding a pedestrian walkway from the elements, or a freestanding roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements.

- (1) *Changeable copy sign*: A type of animated sign that is capable of changing the position or format of word messages or other displays on the sign face or change the visible display of words, numbers, symbols and graphics by the use of a matrix of electric lamps, movable discs, movable panels, light apertures or other methods, provided these changes are actuated by either a control mechanism or

manually on the face of the sign. Changeable copy signs include the following types: *Electronic changeable copy sign*: A sign whose alphabetic, pictographic or symbolic informational content can be changed and is displayed electrically or electronically. See also, LED Sign.

- (2) *Manual changeable copy sign*: A sign whose alphabetic, pictographic or symbolic informational content can be changed or altered manually by placing such letters or other message elements directly on the sign face by hand, e.g., reader boards with changeable letters.

Channeled letters (internally illuminated letters):

- (1) *Internally channeled letters*: Letters or other symbols with recessed surface designed to accommodate incandescent bulbs or luminous tubing.
- (2) *Reverse channeled letters*: Letters or other symbols with raised surface designed to be lighted from behind by incandescent bulbs or luminous tubing.

Commercial: A property occupied by one or more business establishments that are primarily engaged in the sale of goods; the provision of personal, professional, business, entertainment or other commercial services; the management of a business enterprise; or the provision of temporary housing to the traveling public (such as a motel); or a vacant property zoned or offered for sale or lease for such purposes. Commercial uses are all uses listed on Table 2.3 under the categories "Administrative and professional offices," "Commercial services," "Arts, entertainment and recreation" and "Retail trade." In addition, conducting yard sales more than three times in any consecutive 12-month period shall constitute a commercial (retail) use.

Commercial vehicle: A commercial vehicle means any vehicle bearing a United States Department of Transportation registration number, whether issued pursuant to federal law (also known as a U.S. DOT Number) or state law (also known as a Georgia U.S. DOT Number). Without limiting the foregoing, a school bus shall be considered a commercial vehicle for purposes of this Code.

Commission: The state soil and water conservation commission.

Common open space: See "open space".

Comprehensive plan: The comprehensive plan for the county, prepared, adopted and as amended from time to time in accordance with the Georgia Comprehensive Planning Law.

Concealed support structure: Any freestanding structure constructed for the primary purpose of supporting one or more antennae but designed to resemble an architectural or natural feature of the specific environment, concealing or camouflaging the presence of the antennae. The term includes but is not limited to clock towers, campaniles, water towers, silos, light poles, flagpoles, and artificial trees.

Condition of zoning approval: A requirement adopted by the board of commissioners at the time of approval of a rezoning or special use, placing greater or additional requirements or restrictions on the property than provided in this Development Code in order to reduce an adverse impact of the rezoning or special use and to further the protection of the public health, safety, or general welfare.

Conservation easement: A portion of land set aside in its natural state and preserved as open space in perpetuity.

Containment: Any regulated substance, as defined by the Federal Resource Conservation and Recovery Act, as in effect on the date of passage of the ordinance codified in this article and as amended from time to time, and all petroleum products, including gasoline, oil, waste oils and other fuels, as well as their hazardous constituents.

Copy: See "sign copy".

Critical facility: Any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include:

- (1) Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;
- (2) Hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;

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- (3) Emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and
 - (4) Generating plants, and other principal points of utility lines.

Critical root zone: The minimum area beneath a tree that must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The critical root zone (CRZ) will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one times the number of inches of the trunk diameter. Example: The CRZ radius of a 20-inch diameter tree is 20 feet.

Creek: See "stream".

Cul-de-sac length: For the purposes of this Development Code, a cul-de-sac street shall be interpreted to begin at the intersection of two or more streets nearest to the vehicular turnaround.

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."

Cutting: The removal of any soil or other solid material from a natural ground surface.

Day care facility: The use of a building or premises for the care and supervision of children or elderly adults who do not reside on the property, for periods of less than 24 hours.

- (1) *Family day care home:* An accessory use within a private residence operated by the occupant of the dwelling that enrolls for pay, supervision and non-medical care, five or fewer children or elderly adults with no overnight stays, or no more than six children or elderly adults if the structure meets the building code requirements for institutional uses.
- (2) *Group day care home:* A day care facility that enrolls for pay, supervision and non-medical care, up to 18 children or elderly adults with no overnight stays.
- (3) *Day care center:* A day care facility that enrolls for pay, supervision and non-medical care, 19 or more children or elderly adults.

Dead plant or tree: Any living plant material that has lost 33 percent or more of its branches or leaves, as determined by the county, shall be considered dead.

Decorative wall: A wall constructed of or faced with stone or brick, and which may incorporate decorative wrought iron or other architectural metal elements.

Developer: The person, corporation or other legal entity that undertakes the subdivision of property, the alteration of land or vegetation in preparation for construction activity, or the construction of streets, utilities, buildings or other improvements required for the habitation or use of property.

Development:

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

Development permit: The authorization necessary to initiate and conduct a land-disturbing activity and to carry out the planned development of land and structures.

Development site: That portion of a tract of land that will be dedicated to a proposed development, including the land containing trees that will be counted toward satisfying the requirements of these provisions.

DHR: The Georgia Department of Human Resources.

Diameter breast height (DBH): The diameter of an existing tree trunk measured at a height of four and one-half feet above the ground. If a tree splits into multiple trunks below four and one-half feet, the trunk is measured at its most narrow point beneath the split.

District: The Oconee Soil and Water Conservation District.

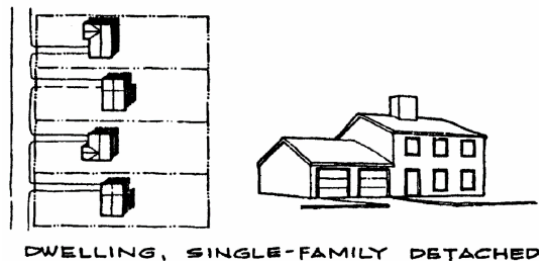
DNR: The Georgia Department of Natural Resources.

Double-faced sign: A sign structure with two sign faces that are parallel (back-to-back) or that form an angle to one another, where each sign face is designed to be seen from a different direction and the two sign faces are separated from each other at their nearest point by no more than three feet.

Drainage structure: A device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control or flood control purposes.

Drip line: A perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

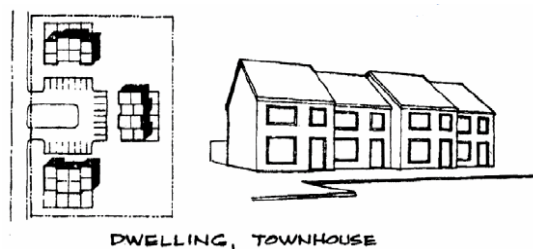
Figure 1.2 - Dwelling, Single-Family Detached



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

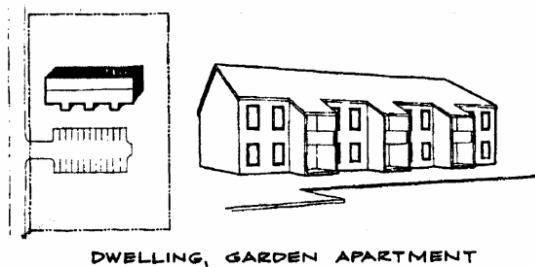
- (a) *Single-family detached residence:* A residential building, whether site-built or a manufactured home or an industrialized building, designed for occupancy by one family.

Figure 1.3 - Dwelling, Townhouse



- (b) *Single-family attached—Duplex:* A residential building designed exclusively for occupancy by two families in separate dwelling units living independently of each other.
- (c) *Single-family attached—Townhome:* A residential building in which the dwelling units may adjoin one another only at the vertical walls and no dwelling unit may be located above another.

Figure 1.4 - Dwelling, Garden Apartment



- (d) *Multi-family*: A residential building designed exclusively for occupancy by three or more families in separate dwelling units living independently of each other, such as in a garden apartment building.

Dwelling unit: One or more rooms connected together and constituting a separate, independent housekeeping establishment with complete provisions for cooking, eating, sleeping, bathing and personal hygiene, and physically set apart from any other dwelling unit in the same structure.

Elevated building: A non-basement building built to have the lowest floor of the lowest elevated area elevated above the ground level by means of solid foundation perimeter walls; pilings, columns (posts and piers), shear walls; or breakaway walls.

Encounter center: Any business, agency or person who, for any form of consideration or gratuity, provides a place where two or more persons may congregate, assemble or associate for the primary purpose of engaging in, describing or discussing specified sexual activities, or exposing specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in sexual therapy.

EPD: The Georgia Environmental Protection Division of the Department of Natural Resources.

EPD director: The Director of the Environmental Protection Division of the Georgia Department of Natural Resources.

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

Erosion, sedimentation and pollution control plan: A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protection at least as stringent as the state general permit, best management practices, and requirements in section 89-1254.7(c) of this ordinance.

Erotic dance establishment: A nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, go-go dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

Escort bureau and/or introduction service: Any business, agency or person who, for a fee, commission, hire, reward or profit, furnishes or offer to furnish names of persons, or who introduces, furnishes or arranges for persons who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with others about any place of public resort or within any private quarters.

Event venue: See under "special event venue."

Existing construction: For the purposes of determining rates, structures for which the "start of construction" commenced before August 9, 1988, the date of adoption of the first flood damage prevention ordinance or regulation in the county.

Existing manufactured home park or subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before April 7, 1988.

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.

Family: An individual or two or more persons living together as a household.

Family day care home: See under "day care facility".

Family personal care home: See under "personal care home".

Federal Aviation Regulations ("FAR") Part 77 Airspace Surfaces: The regulated airspace surfaces promulgated in 14 Code of Federal Regulations (CFR) Part 77, Objects Affecting Navigable Airspace.

Fence: An artificially constructed barrier of wood, wire, wire mesh, or decorative metal erected to enclose, screen or separate portions of a lot.

Festoon: Strings or ribbon, tinsel, small flags, pennants, streamers, pinwheels, or other devices or long narrow strips of fabrics, plastic, or other pliable material designed to move in the wind.

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

Filling: The placement of any soil or other solid material, either organic or inorganic, on a natural ground surface or excavation.

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

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

- (1) Overflow of inland or tidal waters; or
- (2) Unusual and rapid accumulation or runoff of surface waters from any source.

Flood hazard boundary map (FHBM): An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined.

Flood insurance rate map (FIRM): An official map of a community, on which the Federal Emergency Management Agency has delineated the areas of special flood hazard or the risk premium zones applicable to the county.

Flood insurance study: The official report provided by the Federal Emergency Management Agency evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

Flood proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodplain: Any land area susceptible to flooding.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor: The top 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 or storage, or the floor area of an attic used exclusively for storage.

Floor area, building: See "building floor area".

Floor area, gross: See "gross floor area".

Flowering trees: See under "tree".

Freeboard: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Free-flowing creek, stream, or river: See "regulated stream".

Freestanding sign: A sign permanently attached to the ground and that is wholly independent of any building or other structure. The term "freestanding sign" includes but is not limited to the following:

- (1) *Pole sign:* A sign that is mounted on a freestanding pole, columns, or similar support such that the bottom of the sign face or lowest sign module is not in contact with the ground.
- (2) *Ground sign:* A freestanding sign in which the entire bottom of the sign face or structure is in contact with the ground, providing a solid and continuous background for the sign face from the ground to the top of the sign. Also referred to as a "monument sign".

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

Functionally dependent facility: A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair or seafood processing facilities. The term does not include long-term storage, manufacture, sales or service facilities.

Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This 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.

Good moral character: A person is of good moral character according to this article if that person has not been convicted of a felony, or any crime not a felony if it involves moral turpitude, in the past five years. The county may also take into account such other factors as are necessary to determine the good moral character of the applicant or employee. Conviction shall include pleas of nolo contendere or bond forfeiture when charged with such crime.

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

Gross floor area: The total area of all floors of a building, measured from the outside planes of the exterior walls.

Ground cover: A low growing plant, other than turf grass, which forms a continuous cover over the ground surface.

Ground elevation: The original elevation of the ground surface prior to cutting or filling.

Group day care home: See under "day care facility".

Group home for the elderly: See "retirement community".

Group personal care home: See under "personal care home".

Guest house: An accessory use to a dwelling designed and intended for the temporary housing of visitors to a property at the behest of the property residents for no fee or other consideration, and meeting or exceeding the standards for single-family and two-family dwellings under this Development Code.

Heavily landscaped area: An area planted with a combination of shade and flowering trees, deciduous and evergreen shrubs, and flowering perennials such that the entire area is covered with landscape materials. The green space designated to be heavily landscaped shall have no more than 25 percent of its area covered in turf (seed or sod). The remaining 75 percent shall contain shade trees (two-inch caliper minimum), flowering trees (one-inch caliper minimum), evergreen shrubs (three-gallon minimum), deciduous shrubs (three-gallon minimum), and perennials or non-turf groundcovers (2½-inch pot minimum). All plant materials shall be mulched.

Hardwood tree: Any tree that is not coniferous (not cone bearing or a needle leaf evergreen).

Hazardous material: Any contaminant, as defined within the Environmental Protection Article, and any hazardous chemical for which a material safety data sheet must be filed under 42 USC 11021 and 11022.

Hazardous waste: Any solid waste which has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency according to federal act, which are in force and effect on February 1988, codified as 40 CFR 261.3.

Hazard to air navigation: An obstruction determined to have an adverse effect on the safe and efficient utilization of the navigable airspace.

Heated floor area: All floor area internal to a principle structure as those phrases are used herein, which actually is served by natural gas or an electric heating system.

Highest adjacent grade: The highest natural elevation of the ground surface, prior to construction, next to the proposed foundation of a building.

Historic structure: Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Holiday: An official day of festivity or recreation when the offices of the county government are closed for business (other than a Saturday or Sunday).

Home occupation: Types of commercial uses (for profit) that are customarily performed in a small area of a residence that are of a low intensity nature and clearly incidental to the use of a residence.

- (1) *Home office:* A home occupation that is limited to an office use and does not involve visits or access by the public, suppliers or customers, and does not involve the receipt, maintenance, repair, storage or transfer of merchandise at the home.
- (2) *Home business:* A home occupation that is limited to the office use of a practicing professional, an artist or a commercial representative, and may involve very limited visits or access by clients or customers, but does not involve the maintenance, repair, storage or transfer of merchandise received at the home.

Household: An individual living alone or a group of individuals living together in a single dwelling unit, sharing common use of and access to all living and eating areas, bathrooms, and food preparation areas, who mutually combine their efforts and share responsibilities for domestic chores such as child rearing, cleaning and cooking in a permanent and long-term relationship, as contrasted to one in a transient relationship who pays for lodging such as a boarder.

Human directional sign: A promotional sign held or worn by a human outside of a business to attract customers and promote the business. These signs are also referred to as human billboards, living signs, sign spinners, sign holders, human arrows.

Illuminated signs:

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- (1) *Internally illuminated sign:* Any sign that is illuminated by an artificial light source from within the sign structure over any or all of its sign face.
 - (2) *Externally illuminated sign:* Any sign that is partially or completely illuminated at any time by an artificial light source that directly or indirectly illuminates the face of the sign from outside the sign structure.

Impermeable: Something that water cannot pass through or be absorbed by, such as a layer of rock.

Impervious surface: A man-made structure or surface that prevents the infiltration of stormwater into the ground below the structure or surface, such as a building, paved road or driveway, parking lot, deck, swimming pool or patio.

Incidental sign: A small sign, emblem, or decal no larger than one square foot. Such signs are normally located on doors, windows, and gas pumps, and are generally not readily visible or legible from public rights-of-way.

Industrial: A property occupied by one or more business establishment that are primarily engaged in the fabrication, manufacture or production of durable or nondurable goods, or a vacant property zoned or offered for sale or lease for such purpose. Industrial uses are all uses listed on Table 2.3 under the categories "Manufacturing, wholesaling and warehousing" and "Transportation, communications and utilities".

Industrialized home: A dwelling manufactured in accordance with the Georgia Industrialized Building Act (O.C.G.A. Title 8, Chapter 2, Article 2, Part 1) and the rules of the Commissioner of the Georgia Department of Community Affairs issued pursuant thereto. State approved buildings meet the state building and construction codes and bear an insignia of approval issued by the commissioner.

Institutional use: A property occupied by a nonprofit religious, recreational or philanthropic organization, club or institution. Public or community uses are all uses listed on Table 2.3 under the category "Public and institutional uses".

Junked vehicle: Any vehicle, which is non-operable due to its having been wrecked or vandalized, having had parts removed, or age, which is not intended to be restored to operating condition.

Jurisdiction: That area over which the governing body has authority for planning, zoning and development permitting under the Constitution of the State of Georgia.

Lake: A body of water one acre or more in surface area, created either by a manmade or natural dam or other means of water impoundment.

Land-disturbing activity: Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in section 89-1254.5 (e) of this Development Code.

Landscape materials: Any combination of living plant materials and nonliving materials such as rock, pebbles, sand, mulch, pavers, berms, fencing, walls, fountains and other decorative materials.

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

Land use plan: An element of the comprehensive plan, which includes a future land use map.

Larger common plan of development or sale: A contiguous area where multiple, separate and distinct construction activities are or may be occurring at different times on different schedules under on plan of development or sale.

LED Sign: Any sign or portion thereof that uses light-emitting diode technology or other similar semiconductor technology to produce an illuminated image, picture, or message of any kind whether the image, picture, or message is moving or stationary. This type of sign includes any sign that uses LED technology of any kind, whether conventional (using discrete LEDs), surface-mounted (otherwise known as individually mounted LEDs), transmissive, organic light-emitting diodes (OLED), light-emitting polymer (LEP), organic electro polymer

(OEL), or any other similar technology. An LED sign is considered to be a form of electronic changeable copy sign (see under "Sign, Changeable Copy").

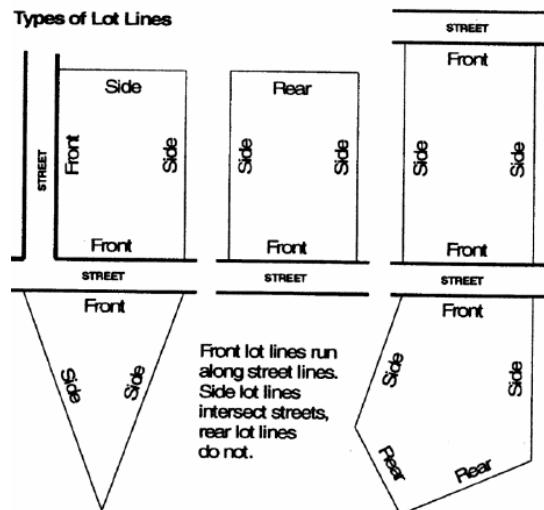
Local issuing authority: The Town of Carl Board of Commissioners or its assigned or designated representative, which shall be responsible for administering this article and has been certified by the director of the environmental protection division of the department of natural resources as the issuing authority, pursuant to the Erosion and Sedimentation Act of 1975, as amended. The planning and community development director is hereby designated the responsibility for administering this article.

Lot: A parcel or tract of land held in single ownership.

- (1) *Corner lot:* Any lot bounded by two streets at their intersection.
- (2) *Double-frontage lot (through lot):* A lot bounding on two or more streets, but not at their intersection, so that it is not a corner lot unless said corner lot has frontage on three or more sides.
- (3) *Interior lot:* A lot having frontage on only one street.

Lot area: The total horizontal area included within lot lines.

Figure 1.6 Types of Lot Lines



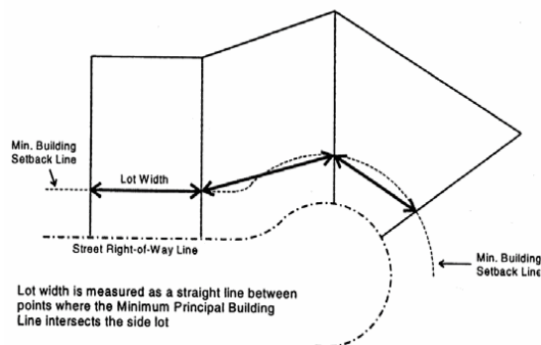
Lot line: The boundary dividing a given lot from the street or adjacent lots; the boundary defining the limit of ownership of a property.

- (a) *Front lot line:* Any boundary line of a lot that abuts a public street right-of-way line. A lot adjacent to more than one street will have more than one front lot line.
- (b) *Rear lot line:* Any boundary line of a lot that does not intersect with a public street right-of-way line and is not a front lot line.
- (c) *Side lot line:* Any boundary line of a lot that intersects with a public street right-of-way line and is not a front lot line.

Lot of record: A lot which is part of a subdivision recorded in the office of the clerk to the superior court, or a lot described by metes and bounds, the description of which has been so recorded.

Figure 1.7 - Lot Width

Lot Width



Lot width: The distance measured along the front principal building setback line between intersecting lot lines. The lot width shall be measured along a straight line between such points of intersection.

Lowest floor: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this Code.

Major subdivision: Any subdivision that does not qualify as a "minor subdivision" under section 89-462, or any subdivision of fewer than six lots that involves the construction of a new public or private street. A major subdivision commonly involves the construction of a new street or widening of an existing roadway, the provision of stormwater drainage facilities, or the construction or improvement of public utilities, or which otherwise has six or more lots (not in a large lot minor subdivision), building sites or other divisions.

Manual for Erosion and Sediment Control in Georgia: A publication of the same name published by the Georgia Soil and Water Conservation Commission, and as amended or supplemented from time to time. For the purposes of administration of this chapter, the applicable manual shall be that published as of January 1 of the year in which the land-disturbing activity is permitted.

Manufactured home: A dwelling fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), which first became effective on June 15, 1976. The term "manufactured home" includes a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term includes any structure which meets all the requirements of this definition except the size requirement and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.).

Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured home park or subdivision for the purpose of flood damage: 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 adoption of the first flood damage prevention ordinance or regulation in the county (April 7, 1988).

Manufactured home park: Any lot or parcel under single ownership on which two or more manufactured homes are to be located or intended to be located for purposes of residential occupancy.

Mansard: A steeply sloped, roof-like facade architecturally similar to a building wall.

Marquee: A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.

Marquee sign: See under "building sign".

Mean sea level: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Development Code, the term "mean sea level" is synonymous with North American Vertical Datum (NAVD) (formerly known as National Geodetic Vertical Datum (NGVD)).

Metropolitan River Protection Act (MRPA): A state law referenced as O.C.G.A. §§ 12-5-440 et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Minimum front setback: The minimum distance required by the zoning on a property between an adjoining street and the facade of a principal building on the property.

Minor: Any person who has not attained the age of 18 years.

Minor subdivision: A subdivision of five or fewer lots in which each lot has frontage on an existing county street or road, and which does not involve the construction of a new street or the widening of an existing roadway, the provision of stormwater drainage facilities (other than driveway culverts), or the construction or improvement of any public utilities.

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

Monument sign: See "ground sign" under "freestanding sign".

Multi-faced sign: A single sign structure consisting of two sign faces (see "double-faced sign") or three or more sign faces that are separated from each other at their nearest point by no more than three feet. Sign faces on a single sign structure that are separated by more than three feet are treated as separate signs.

Multi-family residential: A property occupied primarily by one or more residential buildings containing three or more dwelling units, or a mobile home park, or a vacant property zoned or offered for sale or lease for such purposes. Multi-family residential uses are all uses listed on Table 2.3 under the category "residential uses" other than "single-family detached" and "single-family attached: duplex".

National Geodetic Vertical Datum (NGVD): As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain. See "North American Vertical Datum (NAVD)".

Natural ground surface: The ground surface in its original state before any grading, excavation or filling.

Natural vegetated area: An undeveloped area largely free from human disturbance where naturally occurring vegetation is allowed to remain undisturbed or is enhanced and maintained by human intervention. The natural floras for specific areas are described in Georgia Geologic Survey Bulletin 114, "The Natural Environments of Georgia". Habitats for endangered and threatened species may require human management of the river corridor in order to maintain those species. Activities specifically allowed in such an area include:

- (a) Conservation or preservation of soil, water, vegetation, fish, shellfish and other wildlife;
- (b) Outdoor recreational activities, including hunting, fishing, trapping, bird watching, hiking, boating, horseback riding, swimming, canoeing and skeet and trap shooting;
- (c) Education, scientific research and nature trails;
- (d) Maintenance or repair of lawfully located roads, structures and utilities used in the service of the public, provided that the work is conducted using best management practices to ensure that negative effects on the pervious nature of the land shall be minimized; and

-
- (e) Limited excavating, filling and land disturbance necessary for the repair and maintenance of structures necessary to the permissible uses.

Nephelometric turbidity units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension.

New construction: Any structure for which the start of construction commenced after adoption of the first flood damage prevention ordinance or regulation in the county (June 19, 1986), and includes any subsequent improvements to the structure.

New manufactured home park or subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after April 7, 1988.

North American Vertical Datum (NAVD): Replaced the National Geodetic Vertical Datum of 1929 in existing and future FEMA Flood Modernization Maps.

Obstruction: Any structure, tree, or other object, including a mobile object, which exceeds a limiting height based on FAA airport airspace analysis.

Office park: A development on a tract of land in single ownership that contains a number of separate office buildings, as well as accessory and supporting uses, that is designed, planned, constructed, and managed on an integrated and coordinated bases.

One hundred-year floodplain: A land area subject to a one percent or greater statistical occurrence probability of flooding in any given year.

Opaque: Impenetrable to view, or so obscuring to view that features, buildings, structures, and uses become visually indistinguishable.

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

- (1) *Common open space*: Land or water areas within a development project that are available to or benefit all occupants of the development on a continuing and permanent basis, such as walking trails, community centers or clubhouses, golf courses and other recreation areas, protected floodplains or wetlands, and fishing or boating lakes. Common open space does not include any streets or public rights-of-way, or yard areas or landscape areas located on private property.
- (2) *Public open space*: Land reserved for preservation, leisure or recreational use but dedicated in fee simple to a governing body or agency to be responsible for operation and maintenance. Public open space may not be reserved for or dedicated to the exclusive use of the residents of a particular development.

Operator: 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 day-to-day operational control of those activities that are necessary to ensure compliance with a stormwater pollution prevention 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 stormwater pollution prevention plan or to comply with other permit conditions.

Outparcel: A lot deeded separately from a larger tract for individual development, but generally sharing access with the larger tract. Outparcels are most generally associated with shopping centers.

Overlay district: A zoning district that may be placed on property in addition to its base zoning. Property may be regulated by a single or by multiple overlay zones. Also referred to as "overlay zone."

Overstory tree: See under "tree".

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; A person having or controlling a majority fee simple interest in a property, or their authorized representative.

Parking bay: Three or more parking spaces adjacent to one another and aligned side-by-side.

Pennant: Any lightweight plastic, fabric or similar material designed to move in the wind; pennants are often suspended from a rope, wire, or string in series. The term "pennant" shall not include a "banner" or an "official or personal flag" as regulated within the sign article.

Perennial river: A river or section of a river that flows continuously throughout the year.

Perennial stream: A stream that flows throughout the whole year. Perennial streams may be identified as shown as such on a United States Geologic Service Quad Map.

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, any interstate body or other legal entity.

Personal care home: A dwelling, whether operated for profit or not, which is required to be approved and licensed by the State of Georgia or any agency through which it acts, including but not limited to the department of human services ("DHS"), either as a personal care home or a community living arrangement, and which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and 24 hours per day assistance with one or more personal care services for persons who are not related to the owner or administrator of the dwelling by blood or marriage.

- (1) *Small personal care home:* A personal care home in a family-type residence, non-institutional in character, that offers personal care services for up to three ambulatory persons, without providing medical or nursing care.
- (2) *Group personal care home:* A personal care home in a residence or other type of building that is non-institutional in character and offers personal care services for up to 15 persons, without providing medical or nursing care.
- (3) *Congregate personal care home:* A personal care home that offers care to 16 or more persons or provides medical or nursing care for any number of residents.

Personal care services: Individual assistance with or supervision of self-administered medication and essential activities of daily living such as eating, bathing, grooming, dressing and toileting.

Place of public assembly: A structure which is designed to accommodate more than 50 persons at one time for such purposes as deliberation, education, worship, shopping, entertainment, or amusement.

Planned center: A single office, commercial, or industrial property or contiguous properties, planned, developed and managed as a unit for occupancy by two or more principal businesses that are separately owned and have no corporate relationship, such as a shopping center or office complex.

Plant materials: Living plants, such as trees, shrubs, ground cover, grasses and perennial flowering plants, turf, and vines that are suitable for ornamental and/or functional use.

Pollution susceptibility: The relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, applications of chemicals, injections and other human activities in a recharge area.

Pollution susceptibility map: Maps prepared by the state department of natural resources that show the relative susceptibility of groundwater recharge areas to pollution, the pollution susceptibility map categorizes the land areas of the state into areas of high, medium, and low groundwater pollution potential.

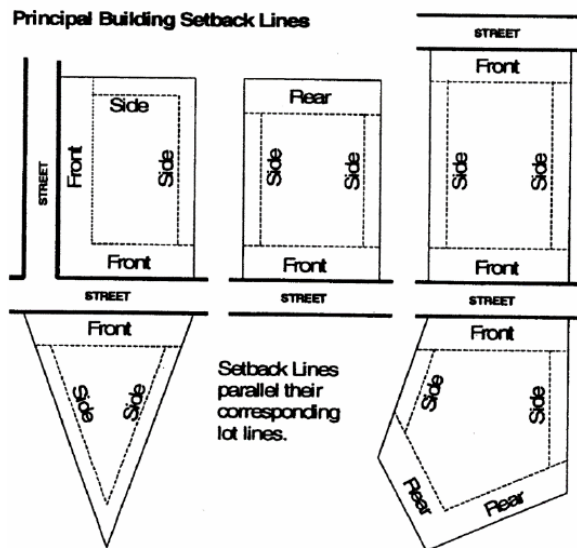
Pond: A body of standing water less than one acre in surface area, created either by a natural dam, or other means of water impoundment.

Portable sign: Any sign that is not permanently affixed to a building or other structure including but not limited to, signs mounted or painted on vehicles not used primarily for other purposes. (See also "vehicular sign", below.)

Principal building: A building in which is conducted a principal use.

Principal building setback line: A line delineating the minimum allowable distance between a property line or the right-of-way line of an abutting street and a principal building on a lot.

Figure 1.8 - Principal Building Setback Line



- (1) *Front building setback:* The minimum allowable distance between the right-of-way line of any abutting street and any part of a principal building on a lot. The front setback distance is applied along the full length of the right-of-way line and is parallel to it.
- (2) *Rear building setback:* The minimum allowable distance between a rear lot line and any part of a principal building on a lot. The rear building setback extends along and parallel to the full length of the rear lot line.
- (3) *Side building setback:* The minimum allowable distance between a side lot line and any part of a principal building on a lot. The side building setback extends along and parallel to the side lot line between the front building setback and a rear building setback (if any).

Principal freestanding sign: The main or largest freestanding sign or signs on a property.

Principal use: The specific, primary purpose for which land or a building is used.

Project: The entire proposed development project regardless of the size of the area of land to be disturbed.

Project entrance sign: A permanent freestanding sign located at a discernible entrance into a multi-family development; or at a discernible entrance into a development containing more than one principal building, such as a business center or office park; or into a development containing multiple lots, such as a particular residential, office, commercial or industrial subdivision.

Projecting sign: See under "building sign".

Property or parcel of land: See "lot".

Protected state river: Any perennial river or watercourse with an average annual flow of at least 400 cubic feet per second as determined by appropriate U.S. Geological Survey documents. In the county, the protected state rivers are the Middle Oconee River, the Mulberry River and the Apalachee River.

Protected zone: All lands that fall outside the buildable area of a parcel, all areas of the parcel required to remain in open space, and all designated buffers or tree save areas, and other areas as may be established by conditions of zoning approval.

Public improvement: The construction, enlargement, extension or other construction of a facility intended for dedication to the public, including but not limited to a street, curb and gutter, sidewalk, cross drain, catch basin, traffic control and street name sign, or other roadway appurtenance other than a driveway apron connection; domestic water supply system main, fire hydrant, valve or other appurtenance other than a supply line to a building; or sanitary sewerage main or outfall, lift station, force main, manhole or other appurtenance other than a drain line from a building.

Public open space: See under "open space".

Public utility: A service provided by a public utility company or private entity that provides such service, including all equipment and structures necessary to provide such services.

Qualified personnel: Any person who meets or exceeds the education and training requirements of O.C.G.A. § 12-7-19.

Recharge area: Any portion of the earth's surface where water infiltrates into the ground to replenish an aquifer.

Recreational vehicle: A motorized camper, converted bus, tent trailer, motor home, or other similar vehicular or portable structure used or designed for temporary portable housing or occupancy while on vacation or other recreational trip and provided with sleeping accommodations. A recreational vehicle is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulated stream: A natural, free-flowing watercourse that meets certain criteria as established within the environmental protection article of this Development Code.

Replacement tree: See "tree, replacement".

Residential business: See "home business" under "home occupation".

Restaurant, custom service: An establishment where food and drink are prepared to individual order, ordered and served at the table, and consumed primarily within the principal building or in established outdoor dining areas, as contrasted to a fast food restaurant.

Restaurant, family: A custom service restaurant primarily oriented to sit-down service, occasionally with take-out service but no drive-in or drive-through facilities and having an average turnover rate generally of less than one hour. Family restaurants are usually moderately priced and frequently belong to chains such as Denny's, Pizza Hut and Shoney's.

Restaurant, fast food: Any establishment, building or structure where food or drink are served for consumption, either on or off the premises, by order from or service to persons either over an interior counter, outside the structure or from an outdoor service window or automobile service window, or by delivery. This definition shall not include otherwise permitted restaurants where outdoor table service is provided to customers in established outdoor dining areas or where drive-through or take-out service is provided incidental to a custom service restaurant.

Restaurant, quality: A custom service restaurant primarily oriented to fine dining and often associated with a particular cuisine. Quality restaurants are characterized by table settings of better silverware, china, glassware and cloth tablecloths, and have average turnover rates generally of one hour or more.

Retirement community: An age-restricted residential development that offers significant services and facilities for the elderly, including social and recreational activities, personal care services, or health facilities limited to use by the development's residents. At least 80 percent of the units must be occupied by residents 62 years old or older, and the remaining units must be occupied by at least one resident 55 years old or older.

River: A natural, free-flowing watercourse that is typically of greater volume than a stream or creek. See also "state protected river."

River bank: The rising ground, bordering a river, which serves to confine the water to the natural channel during the normal course of flow.

River corridor: All land, including islands, not regulated under the Metropolitan River Protection Act, O.C.G.A. §§ 12-5-440 et seq., or the Coastal Marshland Protection Act, O.C.G.A. §§ 12-5-280—12-5-293, in areas of a protected river and being within 100 feet horizontally on both sides of the river as measured from the river banks. The 100-foot buffer shall be measured horizontally from the uppermost part of the riverbank, usually marked by a break in slope. Although not within the measured 100-foot wide buffer, the area between the top of the bank and the edge of the river shall be treated by the county in the same manner as the river corridor. Because stream channels move due to natural processes such as meandering, riverbank erosion, and jumping of channels, the river corridor may shift with time. For the purpose of this article, the river corridor shall be considered to be fixed at its position at the beginning of each review period for the local comprehensive plan as established by the state department of community affairs. Any shift in the location of the protected river after the start of the review period will require a revision of the boundaries of the river corridor at the time of the next review by the department of community affairs.

River corridor protection plan: That part of the county comprehensive plan that deals with river corridor protection as required by the Georgia Planning Act of 1989, O.C.G.A. §§ 36-70-1 et seq.

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

Rooming and boarding house: A dwelling within which a resident family or manager offers lodging (rooming) and meals (boarding) to up to 15 persons not under the resident's parental or protective care, in exchange for monetary compensation or other consideration, as a place of residence on a permanent or long term (more than 30 days) basis. In contrast, see "Bed and Breakfast Inn" and "Short Term Rental."

Roof sign: See under "building sign".

Screen: Natural vegetation or a decorative structure that creates an opaque visual block or obscures an unattractive view. Screening may consist of any combination of the following, as approved by the planning and community development director:

- (1) Fencing constructed of cedar, redwood, treated wood, or other suitable all-weather material.
- (2) Masonry walls.
- (3) Plant materials or natural vegetation.
- (4) Earthen berms.

For the purpose of this chapter, a screen is opaque to a height of six feet above the ground surface or, for a screen of plant materials, has the maximum opacity obtainable with the approved arrangement and species of plant materials, to a height of six feet.

Sediment: Solid material, both organic and inorganic, that is in suspension, is being transported or has been moved from its site of origin by air, 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.

Sensitive natural area: Any area, as identified now or hereafter by DNR, which contains one or more of the following:

- (1) Habitat, including nesting sites, occupied by rare or endangered species;
- (2) Rare or exemplary natural communities;

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- (3) Significant landforms, hydroforms, or geological features; or
 - (4) Other areas so designated by DNR; and which is sensitive or vulnerable to physical or biological alteration.

Setback: The shortest straight-line distance between a street right-of-way or lot line and the nearest point of a structure or building or projection therefrom (excluding roof overhangs of 18 inches or less), measured at 90 degrees to the street or lot line. See also "*principal building setback line*."

Setback, minimum: The shortest distance allowed between a street right-of-way line or any other lot line and any principal or accessory building on a lot. Minimum setback requirements for buildings are associated with the type of lot line from which the setback is taken; for instance, a "side yard setback" is measured from a side lot line. See also "*principal building setback line*."

Sexually oriented establishment: Any establishment that, as a regular and substantial business purpose, offers services, live performances or materials in print or in any photographic or recorded media that depicts specified anatomical areas specified below or involves specified sexual activities described below, with the intent of providing sexual stimulation or gratification to the customer. Such uses include but are not limited to: an adult bookstore, adult cabaret, adult dancing establishment, adult hotel or motel, adult massage parlor, adult mini-motion-picture theater, adult motion picture arcade, adult motion picture theater, adult video store, encounter center, erotic dancing establishment, escort bureau or introduction service.

Shade tree: See under "tree".

Shrub: A self-supporting woody plant that normally reaches a height of less than 15 feet.

Shopping center: See "planned center".

Short term rental: An accommodation for transient guests, rented for the purpose of overnight lodging for a period of less than 30 consecutive nights. For the purposes of this definition, a short-term rental shall include only single-family housing types, and shall exclude bed and breakfast inns and rooming and boarding houses as they are defined by this Code.

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, colors, movement, or illumination.

Sign copy: The words, letters, numbers, figures, symbols, logos, fixtures, colors, or other design elements presented by a sign to convey its message or meaning.

Sign face: That portion of the surface of a sign structure where words, letters, figures, symbols, logos, fixtures, colors, or other design elements are or may be located in order to convey the message, idea, or intent for which the sign has been erected or placed. The sign face may be composed of two or more modules on the same surface that are separated or surrounded by open space or by portions of a sign structure not intended to contain any advertising message or idea and are purely structural or decorative in nature.

Sign module: Each portion or unit of a sign face that is clearly separable from other such units by virtue.

Sign structure: All elements of a freestanding sign, including the sign face, background, or decorative elements related to the presentation or support of the sign's message, and the structural supports.

Significant recharge area: Those areas mapped by the Georgia Department of Natural Resources in Hydrologic Atlas 18 (1989 Edition).

Soil and water conservation district approved plan: An erosion and sedimentation control plan approved in writing by the Oconee Soil and Water Conservation District.

Special event venue: A structure or space being leased for receptions, events, or similar functions as described in section 89-186.

Special flood hazard areas: Special flood hazard areas as designated on National Flood Insurance Program maps.

Specified anatomical areas: Any of the following:

- (1) Less than completely and opaquely covered human genitals or pubic region, buttocks, or female breast below a point immediately above the top of the areola; or
- (2) Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities: Any of the following:

- (1) Actual or simulated sexual intercourse, oral copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism or zoerasty;
- (2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence;
- (3) Use of human or animal ejaculation, sodomy or copulation, coitus or masturbation;
- (4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast;
- (5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
- (6) Erotic or lewd touching, fondling or other sexual contact with an animal by a human being; or
- (7) Human excretion, urination, menstruation or vaginal or anal irrigation.

Stabilization: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

Standard informational sign: A sign with an area of not greater than 18 square feet, with a sign face made for short term use, containing no reflecting elements, flags, or projections and which, when erect, stands at a height not greater than six feet and is mounted on a stake or metal frame with a thickness or diameter not greater than 1½ inches.

Start of construction: The initiation of new construction or a substantial improvement, as follows:

- (1) *For new construction:* The date the development permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. The actual start of construction means the first placement of permanent construction of a building, 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 or walkways; the excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. (Note: accessory structures are not exempt.)
- (2) *For a substantial improvement:* The date the building permit was issued provided the actual start of construction was within 180 days of the permit date. The actual start of construction means the first alteration of any wall, ceiling, floor or other structural parts of a building, whether or not that alteration affects the external dimensions of the building.

State general permit: The National Pollution Discharge Elimination System 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. Section 1251, et seq., and O.C.G.A. § 12-5-30(f).

State waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.

Stream: A natural, free-flowing watercourse with either constant or intermittent flow of moderate volume typically less than that of a river.

Stream bank: The point where vegetation has been wrested by normal stream flows or wave action. For non-trout waters, the normal stream flow is any stream flow that consists solely of base flow or consists of both base flow and direct runoff during any period of the year. Base flow results from groundwater that enters the stream channel through the soil. This includes spring flows into streams. Direct runoff is the water entering stream channels promptly after rainfalls or snow melts.

Stream buffer:

- (a) 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.
- (b) An area along the course of any river, stream, creek, branch, lake reservoir, pond, drainage system, spring, well or other body of surface or subsurface water, whether natural or artificial to be maintained in an undisturbed and natural condition. Stream buffers are established pursuant to the Georgia Erosion and Sedimentation Act of 1975, O.C.G.A. §§ 12-701 et seq., as amended.

Stream, regulated: See "regulated stream".

Street, half: A street having one-half of the minimum required right-of-way or pavement width.

Structure:

- (1) Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include but are not limited to buildings, driveways, parking lots, walls, fences, signs, and swimming pools.
- (2) A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other manmade facilities or infrastructures.
- (3) An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

Structural erosion and sedimentation control measures: Measures 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 and land grading. Such measures can be found in the publication "Manual for Erosion and Sediment Control in Georgia."

Structure height: For all structures other than buildings, the vertical distance to the highest point of a structure, as measured from the average grade at the base of the structure or directly below a projecting structure. See also "building height."

Subdivision:

- (1) The division of a property or tract of land into two or more tracts or lots.
- (2) A land development project in which two or more lots are created, along with the streets and utilities needed to support construction of buildings on the lots.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before damage occurred.

Substantial improvement: Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during the life of a building, in which the cumulative cost equals or exceeds 50 percent of the market value of the building prior to improvement.

The market value of the building should be:

- (1) The appraised value of the building prior to the start of the initial repair or improvement.

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- (2) In the case of damage, the value of the building prior to the damage occurring. This term includes structures that have incurred "substantial damage" regardless of the actual amount of the actual repair work performed.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified through enforcement of this Development Code and not solely triggered by an improvement or repair project.

Substantially improved existing manufactured home parks or subdivisions: Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Temporary event: An event or activity open to the public having a specific duration or the end of which is related to a specific action, usually lasting at most for only a few days at a time, which occurs upon private property in a manner of use that will significantly affect the ordinary use of the property in such a way as to constitute a public nuisance. The term "temporary event" may include but is not limited to such activities as:

- (1) Special business promotions, such as, but not limited to, grand openings, close-out sales, carnivals and seasonal sales events;
- (2) A carnival or fair;
- (3) A horse show;
- (4) A rodeo;
- (5) Shooting or athletic events;
- (6) Flea markets;
- (7) Festivals.

The term "temporary event" does not include events or activities on government property. The term "temporary event" also does not include garage sales, yard sales, or similar casual sales of tangible personal property, but such sales may be regulated pursuant to other Town of Carl regulations.

Temporary sign: A sign that is short-term in nature which is affixed to or placed on the ground or a building and is not intended for permanent installation.

Temporary wireless communication facility: Portable equipment without permanent foundation that is used for a limited period while a permanent facility is under construction, under repair or during a special public event or emergency. Also called a cell-on-wheels (COW).

Tenant: A natural person, business or other entity that occupies land or buildings by title, under a lease, or through payment of rent; an occupant, inhabitant, or dweller of a place.

Telecommunications 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, radio and television transmission towers, microwave towers, common carrier towers, cellular telecommunications towers, alternative tower structures, and other similar structures.

Tree: Any living, self-supporting woody perennial plant which normally obtains a trunk diameter of at least two inches and a height of at least ten feet, and typically has one main stem or trunk and many branches.

- (1) *Tree, deciduous:* A tree that sheds its leaves annually.
- (2) *Tree, evergreen:* A tree that has live foliage throughout the year, the leaves of the past season not being shed until after the new foliage has been completely formed.

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- (3) *Tree, flowering*: An ornamental tree that is known for its blooms and generally matures at a height of less than 40 feet. Flowering trees approved for use include dogwood, redbud, crape myrtle, and ornamental cherry. Flowering trees not approved for use include Bradford Pear.
 - (4) *Tree, shade*: A broadleaf deciduous tree having an average height at maturity of a least 40 feet and having a broad spread relative to its height (excluding trees with columnar crowns) and a dense canopy, so as to provide shade to structures of parking areas in the summer months.
 - (5) *Tree, overstory*: Any deciduous or evergreen tree that has the potential to grow to a mature height of 40 feet or more (Reference: Landscape Plant Materials for Georgia, cooperative Extension Service, The University of Georgia College of Agriculture, Bulletin No. 625 or any similar publications.) Reference may also be made to the Manual of Woody Landscape Plants (Michael Dirr, 1983, Castle Books).
 - (6) *Tree, understory*: Any deciduous or evergreen tree that has the potential to grow to a mature height of less than 40 feet (Reference: Landscape Plant Materials for Georgia, cooperative Extension Service, The University of Georgia College of Agriculture, Bulletin No. 625 or any similar publications.) Reference may also be made to the Manual of Woody Landscape Plants (Michael Dirr, 1983, Castle Books).

Tree, replacement: A replacement tree is a new tree planted on a site to meet minimum site tree unit per acre requirements regardless of whether tree existed prior to any development).

Tree harvesting: The planting, cultivating and harvesting of trees in a continuous cycle as a regular agricultural practice on a tract of land; not including the removal of trees for purposes of development or the removal of trees without replanting.

Tree save area: All areas designated for the purpose of meeting tree density requirements or preserving natural zoning buffers.

Tree unit value: A unit of measure used to prescribe the calculated tree coverage on a site. Tree unit values relate to the size of the tree trunk (diameter or caliper). One tree unit is not equivalent to one 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.

Turf: Ground cover composed of one or more species of perennial grass that is grown as a permanent lawn.

Under-canopy sign: See under "building sign".

Understory tree: See under "tree".

Use: The purpose for which land or a building or other structure is designed or arranged, or for which it is occupied. See also "principal use" and "accessory use or structure".

Vegetative erosion and sedimentation control measures: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- (1) Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
- (2) Temporary seeding, producing short-term vegetative cover; or
- (3) Sodding, covering areas with a turf of perennial sod-forming grass.

Such practices can be found in the publication "Manual for Erosion and Sediment Control in Georgia".

Vehicle, Heavy Duty: Any vehicle with a gross weight over 1,000 pounds.

Vehicular sign: Any sign placed, mounted, painted on or affixed to a motor vehicle, freight, flatbed or storage trailer or other conveyance when same are placed or parked in such a manner as to be viewed or intended to be viewed from the public right(s)-of-way except that this definition shall not apply when:

-
- (1) Such conveyances are actively being used to transport persons, goods or services in the normal course of business;
 - (2) When such conveyances are parked in an inconspicuous area; or
 - (3) When such conveyances are actively being used for storage of construction materials for, and on the same lot with a bona fide construction project for which building and other applicable permits have been issued and where construction is underway and provided said conveyances are located within designated storage areas.

Violation: The failure of a structure or other development to be fully compliant with the county's floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

Wall sign: See under "building sign".

Water quality critical area: The water quality critical area for each water supply watershed shall comprise all lands within the respective water supply watershed districts within seven miles upstream from the public water supply intakes or the boundary of a public water supply reservoir.

Water supply reservoir: A governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned drinking water systems. This definition specifically excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.

Water supply watershed: The area upstream of a governmentally owned public drinking water supply intake or reservoir boundary.

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

Watershed: The total area of land that is drained by a river or stream and its tributaries.

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

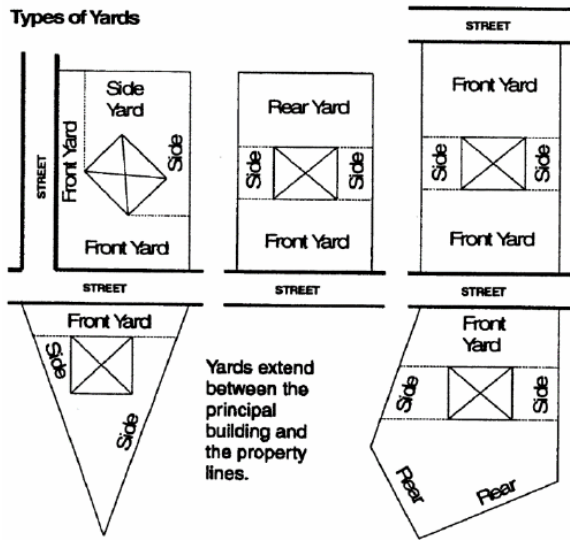
Wetlands, jurisdictional: An area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

Window sign: See under "building sign".

Wireless telecommunications facility. The set of equipment and network components, exclusive of the underlying wireless support structure, including antennas, transmitters, receivers, base stations, power supplies, cabling, and accessory equipment, used to provide wireless data and wireless telecommunication services. This definition shall not include those facilities commonly known as "small cell communications equipment" or "small wireless facilities" which shall be governed by the County's Small Wireless Facilities and Antennas Ordinance.

Figure 1.9 - Types of Yard

Types of Yards



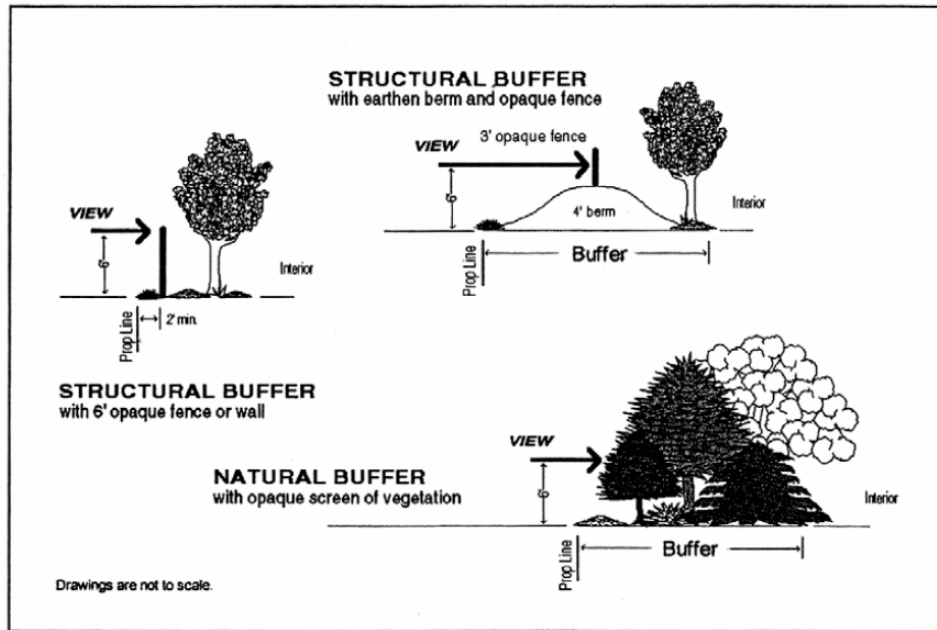
Yard: An area that lies between the principal building on a lot and the nearest lot line.

- (1) *Front yard:* A yard situated along any public street right-of-way or private street easement.
- (2) *Rear yard:* A yard situated along a rear lot line.
- (3) *Side yard:* A yard situated along a side lot line, but not extending into a front or rear yard.

Yard sale: An infrequent event lasting no more than three calendar days conducted on residentially zoned or used property where used or previously purchased household goods and personal items are offered for sale to the general public by the owner or tenant of the property or by a group of owners or tenants. Pursuant to the definition of commercial above, yard sales will amount to a commercial use of property if conducted more than three times in any consecutive 12 month period. A yard sale lasting over the course of a maximum of three consecutive calendar days shall constitute a single yard sale event for purposes of calculating the number of yard sales that occur in any consecutive 12-month period.

Zoning buffer: An area of natural vegetation or man-made construction, which is intended to provide a visual and dimensional separation between dissimilar land use.

Figure 1.10 - Buffers



- (1) *Natural zoning buffer:* A visual screen created by vegetation of such density so as to present an opaque visual separation when viewed from one side to the other throughout the year.
- (2) *Structural buffer:* A visual screen created through construction of a solid wooden fence, decorative masonry wall, earthen berm, or combination of fence or wall with an earthen berm, which may be supplemented with vegetation, so as to present an opaque visual separation when viewed from one side to the other throughout the year.

Zoning change: An amendment to the zoning map (rezoning), approval of a special use, or approval of a change in the conditions of approval associated with a rezoning or special use.

(Ord. of 10-13-2020; Ord. of 3-8-2022; Ord. of 6-14-2022, § 1; Ord. of 6-14-2022, § 1; Ord. of 9-20-2022, § 1(Exh. A))

Secs. 89-11—89-60. Reserved.

ARTICLE II. USE OF LAND AND STRUCTURES

Sec. 89-61. Purpose of article.

This article defines the zoning districts in the county and identifies the specific uses to which land and structures may be put in the various zoning districts, including certain uses or structures for which special approval is required in order to be allowed. In addition, this article identifies specific uses within each zoning district to which restrictions may apply. Restrictions on particular uses are presented in Article III of this Development Code.

(Ord. of 10-13-2020)

Sec. 89-62. Zoning map.

The boundaries of the various zoning districts are shown on a map entitled "The Official Zoning [Map] of the Town of Carl, Georgia", adopted on the date of adoption of this Development Code, and as amended thereafter from time to time.

(a) *Official map adopted.*

- (1) The "Official Zoning Map of Town of Carl, Georgia" (referred to in this Development Code as the "zoning map") is adopted as the official zoning map and is hereby made a part of this Development Code, and all notations, references and other information shown on it shall be a part of this Development Code.
- (2) The official zoning map as adopted at the time of adoption of this Development Code or as subsequently readopted in its entirety shall be identified as that map or series of maps signed by the chairman in office at the time of adoption, and attested by the clerk of the board of commissioners. A certified copy of the zoning map as originally adopted shall be kept on record in the county clerk's office.
- (3) The zoning map as adopted and as may be amended by the board of commissioners from time to time sets forth the location of all zoning districts in the county.

(b) *Amendments.*

- (1) The zoning map, as adopted by the board of commissioners and amended from time to time by its action, shall be maintained and available in the Planning and Community Development Department. The map as amended from time to time by the board of commissioners may be kept in an electronic format from which printed copies can be
- (2) No changes of any nature shall be made to the official zoning map except in conformity with amendments to the map approved by the board of commissioners or by adoption of a new official zoning map of Town of Carl. Such amendments shall be spread upon the minutes of Town of Carl and shall be available for public inspection.
- (3) All zoning district boundary changes and amendments to the zoning map shall be noted on the map maintained in the Planning and Community Development Department with the date of the zoning change or amendment and reference to the implementing ordinance.

(Ord. of 10-13-2020)

Sec. 89-63. Determination of zoning district boundaries.

(a) *Zoning district boundaries; general.*

- (1) The boundaries of the districts as shown on the zoning map shall be determined on the basis of the legal descriptions or boundary surveys associated with approved zoning petitions, or, lacking such legal descriptions or surveys, on the basis of the location of the boundary as depicted on the zoning map along with any dimensions shown.
- (2) All property in the county is placed in the zoning districts as indicated on the zoning map and no property shall be used except in accordance with its zoning designation on the zoning map, conditions of zoning approval and provisions of this Development Code.

(b) *Zoning district boundaries; delineation.* Where uncertainty exists as to the boundaries of any district shown on the official zoning maps the following rules shall apply:

- (1) Where boundaries are indicated as approximately following the centerline or right-of-way line of streets and alleys, land lot lines, militia district lines or lot lines, these lines shall be construed to be these boundaries.

- (2) In unsubdivided property or tracts, where a district boundary divides a lot, the location of these boundaries shall be scaled distance from lot lines. In this situation, the requirements of the zoning district in which the greater portion of the lot lies may be extended to the balance of the lot except that such extension shall not include any part of a lot that lies more than 50 feet beyond the zoning district boundary line.
- (3) In the case of a through lot (a "double-frontage" lot) fronting on two separate streets that is divided by a zoning district boundary line approximately paralleling the streets, the restrictions of the zoning district in which each frontage of the through lot lies shall apply to that portion of the lot.
- (4) Where boundaries are so indicated that they are approximately parallel to the centerline or right-of-way line of streets, alleys or highways, these boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning maps. If no distance is given, this dimension shall be determined by the use of the scale shown on the maps.
- (5) In case any further uncertainty exists, the board of appeals shall determine the location of boundaries.
- (6) Where a public road, street or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street, or alley.

(Ord. of 10-13-2020)

Sec. 89-64. Implementation and adoption of a comprehensive plan.

Contemporaneously with the adoption of this Development Code, the county commission implements and adopts the "Future Land Use Map" of the Town of Carl comprehensive plan, as subsequently amended from time to time.

(Ord. of 10-13-2020)

Sec. 89-65. Zoning districts; established.

(a) Districts established.

- (1) For purposes of this Development Code, the following zoning districts are established as listed in Table 2.1 along with the zoning map symbol and the comprehensive plan future land use map designation that is being implemented by the zoning district.
- (2) The zoning districts shown on Table 2.1 (with the exception of the overlay districts) are listed in order of restrictiveness from most to least, with the AG agricultural district the most restrictive and the M-2 heavy commercial district the least restrictive.

Table 2.1: Zoning Districts

Zoning District	Symbol	Comprehensive Plan Future Land Use Map Category*
Agricultural Districts		
Agricultural District	AG	Rural Reserve; Rural Neighborhood; Community Crossroads
Residential Districts		
Agricultural Residential	AR	Rural Reserve; Rural Neighborhood; Community Crossroads
Low Density Single-Family Residential	R-1	Rural Reserve; Rural Neighborhood; Suburban Neighborhood

Medium Density Residential District	R-2	Suburban Neighborhood
High Density Residential District	R-3	316 Innovation Corridor****
Manufactured Housing District	MH	Rural Neighborhood; Suburban Neighborhood
Commercial Districts		
Agricultural-Commercial	AC	N/A**
Office-Institutional	O-I	Commercial Corridor; 316 Innovation Corridor
Neighborhood Commercial District	C-1	Community Crossroads; Commercial Corridor
Community Commercial District	C-2	Commercial Corridor; 316 Innovation Corridor****
Intensive Commercial District	C-3	Employment/Industrial Center; Commercial Corridor***; 316 Innovation Corridor
Industrial Districts		
Light Industrial District	M-1	Employment/Industrial Center; 316 Innovation Corridor; West Winder Bypass
Heavy Industrial District	M-2	316 Innovation Corridor****
Overlay Districts		
Airport Hazard Overlay District	AHO	Any Future Land Use Map Category
Highway Corridor Overlay District	HCO	Any Future Land Use Map Category

* Refers to Future Land Use Map categories for unincorporated Town of Carl, as set forth in the Comprehensive Plan.

** The AC district is grandfathered; no new rezonings to AC will be approved under this Development Code.

*** Secondary consideration only: C-3 zoning in areas designated as "Commercial Corridor" on the Town of Carl Future Development Map is only appropriate where higher intensity uses exist, industrial uses are adjacent, or rail access is present.

**** Secondary consideration only: R-3, C-2, and M-2 zoning in areas designated as "316 Innovation Corridor" on the Town of Carl Future Development Map is only appropriate when compatible with existing development patterns and/or there is need for ancillary uses to the primary use.

(b) *Special conditions of previous zoning approvals retained.* All special conditions and special stipulations imposed as conditions of rezoning of property prior to adoption of the zoning map are hereby retained and

reaffirmed, and shall continue in full force and effect until such time as the property is rezoned or the prior zoning action of the board of commissioners is amended through the rezoning process established by this Development Code.

- (c) *Conversion of previous zoning districts.* Zoning districts as were established under the previous zoning ordinance of Town of Carl are hereby renamed to the following zoning district names and designations under this Development Code, as shown on Table 2.2. All regulations, requirements and provisions of this Development Code applicable to a zoning district established under this section shall apply to the previously named zoning district as now named, as shown on Table 2.2.

Table 2.2: Conversion of Previous Zoning Districts

Previous Zoning District Designation	Zoning District Designation under this Development Code
PCFD Planned Commercial Farm District	AG Agricultural District
AG Rural Agricultural District	AG Agricultural District
AR Agricultural Residential District	AR Agricultural Residential District
R-1 Single-Family Residential Low Density District	R-1 Low Density Single-Family Residential District
R-1a Single-Family Residential Low Density District	R-1 Low Density Single-Family Residential District
R-2a Single-Family Residential Medium Density District	R-2 Medium Density Residential District
R-2b Single-Family Residential Medium Density District	R-2 Medium Density Residential District
R-2c Single-Family Residential Medium Density District	R-2 Medium Density Residential District
R-2d Single-Family Residential High Density District	R-2 Medium Density Residential District
R-2e Single-Family Residential High Density District	R-2 Medium Density Residential District
R-3a Multi-Family Residential Low Density District	R-3 High Density Residential District
R-3b Multi-Family Residential Medium Density District	R-3 High Density Residential District
R-3c Multi-Family Residential High Density District	R-3 High Density Residential District
R-4 Mobile Home Park District	MH Manufactured Housing District
AC Agricultural-Commercial District	AC Agricultural-Commercial District*
O-I Office and Institutional District	O-I Office and Institutional District
C-1 Local Commercial District	C-1 Neighborhood Commercial District
C-2 General Commercial District	C-2 Community Commercial District

C-3 Heavy Commercial District	C-3 Intensive Commercial District
M-1 Light Industrial District	M-1 Light Industrial District
M-2 Heavy Industrial District	M-2 Heavy Industrial District
AHD Airport Hazard District	AHO Airport Hazard Overlay District
FH Flood Hazard District	Deleted. See Flood Damage Prevention in Article 11.
HCO Highway Overlay District	HCO Highway Overlay District

* The AC district is grandfathered; no new rezonings to AC will be approved under this Development Code.

(Ord. of 10-13-2020)

Sec. 89-66. Zoning districts; relationship to comprehensive plan.

Application of the comprehensive plan: The Town of Carl Comprehensive Plan in combination with its future land use map establishes appropriate land use categories and a range of development intensities, composed of densities, floor area ratios, or similar measures, for each land area in the county. This Unified Development Code and the county's individual project approvals provide development standards, plan requirements and other factors that shall determine the development intensity of each project within the comprehensive plan range. The county reserves the right to limit projects to intensities below the comprehensive plan's upper limits. The zoning districts and the corresponding comprehensive plan future land use map designations are listed in Table 2.1.

(Ord. of 10-13-2020)

Sec. 89-67. Zoning districts; purpose of each.

- (a) *Agricultural district (AG).* The AG agricultural district is composed chiefly of open land, small agricultural uses and individual single-family houses. The regulations for this district are designed to encourage compatibility between existing agricultural uses and the development of limited low-density residential development while maintaining the rural character of the district. This district is characterized by large acreage residential lots and farms of at least five acres. Institutional uses (such as churches) that are compatible with the rural environment and compatible commercial farm uses, such as commercial greenhouses and riding stables are allowed.
- (b) *Agricultural-residential district (AR).* The AR agricultural-residential district is established to provide a transition between agricultural uses and residential uses. This district provides a location for light agriculture, single-family residential, residentially compatible institutional and recreational uses, and selected agricultural related commercial, such as produce stands, within a rural setting. When residentially compatible institutional, recreational and commercial uses are developed within the AR district, they are to be designed and built to ensure density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this Development Code. Minimum lot size within the district is two acres.
- (c) *Low density single-family residential district (R-1).* The R-1 low density single-family residential district is established to provide locations for single-family detached residential uses on individual lots, conventional subdivisions, any type of master planned developments, and residentially compatible institutional and recreational uses. When residentially compatible institutional and recreational uses are developed within the R-1 district, they are to be designed and built to ensure density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this Development Code.
- (d) *Medium density residential district (R-2).* The R-2 medium density residential district is established to provide locations for smaller lot single-family, fee simple duplexes, fee simple townhouses (single-family attached)

and residentially compatible institutional and recreational uses. When residentially compatible institutional and recreational uses are developed within the R-2 district, they are to be designed and built to ensure density compatibility with adjacent residential dwellings and otherwise to implement the stated purpose and in Code.

- (e) *High density residential district (R-3)*. The R-3 high density residential district is established to provide locations for a mix of housing types, including single-family detached residential, attached single-family residential uses, duplexes, triplexes, quadraplexes and townhouses, and condominiums. The intention of this district is to incorporate multi-family residential within small complexes that will not create a large impact on services within the community. When residentially compatible institutional and recreational uses are developed within the medium density residential district, they are to be designed and built to ensure density compatibility with adjacent residences and otherwise to implement the stated purpose and intent of this Development Code.
- (f) *Manufactured housing district (MH)*. The MH manufactured housing district is established to provide locations for manufactured home subdivisions and manufactured home parks, in addition to single-family, two-family or multi-family residential developments. When residentially compatible institutional and recreational uses are developed within the manufactured housing district, they are to be designed and built to ensure density compatibility with adjacent residences and otherwise to implement the stated purpose and intent of this Development Code. This district also allows small commercial uses and commercial accessory uses within developments.
- (g) *Agricultural-commercial district (AC)*. A district of at least one acre in size intended to preserve and promote agriculture-related businesses and activities. Properties previously zoned AC may continue to be used or developed under their zoning approval, but no new AC zoning requests will be approved under this Development Code.
- (h) *Office and institutional (O-I)*. The O-I office and institutional district is established to provide locations for business service, administrative and professional offices; semi-public and nonprofit institutions such as private schools, churches and other places of worship, and medical centers; and limited commercial activities generally not involving personal services or retail sales, or the storage or processing of merchandise.
- (i) *Neighborhood commercial district (C-1)*. The C-1 neighborhood commercial district is established to provide locations for individual businesses that reflect a neighborhood level of intensity and serve a small geographic area, that are compatible with the surrounding residential neighborhoods, and that are not traffic intense. Uses are to consist primarily of convenience shopping facilities, small offices and services that serve a neighborhood-oriented market and which supply necessities and/or services that usually require frequent purchasing with a minimum of consumer travel. When located within any type of master planned development, the NC district should provide for uses that are lower intensity in nature, or design features implemented in order to ensure compatibility with adjacent dwellings.
- (j) *Community commercial district (C-2)*. The C-2 community commercial district is established to provide locations for office, commercial and service uses that serve several neighborhoods or a portion of the county. Uses within this district are more impact-intensive than neighborhood commercial uses and should be located at the perimeter of residential areas and along major thoroughfares. The CRC district is intended to accommodate a range of commercial, retail, service and office uses, from a more community serving level including medical office developments, banking and financial institutions, professional offices, community retail and services, and shopping centers anchored by grocery or drug stores.
- (k) *Intensive commercial district (C-3)*. Within the C-3 intensive commercial district, land uses are oriented to those, which are designated to serve the automotive traveling public. This district provides locations for retail commercial, storage, limited light industrial uses and service uses that are land intensive and have a need for major road access and visibility. The district is intended to serve the automobile, its passengers and highway users rather than individuals who use an automobile as convenience to perform necessary daily and weekly personal needs. The district is intended to be restricted to major arterials and collectors which may also have other businesses located on them. Major planned shopping centers, specialty shopping centers, big box commercial centers and villages incorporating shared access, parking and design are encouraged.

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- (l) *Light industrial district (M-1).* The M-1 light industrial district is established to provide locations for office, churches and other places of worship, business park, light manufacturing and distribution/service facilities developed as planned industrial developments that are located on or have ready access to a major collector or arterial street. Light manufacturing facilities shall not involve heavy manufacturing or the conversion of raw materials into finished products. Light manufacturing uses shall generally consist of establishments for processing, assembling, fabricating, preparing, cleaning, servicing, testing, or repairing of materials, goods or products. Such uses should be encouraged near existing like uses, in accordance with policies outlined in the Town of Carl Comprehensive Land Use Plan.
 - (m) *Heavy industrial district (M-2).* The M-2 heavy industrial district is established to provide locations for churches and other places of worship, intensive industrial uses such as automobile repair and service, heavy manufacturing, uses involving chemicals, warehousing and storage, and other industrial uses that are not public nuisances and are not dangerous to the health, safety or general welfare of the inhabitants of Town of Carl. Sites within this district shall have direct access from an arterial or major collector road. When located at the perimeter of a future land use map industrial category, the M-2 district should provide for uses that are lower in intensity and scale to ensure minimal impact to adjacent properties.
 - (n) *Airport hazard overlay district (AHO).* An overlay district s that are within the flight approach zones of airports in the county as depicted in Exhibit "A" attached herein. The regulations of this district are intended to establish height and use restrictions within the flight approach zones.
 - (o) *Highway corridor overlay district (HCO).* An overlay district applicable to land parcels of record as depicted on the Highway Corridor Overlay District Map shown in Exhibit "B" attached herein.
- (Ord. of 10-13-2020)

Sec. 89-68. Uses allowed in each zoning district.

- (a) *Allowed principal and accessory uses.*
 - (1) Principal use: The specific, primary purpose for which land or a building is used.
 - (2) Accessory use: A use that is permitted on a property in conjunction with a principal use. An accessory use is incidental to the principal use and would generally not exist independent of the principal use.
 - (3) Principal uses that are allowed by right or allowed only by special use approval in each zoning district are shown on the following Table 2.3. Accessory uses that are allowed in conjunction with a principal use are shown on Table 2.1.
- (b) *Restrictions on particular uses.*
 - (1) Requirements that apply to specific uses are listed in the Article III of this Development Code. For convenience, those uses are identified by a separate symbol on the following Table 2.3 and Table 2.4 for uses that would otherwise be allowed by right. The restrictions also apply to special uses unless specifically waived or modified as a stipulation of special use approval. For those uses that have specific restrictions associated with them, a reference is given on the two tables to the pertinent section in Article III.
 - (2) The following sections of Article III apply to all or a variety of individual uses, however, and are not generally indicated on either of the two tables:
 - a. Section 89-122, Agricultural separation requirements.
 - b. Section 89-123, Environmentally hazardous uses.
 - c. Section 89-124, Outdoor display areas.
 - d. Section 89-125, Outdoor storage.
 - e. Section 89-134, Restrictions on uses in commercial and industrial districts.

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- f. Section 89-135, Sexually oriented businesses.
 - g. Section 89-136, Timber harvesting notice.
 - h. Division 4, Airport hazard zone restrictions.
 - i. Division 5, Prohibited uses.
- (c) *Special uses.* Principal uses that are special uses may be allowed subject to special use approval procedures as set forth in the procedures and permits article (Article XII) of this Development Code.
- (d) *Prohibited uses.*
- (1) Any principal use not shown on the following Table 2.3 as allowed in a zoning district, whether by right or with approval as a special use or as a use permitted with restrictions, is specifically prohibited.
 - (2) Any accessory use not shown on the following Table 2.4 as allowed in a zoning district, whether by right or with approval as a special use or as a use permitted with restrictions, is specifically prohibited.
 - (3) In addition, uses, products and manufacturing processes that are specifically prohibited in all zoning districts are listed in the prohibited uses division of the restrictions on particular uses article of this Development Code.
- (e) *Interpretation of principal and accessory land uses.*
- (1) In addition to other generally accepted references and resources, the "North American Industrial Classification System" (NAICS), published by the U.S. Department of Commerce (2002 Edition), may be referred to in order to interpret the definition of uses listed on Table 2.3 and Table 2.4 and to identify similar uses that may be allowed along with each listed use. The NAICS classification number is shown on the tables for each applicable use category for reference and interpretation only; the NAICS is not adopted as part of this Development Code.
 - a. The NAICS industrial classification system includes two to six-digit codes, with longer codes representing more detailed subsets of the shorter codes.
 - b. In order to provide a concise list of uses, the shortest group category is provided for uses where all of the more detailed NAICS sub-categories are also included.
 - (2) The NAICS assigns classification numbers to businesses and industries based on the primary business activity in which the company is engaged. While business activity usually corresponds to land use type, and therefore can be easily assigned to appropriate zoning districts, there are exceptions. Some businesses may be primarily engaged in a certain industry—such as telecommunications, for instance, like BellSouth—but individual locations host notably different activities. For a company like BellSouth, for instance, different facilities may include retail stores for telephones, offices for administrative functions, satellite and exchange switching stations, and repair and installation staging lots where heavy equipment vehicles, telephone poles, wire spools and materials are stored. As a result, interpretation is occasionally needed for an individual use, regardless of the business activity in which the parent company is engaged.
 - a. If no NAICS classification number is shown on the table, there is no corresponding category to the land use listed. The use may be residential in nature (there are no NAICS categories for residences) or may be a land use activity not generally recognized as an individual business activity or industry type.
 - b. In all cases of uncertainty, the determination of whether or not a particular use is allowed in a particular zoning district shall reflect the purpose of the zoning district as stated in this article, both the common and dictionary definitions of the use, and similarity to the array of listed uses that are allowed in the district as to their character and intensity.

(Ord. of 10-13-2020)

Sec. 89-69. Definitions of land use categories.

Land use categories referred to in this Development Code have the following meanings. The use of the term "property" relative to a land use category includes both developed and undeveloped properties, while the term "use" means a property that is developed, occupied or otherwise in operation under the land use category.

- (1) *Agricultural*: A property used primarily for the cultivation of crops, dairying or the raising of livestock, or a vacant property zoned or offered for sale or lease for such purpose. Agricultural uses are all uses listed on Table 2.3 under the category "Agriculture, Forestry, Fishing and Hunting".
- (2) *Single- and two-family residential*: A property occupied primarily by one or more single-family dwellings or duplex dwellings, or a vacant property zoned or offered for sale or lease for such purpose. Single- and two-family residential uses are listed as "Single-Family Detached" and "Single-Family Attached: Duplex" on Table 2.3 under the category "Residential Uses".
- (3) *Multi-family residential*: A property occupied primarily by one or more residential buildings containing three or more dwelling units, or a mobile home park, or a vacant property zoned or offered for sale or lease for such purposes. Multi-family residential uses are all uses listed on Table 2.3 under the category "Residential Uses" other than "Single-Family Detached" and "Single-Family Attached: Duplex".
- (4) *Commercial*: A property occupied by one or more business establishments that are primarily engaged in the sale of goods; the provision of personal, professional, business, entertainment or other commercial services; the management of a business enterprise; or the provision of temporary housing to the traveling public (such as a motel); or a vacant property zoned or offered for sale or lease for such purposes. Commercial uses are all uses listed on Table 2.3 under the categories "Administrative and Professional Offices", "Commercial Services", "Arts, Entertainment and Recreation", and "Retail Trade".
- (5) *Industrial*: A property occupied by one or more business establishment that are primarily engaged in the fabrication, manufacture or production of durable or nondurable goods, or a vacant property zoned or offered for sale or lease for such purpose. Industrial uses are all uses listed on Table 2.3 under the categories "Manufacturing, Wholesaling and Warehousing" and "Transportation, Communications and Utilities".
- (6) *Institutional use*: A property occupied by a private, nonprofit religious, recreational, educational or philanthropic organization, club or semi-public institution. Institutional uses are all uses listed on Table 2.3 under the category "Public and Institutional Uses".

Table 2.3: Principal Use Table

NAICS Code:	Principal Uses	AG	AR	R-1	R-2	R-3	MH	AC	O-1	C-1	C-2	C-3	M-1	M-2	For Restrictions, See Sections:
	AGRICULTURAL USES														
11	Agriculture, Forestry, Fishing and Hunting														
111	Crop Production, except Greenhouse, Nursery, and Floriculture Production	P	P	P				P					P	P	
1114	Crop Production: Greenhouse, Nursery, and Floriculture Production	PR	PR					PR		PR	PR	PR	PR	PR	89-122
112	Animal Production:	PR	PR												
1121	Cattle Ranching and Farming, except Feedlots	PR	PR					PR							89-157(b)
112112	Cattle Feedlots	PR	PR					PR						PR	89-157(b)
112120	Dairy Cattle Farming	PR	PR					PR							89-157(b)
1122	Hog and Pig Farming	PR	PR					PR							89-157(b)
1123	Poultry and Egg Production	PR	PR	PR				PR							89-157(b)
1124	Sheep and Goat Farming	PR	PR					PR							89-157(b)
1125	Animal Aquaculture	PR	PR					PR							89-157(b)

1129	Other Animal Production	PR	PR	PR				PR		PR	PR	PR			89-157(b)
113	Forestry and Logging	PR	SU	SU											89-136
114	Commercial Fishing, Hunting and Trapping	PR						PR							89-122(a)
1151	Support Activities for Crop Production	PR						PR							89-122(a)
1152	Support Activities for Animal Production	PR						PR							89-122(a)
1153	Support Activities for Forestry	PR						PR							89-122(a)
424590	Livestock Sale Pavilion and Auction Facility	PR						PR						PR	89-157(b)
	RESIDENTIAL USES														
	Single-Family Detached: Site-Built or Modular Home	PR	PR	PR	PR	PR		PR	PR	PR	PR	PR			89-127
	Single-Family Detached: Manufactured Home	PR	PR	PR	SU	SU		PR							89-127; 89-130; 89-131
	Single-Family Attached: Duplex				PR	PR		SU	PR	PR	PR	PR			89-127
	Single-Family Attached: Townhomes				SU	PR			PR	PR	PR	PR			89-128
	Multi-Family					PR					SU	SU			89-128
	Fraternity and Sorority Houses					PR			PR	PR	PR	PR			89-173; 89-179(1)

7213	Rooming and Boarding Houses					PR					PR	PR			89-166; 89-179(1)
	Mixed-Use Dwelling, including Lofts									SU	SU	SU			
623	Nursing and Residential Care Facilities:														
6233	Retirement Community				SU	SU			SU		SU	SU			89-179(1)
6239	Small Personal Care Homes (up to 3 under care)	PR	PR	PR	PR	PR			SU	PR		PR	PR		89-179
6239	Group Personal Care Homes (up to 15 under care)	SU				SU			SU	PR		PR	PR		89-179
6239	Congregate Personal Care Homes (more than 15 under care)	SU	SU			SU			SU	PR		PR	PR	PR	89-179
	Manufactured Home Park							PR							89-129; 89-130; 89-131
	Residential Subdivisions:														
	Minor Subdivision: 5-Lot Split	PR	PR	PR	PR	PR									89-462
	Minor Subdivision: Estate (minimum 10 acre lots)	PR													89-462(b)
	Conventional Subdivision with Public Streets	P			P	P									89-464
	Private Street Subdivision	SU	SU	SU	SU	SU									

	Open Space Subdivision	P	P	P	P	P									89-465
	Mixed Use Master Planned Development	SU	SU	SU	SU	SU				SU	SU	SU			89-466
	Traditional Neighborhood Development	SU	SU	SU	SU	SU				SU	SU				89-467
	Senior Housing Developments	SU	SU	SU	SU	SU				SU	SU				89-468
	COMMERCIAL USES														89-133; 89-134
	Administrative and Professional Offices:														
55	Corporate Management Offices								P	P	P	P	P		
5111	Newspaper, Periodical, Book, and Database Publishers								P	P	P	P	P		
5112	Software Publishers								P	P	P	P	P		
51223	Music Publishers								P	P	P	P	P		
514191	On-Line Information Services								P	P	P	P	P		
5222	Credit Card Issuing and Sales Financing, except Pawnshops								P	P	P	P	P		
52231	Mortgage and Nonmortgage Loan Brokers								P	P	P	P	P		
52232	Financial Transactions Processing, Reserve, and Clearinghouse Activities								P	P	P	P	P		

52239	Mortgage Servicing and Other Activities Related to Credit Intermediation								P	P	P	P	P		
523	Financial Investments and Related Activities, such as Portfolio Management and Investment Advice, and Securities and Commodity Brokerages.								P	P	P	P	P		
5241	Insurance Carriers								P	P	P	P	P		
525	Funds, Trusts, and Other Financial Vehicles								P	P	P	P	P		
4541	Electronic Shopping and Mail-Order Houses									P	P	P	P		
4543	Direct Selling Establishments, except Fuel Dealers								P	P	P	P	P		
5411	Lawyers, Notaries and Other Legal Services								P	P	P	P	P		
5412	Accounting, Tax Preparation, Bookkeeping, and Payroll Services								P	P	P	P	P		
5413	Architectural, Engineering, Surveying and Related Services								P	P	P	P	P		
5414	Interior Design, Graphic Design and other Specialized Design Services								P	P	P	P	P		
54143	Art Studio								P	P	P	P	P		

5416	Management, Scientific, and Technical Consulting Services, including Executive Search and Management Consulting								P	P	P	P	P		
54171	Research and Development in the Physical, Engineering, and Life Sciences								P	P	P	P	P		
54172	Research and Development in the Social Sciences and Humanities								P	P	P	P	P		
6211	Medical Offices of Physicians								P	P	P	P	P		
6212	Medical Offices of Dentists								P	P	P	P	P		
6213	Medical Offices of Health Specialists								P	P	P	P	P		
621498	Clinic								P	P	P	P	P		
6215	Medical and Diagnostic Laboratories								P	P	P	P	P		
54194	Veterinary Services, including Animal Hospitals	PR						PR		PR	PR	PR	PR		89-159
7113	Promoters of Performing Arts, Sports, and Similar Events								P	P	P	P	P		
7114	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures								P	P	P	P	P		

	Finance, Insurance and Real Estate Services:														
5221	Banks, Credit Unions and Savings Institutions								P	P	P	P	P		
5242	Insurance Agencies, Brokerages, and Other Insurance Related Activities								P	P	P	P	P		
531	Real Estate Office								P	P	P	P	P		
	Temporary Office for a Development	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	89-188
	Day care Services:														
6244	Day care Center (more than 18 persons in care)		PR			PR	PR	PR	PR	PR	PR	PR	PR		89-172
6244	Group Day care Home (18 or fewer persons in care)	PR	PR			PR	PR	PR	PR	PR					89-172
	Transient Lodging:														
7211	Hotels and Motels							SU	SU		P	P	SU	SU	
721191	Bed-and-Breakfast Inns	PR	PR					SU	SU	PR	P	P			89-166
7212	RV (Recreational Vehicle) Parks and Recreational Camps	PR						PR							89-189
8111	Automotive Repair and Maintenance:														89-164, 89-165

811111	General Automotive Repair							SU			PR	PR	P	P	89-164, 89-165
811112	Automotive Exhaust System Repair							SU			PR	PR	P	P	89-165
811113	Automotive Transmission Repair							SU			PR	PR	P	P	89-165
811121	Automotive Body, Paint, and Interior Repair and Maintenance							SU			PR	PR	P	P	89-165
811122	Automotive Glass Replacement Shops							SU			PR	PR	P	P	89-165
811191	Automotive Oil Change and Lubrication Shops							SU		PR	PR	PR	PR	PR	89-164
811192	Car Washes							SU		PR	PR	PR	PR		89-163
	Other Repair and Maintenance Services:														
8112	Electronic and Precision Equipment Repair and Maintenance							SU		P	P	P	P	P	
8113	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic, and Welding Shops) Repair and Maintenance							SU			SU	P	P	P	
811310	Welding Shop							SU			SU	P	P	P	

811411	Home and Garden Equipment Repair and Maintenance							SU			P	P	P		
811412	Home Appliance Repair and Maintenance							SU			P	P	P		
81142	Reupholstery and Furniture Repair and Maintenance							SU			P	P	P		
81143	Shoes and Leather Goods Repair and Maintenance							SU		P	P	P	P		
81149	Personal and Household Goods, including jewelry, garments, watches, musical instruments and bicycles Repair and Maintenance							SU		P	P	P	P		
8121	Personal Care Services:										P	P			
812111	Barber Shops									P	P	P			
812112	Beauty Salons									P	P	P			
812113	Nail Salons									P	P	P			
812191	Diet and Weight Reducing Centers									P	P	P			
812199	Personal Care Services not listed above									P	P	P			
8123	Dry-cleaning and Laundry Services:														
81231	Coin-Operated Laundries and Drycleaners						P			P	P	P			

81232	Dry-cleaning and Laundry Drop-Off Station									P	P	P			
81232	Dry-cleaning and Laundry Services (except Coin-Operated)										P	P	P	P	
812331	Linen and Uniform Supply										SU	P	P	P	
812332	Industrial Launderers												P	P	
	Health Related Services:														
6216	Home Health Care Services								P	P	P	P	P		
621910	Ambulance Services										PR	PR	PR		89-180
621991	Blood and Organ Banks										P	P	P		
	Other Personal Services:														
7223	Caterers and Other Special Food Services										P	P	P		
81221	Funeral Homes and Funeral Services										P	P	P		
81291	Pet Care, Grooming, Training, Pet Sitting, and Boarding (except Veterinary Services and Dog Kennels)	PR	PR							PR	PR	PR	PR		89-122(a)
812910	Dog Kennel	PR	PR					PR			PR	PR			89-157(b)
812921	Photofinishing Laboratories (except One-Hour)										P	P	P	P	

812922	Photofinishing, One-Hour									P	P	P	P	P	
81293	Automobile Parking Lots and Garages							SU	P	P	P	P	P	P	
81299	Personal Services not listed above									SU	P	P	P		
532	Rental and Leasing Services:														
53211	Passenger Car Rental and Leasing								PR	PR	PR	PR	PR	PR	89-162
53212	Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing											PR	PR	PR	89-162
53221	Consumer Electronics and Appliances Rental										P	P			
53222	Formal Wear and Costume Rental														
53223	Video Tape and Disc Rental									P	P	P			
532291	Home Health Equipment Rental										P	P			
532292	Recreational Goods Rental										P	P			
532299	All Other Consumer Goods Rental										P	P			
5323	General Rental Centers										P	P			
53241	Construction, Transportation, Mining, and Forestry Machinery and Equipment Rental and Leasing											P	P	P	

53242	Office Machinery and Equipment Rental and Leasing										P	P	P	P	
53249	Computers, Medical and Other Commercial and Industrial Machinery and Equipment Rental and Leasing										P	P	P	P	
5614	Business Support Services:														
56141	Document Preparation Services								P		P	P	P		
561421	Telephone Answering Services								P		P	P	P		
561422	Telemarketing Bureaus								P		P	P	P		
56143	Business Service Centers								P		P	P	P		
56144	Collection Agencies								P		P	P	P		
56145	Credit Bureaus								P		P	P	P		
561491	Repossession Services								P		P	P	P		
561492	Court Reporting and Stenotype Services								P		P	P	P		
561499	All Other Business Support Services								P		P	P	P		
	Other Business Services:														
323114	Photocopying and Duplicating Services (instant printing)									P	P	P	P		

492	Couriers and Messengers, Local Delivery									P	P	P		
51911	News Syndicates							P		P	P	P		
5142	Data Processing Services							P		P	P	P		
53111	Real Estate Rental or Leasing Office (Residential)							P		P	P	P		
5415	Computer Systems Design and Related Services							P		P	P	P		
5418	Advertising, Public Relations and Related Services							P		P	P	P		
54191	Marketing Research and Public Opinion Polling							P		P	P	P		
54192	Photographic Studios and Commercial Photography									P	P	P		
54193	Translation and Interpretation Services							P		P	P	P		
5611	Office Administrative Services							P		P	P	P		
5612	Office Facilities Support Services							P		P	P	P		
5613	Employment Placement and Temporary Help Services							P		P	P	P		
5615	Travel Agencies, Tour Operators, and Convention and Visitors Bureaus									P	P	P		

56191	Packaging and Labeling Services										P	P	P		
5616	Investigation and Security Services:										P	P	P		
561611	Investigation Services								P		P	P	P		
561612	Security Guards and Patrol Services										P	P	P		
561613	Armored Car Services										SU	P	P		
56162	Security Systems Services										P	P	P		
561622	Locksmith Shops										P	P	P		
5617	Services to Buildings and Dwellings:														
56171	Exterminating and Pest Control Services										P	P	P		
56172	Janitorial Services										P	P	P		
56173	Landscaping Services										P	P	P		
56174	Carpet and Upholstery Cleaning Services										P	P	P		
56179	Swimming Pool, Duct, Gutter and Drain Cleaning, and Other Services to Buildings and Dwellings										P	P	P		
	Construction Services:														

236	Building Construction & General Contracting										P	P	P	P	
237	Heavy Construction & Land Development										P	P	P	P	
238	Specialty Trade Contractors, except Grading & Site Preparation										P	P	P		
23891	Grading & Site Preparation												P	P	
	Institutional:														89-176
6111	Private Schools: Elementary and Secondary	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR			89-176
61111	Parochial Schools: Elementary and Secondary	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR			89-176
6112	Private Schools: Junior Colleges	PR							PR		SU	PR	PR		89-176
6113	Private Schools: Colleges and Universities	PR							PR		SU	SU	PR		89-176
61131	Parochial Schools: College Level	PR							PR		SU	SU	PR		89-176
6114	Private Schools: Business Schools and Computer and Management Training							PR	PR		PR	PR	PR		89-176
6115	Private Schools: Technical and Trade Schools	SU	SU					PR	PR		PR	PR	PR		89-176
6116	Private Schools: Personal Enrichment:														

61161	Fine Arts Schools (Art, Drama, Music and Dance Studios)		SU					P	P	P	P	P			
61162	Sports and Recreation Instruction	SU	SU					P	P		P	P	P		
61163	Language Schools							P	P		P	P	P		
611691	Exam Preparation and Tutoring							P	P	P	P	P	P		
611692	Automobile Driving Schools							P	P		P	P	P		
6117	Educational Support Services							P	P		P	P	P		
6243	Job Training and Vocational Rehabilitation Services							P	P		P	P	P		
71	Arts, Entertainment and Recreation:														
51912	Libraries and Archives								P		P	P	P		
	Special Events Venue	SU	SU							SU	SU	SU	SU		89-186; 89-178
7111	Performing Arts Theaters: Drama, Dance, Music										P	P	P		
7115	Artist's Studios, except Taxidermists								P		P	P	P		
711510	Taxidermists										P	P	P	P	
512131	Motion Picture Theaters (except Drive-Ins)										P	P			
512132	Motion Picture Theaters, Drive-In											PR	PR	PR	89-178

7112	Spectator Sports														
711211	Stadiums, Coliseums, Arenas, Amphitheaters											PR	PR	PR	89-185
711212	Racetracks											PR		PR	89-178
711219	Other Spectator Sport Facilities											PR	PR	PR	89-178
712	Museums, Historical Sites, and Similar Institutions:														
71211	Museums								P	P	P	P			
71212	Historical Sites	P	P	P	P	P	P	P	P	P	P	P	P	P	
71213	Zoos and Botanical Gardens	SU										PR	PR		89-176
71219	Nature Parks and Other Similar Institutions	SU							PR	PR	PR	PR			89-176
71311	Amusement and Theme Parks											PR	PR		89-176
71312	Amusement Arcades										P	P			
	Recreation Centers:														
71399	Community Recreation Center								PR	PR	PR	PR			89-170(a)
71399	Neighborhood Recreation Center	PR	PR	PR	PR	PR	PR								89-170(b)
7139	Amusement and Recreation Uses, Other:														
71391	Golf Courses and Country Clubs	PR	PR	PR	PR	PR	PR								89-175
71393	Marinas	PR													89-178

71394	Fitness and Recreational Sports Centers, Health Clubs										P	P			
71394	Ice or Roller Skating Rink										P	P			
71394	Tennis Courts	PR	PR	PR	PR	PR	PR				PR	PR			89-178
71394	Swimming Pool	PR	PR	PR	PR	PR	PR				PR	PR			89-178
71395	Bowling Centers										P	P			
71399	Billiard and Pool Halls										P	P			
71399	Miniature Golf										PR	PR			89-178
71399	Golf or Baseball Driving Range	PR	PR								PR	PR			89-178
71399	Riding Stables	PR						PR			PR	PR			89-157(c)
71399	Recreation Grounds or Facility	PR	PR								PR	PR			89-178
71399	Go-cart Facility	SU									PR	PR	PR		89-178
71399	Amusement and Recreation Uses not listed above	SU	SU								PR	PR			89-178
721211	Campground	P													
	Temporary Event	PR						PR	PR	PR	PR	PR	PR	PR	89-187
44-45	Retail Trade:														
441	Motor Vehicle and Parts Dealers:														
44111	New Car Dealers							SU				PR			89-161
44112	Used Car Dealers							SU				PR			89-161

44121	Recreational Vehicle Dealers											PR			89-161
441221	Motorcycle Dealers											PR			89-161
441222	Boat Dealers											PR			89-161
441223	Heavy Duty Vehicle Sales											PR	PR		89-10
441229	All Other Motor Vehicle Dealers											PR			89-161
4413	Automotive Parts, Accessories, and Tire Stores									PR	P	P			89-164
442	Furniture and Home Furnishings Stores							SU		SU	P	P			
443	Electronics and Appliance Stores:														
443111	Household Appliance Stores									P	P	P			
443112	Radio, Television, and Other Electronics Stores									P	P	P			
44312	Computer and Software Stores									P	P	P			
44313	Camera and Photographic Supplies Stores									P	P	P			
4441	Building Material and Supplies Dealers:														
44411	Home Centers										SU	P			
44412	Paint and Wallpaper Stores							SU		P	P	P			
44413	Hardware Stores							SU		P	P	P			

44419	Lumber Yards							SU				P			
44419	Heating and Plumbing Equipment							SU			P	P	P		
44419	Electrical Supply							SU			P	P	P		
44419	Glass Stores							SU			P	P	P		
44419	Other Building Material Dealers										P	P	P		
4442	Lawn and Garden Equipment and Supplies Stores:												P		
44421	Outdoor Power Equipment Stores							SU			PR	P	P		89-134; 89-124
44422	Nursery and Garden Centers							SU		PR	PR	P	P		89-134; 89-124
445	Food and Beverage Stores:							SU							
44511	Supermarkets and Other Grocery (except Convenience) Stores							SU		PR	P	P			89-408(b)
44512	Convenience Food Stores with Fuel Pumps							SU		P	P	P			
44512	Convenience Food Stores without Fuel Pumps							SU		P	P	P			
4452	Specialty Food Stores, including Meat, Fish, Fruit and Vegetable Markets, Candy Stores							SU		P	P	P			
445230	Produce Market/Produce Stand							SU		PR	PR	PR			89-228

445291	Bakery							SU		P	P	P			
4453	Beer, Wine, and Liquor Stores									PR	P	P			89-408(b)
311811	Retail Bakeries							SU		P	P	P			
446	Health and Personal Care Stores:														
44611	Pharmacies and Drug Stores									PR	P	P			89-408(b)
44612	Cosmetics, Beauty Supplies, and Perfume Stores									P	P	P			
44613	Optical Goods Stores									P	P	P			
446191	Food (Health) Supplement Stores									P	P	P			
446199	All Other Health and Personal Care Stores									P	P	P			
447	Gasoline Stations:														
4471	Gasoline Stations, Full Service									PR	PR	PR			89-174
44711	Gasoline Stations with Convenience Stores, no repairs									PR	PR	PR			89-174
44719	Truck Stops and Other Gasoline Stations												PR	PR	89-174
448	Clothing and Clothing Accessories Stores:														
4481	Clothing Stores							SU		P	P	P			
4482	Shoe Stores							SU		P	P	P			

44831	Jewelry Stores							SU		P	P	P			
44832	Luggage and Leather Goods Stores							SU		P	P	P			
451	Sporting Goods, Hobby, Book, and Music Stores:									P	P	P			
45111	Sporting Goods Stores and Bicycle Shops									P	P	P			
45112	Hobby, Toy, and Game Stores									P	P	P			
45113	Sewing, Needlework, and Piece Goods Stores									P	P	P			
45114	Musical Instrument and Supplies Stores									P	P	P			
451211	Book Stores									P	P	P			
451212	News Dealers and Newsstands									P	P	P			
45122	Prerecorded Tape, Compact Disc, and Record Stores									P	P	P			
452	General Merchandise and Department Stores										P	P			
453	Miscellaneous Retailers:														
4531	Florists							SU		P	P	P			
45321	Office Supplies and Stationery Stores										P	P			
45322	Gift, Novelty, and Souvenir Stores										P	P			

4533	Used Merchandise Stores										P	P			
45331	Antique Shop										P	P			
45391	Pet and Pet Supplies Stores										P	P			
45392	Art Dealers										P	P			
45393	Manufactured (Mobile) Home Dealers											P	P		
453991	Tobacco Stores									P	P	P			
453998	Accessory Utility Structures, Prefabricated Sheds and Gazebo Dealers											P	P		
453998	Farm Equipment and Implements							SU				P	P		
453998	Auction House											P	P		
	Transient or Temporary Retail of Goods not Produced or Processed on the Premises.										SU	SU			
454390	Christmas Trees							SU		P	P	P			
522298	Pawnshop										P	P			
7221	Restaurants, Full-Service							SU		P	P	P	SU		
7222	Restaurants, Limited-Service, including Fast Food and Take-Out, with drive-through windows.							SU		SU	P	P			

7222	Restaurants, Limited-Service, including Cafeterias, Fast Food and Take-Out, without drive-through windows.							SU		P	P	P	SU		
7224	Bars, Taverns and Other Drinking Places (Alcoholic Beverages)									P	P	P			
	Planned Shopping Development and Centers									PR	P	P			89-408(b)
	Manufacturing, Wholesaling and Warehousing														89-134
311	Food Manufacturing, except Animal Slaughtering and Retail Bakeries							SU						PR	
3116	Food Manufacturing: Animal Slaughtering and Processing							SU						PR	89-157(a)
312	Beverage and Tobacco Product Manufacturing							SU						SU	89-123
312113	Ice (except dry ice) Manufacturing							SU						P	
313	Textile Mills													SU	89-123
314	Textile Product Mills													SU	89-123
315	Apparel Manufacturing, except Dressmakers and Tailors													SU	89-123
31521	Dressmakers and Tailors	SU	SU							P	P	P	P		

316	Leather and Allied Product Manufacturing, Tanning and Finishing														89-301
321	Wood Product Manufacturing, except Sawmills and Wood Preservation	SU	SU											SU	89-123
321113	Sawmill	PR						SU				PR	PR	PR	89-229
322	Paper Manufacturing, except Finished Stationery Product Manufacturing														89-301
32223	Paper Manufacturing: Finished Stationery Product Manufacturing												P	SU	89-123
323	Printing and Related Support Activities, except Photocopying and Duplicating Services (instant printing)												P	SU	89-123
324	Petroleum and Coal Products Manufacturing, except Asphalt Paving, Roofing, and Saturated Materials Manufacturing														89-301
32412	Petroleum and Coal Products: Asphalt Paving, Roofing, and Saturated Materials Manufacturing													PR	89-160
325	Chemical Manufacturing, except Pharmaceutical and Medicine Manufacturing, and Explosives													PR	89-302

3254	Chemical Manufacturing: Pharmaceutical and Medicine													P	
325920	Chemical Manufacturing: Explosives														89-302
3261	Plastics Product Manufacturing													SU	89-123
3262	Rubber Product Manufacturing, except Tire Manufacturing													SU	89-123
32621	Rubber Products: Tire Manufacturing													SU	89-123
327	Concrete, Clay, Stone, Glass and other Nonmetallic Mineral Product Manufacturing:														
3271	Brick and Other Clay Product Manufacturing	SU												SU	89-123
3272	Glass and Glass Product Manufacturing													SU	89-123
32732	Cement Manufacturing: Ready- Mix Concrete													PR	89-160
32733	Cement Manufacturing: Concrete Pipe, Brick, and Block													SU	89-123
327331	Cement Manufacturing: Concrete Block and Brick													SU	89-123
327332	Cement Manufacturing: Concrete Pipe													SU	89-123

32739	Cement Manufacturing: Other Concrete Products													SU	89-123
3274	Lime and Gypsum Product Manufacturing													SU	89-123
3279	Other Nonmetallic Mineral Product Manufacturing													SU	89-123
331	Primary Metal Manufacturing													SU	89-123
332	Fabricated Metal Products Manufacturing:														
3321	Forging and Stamping													PR	89-302
3322	Cutlery and Handtool Manufacturing	SU	SU											PR	89-302
3323	Architectural and Structural Metals Manufacturing													PR	89-302
3324	Boiler, Tank, and Shipping Container Manufacturing													PR	89-302
3325	Hardware Manufacturing													PR	89-302
3326	Spring and Wire Product Manufacturing													PR	89-302
3327	Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing													PR	89-302
3328	Coating, Engraving, Heat Treating, and Allied Activities													PR	89-302

3329	Other Fabricated Metal Product Manufacturing, except Munitions													PR	89-302
333	Machinery Manufacturing													PR	89-302
334	Computer and Electronic Product Manufacturing:														
3341	Computer and Peripheral Equipment Manufacturing											PR	PR	PR	89-123
3342	Communications Equipment Manufacturing											PR	PR	PR	89-123
3343	Audio and Video Equipment Manufacturing											PR	PR	PR	89-123
3344	Semiconductor and Other Electronic Component Manufacturing											PR	PR	PR	89-123
3345	Navigational, Measuring, Electromedical, and Control Instruments Manufacturing											PR	PR	PR	89-123
3346	Reproducing Software, Compact Disks and Other Magnetic and Optical Media										P	P	P	P	
335	Electrical Equipment, Appliance, and Component Manufacturing											PR	PR	PR	89-123

336	Motor Vehicle and Other Transportation Equipment Manufacturing													PR	89-123
337	Furniture and Related Product Manufacturing	SU											PR	PR	89-123
339	Miscellaneous Manufacturing:														
33911	Medical Equipment and Supplies Manufacturing												PR	PR	89-123
339116	Dental Laboratories												PR	PR	89-123
33991	Jewelry and Silverware Manufacturing												PR	PR	89-123
33992	Sporting and Athletic Goods Manufacturing												PR	PR	89-123
33993	Doll, Toy, and Game Manufacturing												PR	PR	89-123
33994	Office Supplies (except Paper) Manufacturing												PR	PR	89-123
33995	Sign Manufacturing												PR	PR	89-123
339991	Gasket, Packing, and Sealing Device Manufacturing												PR	PR	89-123
339992	Musical Instrument Manufacturing												PR	PR	89-123
339993	Fastener, Button, Needle, and Pin Manufacturing												PR	PR	89-123

339994	Broom, Brush, and Mop Manufacturing												PR	PR	89-123
339995	Burial Casket Manufacturing												PR	PR	89-123
339999	All Other Miscellaneous Manufacturing												PR	PR	89-123
42	Wholesale Trade:														
42	Wholesale Trade with Customer Showrooms, except Livestock Sale Pavilions							SU					P	P	
42	Wholesale Trade with Outside Storage, except Junk and Scrap Yards							SU					PR	PR	89-125
42314	Junk Yards	SU						SU					SU	SU	89-183
42393	Scrap Yards	SU											SU	SU	89-183
42	Wholesale Trade, no Showrooms or Outdoor Storage							SU					P	P	
424990	Ice (except dry ice) Wholesaling							SU					P	P	
4542	Vending Machine Operators												P	P	
45431	Fuel Dealers:														
454311	Heating Oil Dealers							SU						P	
454312	Liquefied Petroleum Gas (Bottled Gas) Dealers							SU						P	

454319	Other Fuel Dealers							SU						P	
493	Warehousing and Storage:														
4931	Bulk Warehousing and Storage, except Petroleum Storage							SU					P	P	
493190	Bulk Petroleum Storage													PR	89-167
	Food Locker	SU						SU					P		
53113	Mini-warehouses and Self-Storage Units							SU				PR	PR	PR	89-184
51211	Motion Picture and Video Production												P	P	
51212	Motion Picture and Video Distribution												P	P	
51219	Postproduction Services and Other Motion Picture and Video Industries												P	P	
5122	Sound Recording Industries:														
51221	Record Production												P	P	
51222	Integrated Record Production/Distribution												P	P	
51224	Sound Recording Studios										P	P	P	P	
51229	Other Sound Recording Industries												P	P	

562	Waste Management and Remediation Services:														
562111	Solid Waste or Recycling Transfer Station													SU	89-190
562111	Solid Waste Collection Company													PR	89-190
562112	Hazardous Waste Collection Company													SU	89-123; 89-190
562211	Hazardous Waste Treatment and Disposal													SU	89-123; 89-190
562212	Solid Waste Landfill (Subtitle D)	SU												SU	89-190
562212	Inert Landfill	SU						SU						SU	89-190
562213	Solid Waste Combustors and Incinerators														89-301
562219	Composting Facility	SU												SU	89-190
56291	Asbestos Abatement Lead Paint Removal and Other Remediation Services													SU	89-190
56292	Recycling and Materials Recovery Facilities	SU											SU	SU	89-190
562991	Septic Tank Cleaning and Portable Toilet Services													SU	
21	Mining, except Stone Mining and Quarrying	SU												SU	89-177

21231	Mining: Stone Mining and Quarrying	SU												SU	89-177
326212	Tire Retreading & Recapping							SU						P	
	Transportation, Communications and Utilities														
481	Airport and Other Air Transportation	SU												SU	89-158
481219	Helicopter Landing Pad	SU							SU		SU	SU	SU	SU	89-158
482	Rail Transportation													P	
4821	Rail Transportation Company Office													P	
4882	Rail Yards, Rail and Train Service and Repair													P	
484	Truck Transportation:														
48411	General Freight Trucking, Local												P	P	
48412	General Freight Trucking, Long-Distance												P	P	
48421	Used Household and Office Goods Moving												P	P	
48422	Specialized Freight (except Used Goods) Trucking, Local													P	
48423	Specialized Freight (except Used Goods) Trucking, Long-Distance													P	

485	Transit and Ground Passenger Transportation:														
485111	Mixed Mode Transit Systems												P	P	
485112	Commuter Rail Systems	P		P	P	P	P		P				P	P	
485113	Bus and Other Motor Vehicle Transit Systems												P	P	
485119	Other Urban Transit Systems												P	P	
4852	Interurban Bus Transportation and Bus Stations												P	P	
4853	Taxi and Limousine Service										P	P	P	P	
4854	School and Employee Bus Transportation												P	P	
4855	Charter Bus Industry												P	P	
485991	Special Needs Transportation												P	P	
485999	All Other Transit and Ground Passenger Transportation												P	P	
486	Pipeline Transportation Company													P	
487	Scenic and Sightseeing Transportation													P	
488	Support Activities for Transportation:														
48841	Motor Vehicle Towing											PR	PR	PR	89-183(b)

488490	Trucking Terminal							SU						SU	
4885	Freight Transportation Arrangement												P	P	
488991	Packing and Crating												P	P	
488999	Emissions Inspection									SU	P	P	P	P	
	Broadcasting and Telecommunications:*														
5151	Radio and Television Broadcasting Stations							SU					SU	SU	
5152	Cable and Other Subscription Programming												P	P	
516	Internet Publishing & Broadcasting								SU		SU	P	P	P	
5171	Telephone and Other Wired Telecommunications Carriers							SU	P				P	P	
5172	Cellular and Other Wireless Telecommunications Carriers (except Satellite)								P				P	P	
5173	Telecommunications Resellers								P			P	P	P	
5174	Satellite Telecommunications											P	P	P	
5175	Cable Networks and Program Distribution												P	P	

51739	Radio, Television and Telecommunications Antennae and Towers*	SU	SU					SU	SU	SU	SU	SU	SU	SU	89-182
518	Internet Service Providers								SU		SU	P	P	P	
22	Utilities:														
22111	Electric Power Generation		P										P	P	
22112	Electric Power Transmission, Control, and Distribution	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	89-181
2212	Natural Gas Distribution	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	89-181
22131	Water Supply and Irrigation Systems	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	89-181
22132	Sewage Treatment Facilities	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	89-181
	Public and Institutional Uses														
8131	Churches and Other Places of Worship	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	SU	SU	89-169
8132	Charitable Organization Offices								P		P	P			
8133	Social Advocacy Organizations								P		P	P			
8134	Club or Lodge (noncommercial)	P	P	SU	SU	P	P		P	P	P	P			
	Assembly Hall								P	P	P	P			
8139	Business, Professional, Labor, Political, and Similar Organizations								P		P	P			

6214	Outpatient Medical Care Centers								P		P	P			
622	Hospitals:	SU	SU					SU							
6221	General Medical and Surgical Hospitals	SU	SU					SU	PR		PR	PR			89-176
6222	Psychiatric and Substance Abuse Hospitals	SU	SU					SU	SU		SU	SU			89-176
6223	Specialty (except Psychiatric and Substance Abuse) Hospitals	SU	SU					SU	PR		PR	PR			89-176
6241	Social Services Assistance, including Individual and Family Services								P		P	P			
6242	Community Food and Housing, and Emergency and Other Relief Services							SU	PR		PR	PR			89-171
81222	Cemeteries and Mausoleums	PR									PR	PR			89-168
81222	Crematories	PR										PR			89-168
	Key														
	P Use is allowed by right in the district indicated														
	PR Use is allowed with restrictions (see section indicated)														
	SU Use requires special use approval														
	☐ Use is not allowed														

* ;hg;Notwithstanding any other provision of this Code, the installation, maintenance, and operation of antennas and other associated equipment of the type commonly known as small cell communications equipment or small wireless facilities, shall be governed by the County's Small Wireless Facilities and Antennas Ordinance, unless otherwise required by law.

Table 2.4: Accessory Use Table

NAICS Code:	Principal Uses	AG	AR	R-1	R-2	R-3	MH	AC	O-1	C-1	C-2	C-3	M-1	M-2	See Also Section:
	Accessory Uses Customary to Principal Use	PR	PR	PR	PR	PR	PR		PR	PR	PR	PR	PR	PR	89-217
	Accessory Uses Customary to a Dwelling	PR	PR	PR	PR	PR	PR								89-217; 89-218
	Accessory Uses Customary to a Church or Other Place of Worship	PR	PR	PR	PR	PR	PR						SU	SU	89-224
	Accessory Uses Customary to a Commercial or Industrial Use, except manufacturing or fabrication uses accessory to retail						PR	PR	PR	PR	PR	PR	PR	PR	89-225
	Manufacturing or Fabrication Uses Accessory to Retail									PR	PR	PR			89-225
	Accessory Uses Customary to a Golf Course	PR	PR	PR	PR	PR	PR								89-175
	Accessory Retail Uses within an Office, Hotel/Motel or Multi-Family Building, except restaurants and liquor stores					SU	PR		PR		P	P	PR	PR	89-226
	Agritourism	SU	SU								P	P			89-226

	Restaurant (accessory to Hotel/Motel)										P	P			89-226
	Retail Liquor Store (accessory to Hotel/Motel)										PR	PR	PR		89-226
6244	Group Day Care Facility operated as an accessory use								PR	PR	PR	PR	PR	PR	89-172(a)
6244	Day Care Center operated as an accessory use								SU	SU	PR	PR	PR	PR	89-172(b)
	<i>Home Occupations</i>														
	Home Occupation - Home Office	PR	PR	PR	PR	PR	PR								89-219
	Home Occupation - Home Business	SU	SU	SU	SU	SU									89-219
6244	Family Day Care Home	PR	PR	PR	PR	PR	PR								89-219
	Guest House	PR	PR	PR											89-220; 89-179(1)
	Relative Residence	PR	PR	PR	PR										89-221
	Horse Stables, Personal	PR	PR	PR											89-223
	Night Watchman Residence										PR	PR	PR	PR	89-227
	Short Term Rental*	PR	PR	PR	PR	PR									89-222
	Single-Family Residence								SU	SU					89-127
	Outdoor Sign Area	P	P		P	P	P	P	P	P	P	P	P	P	
	Outdoor Storage Area							PR				PR	PR		89-125

	Produce Stand, Agricultural	PR	PR												89-228
321113	Sawmill, Permanent, Temporary or Portable	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	89-229
	Temporary Events—Yard Sale	P	P	P	P	P									89-10
	Key														
	P Use is allowed by right in the district indicated														
	PR Use is allowed with restrictions (see section indicated)														
	SU Use requires special use approval														
	☐ Use is not allowed														

* Short Term Rental Units are referenced under the NAICS Code 721199 "All Other Traveler Accommodations."

(Ord. of 10-13-2020; Ord. of 6-14-2022, § 3)

Secs. 89-70—89-120. Reserved.

ARTICLE III. RESTRICTIONS ON PARTICULAR USES

DIVISION 1. RESTRICTIONS THAT APPLY IN GENERAL

Sec. 89-121. Purpose of article.

The purpose of this article is to provide land use and development regulations for specific uses that will then be applicable to sites throughout Town of Carl. This section includes provisions for site and architectural design standards applicable to residential and non-residential uses, as specified in the sections below. Unless otherwise noted, these standards are intended to be applied within all zoning districts where the particular uses are permitted, whether by right or through special use approval.

(Ord. of 10-13-2020)

Sec. 89-122. Agricultural separation requirements.

(a) *Distancing requirements for agricultural uses.*

- (1) The following agricultural structures or operations, when constructed or established must be at least 200 feet from any property line adjacent to a residential structure or zoning district:
 - a. Any active poultry house or other structure housing livestock of any type other than kennels and horse stables containing fewer than four stalls.
 - b. Any structure used for processing, distilling, bottling or sale for on-site production of wine.
 - c. A horse stable containing more than four stalls, and any corral, pen or designated riding area.
 - d. Feedlots and hog parlors.
 - e. Manure and other waste storage containers or pits and agricultural waste impoundment sites.
- (2) The following structures or operations when constructed or established must be at least 100 feet from any property line adjacent to a residential structure or zoning district:
 - a. Accessory agricultural buildings for storage or operations not involving the housing of animals.
 - b. Commercial greenhouses and nurseries.
 - c. Kennels.
 - d. Horse stables with four or fewer stalls.

(b) *Separation from existing agricultural uses.* When a new residence is to be constructed on a neighboring property in proximity to any existing agricultural structure or operation for which separation is required by this Development Code, but the existing structure or operation does not comply with such required distance, the new residence shall be separated from such structure or operation as follows:

- (1) Increase principle building setback one foot for each one foot as described above.
- (2) Setback increase waived if natural or structural buffer is provided for one-half foot of each one foot of required distancing as described above.

(Ord. of 10-13-2020)

Sec. 89-123. Environmentally hazardous uses.

- (a) *Special use approval required.* Any use that requires a federal or state permit due to the handling, storage, production or processing of bio-medical or hazardous materials, products or waste, if otherwise allowed in a zoning district, must obtain approval as a special use from the board of commissioners. The special use application shall include a copy of the application for the federal or state permit.
- (1) *Section 313 businesses.* Any business that is required to file a toxic chemical release inventory report (Form R or Form A) under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA, or Title III of the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499) is subject to special use approval in order to operate in Town of Carl. An initial Form R or Form A must be included in the application for special use approval.
- (2) *Annual reporting required.* A Section 313 toxic chemical release inventory report (Form R or Form A) shall be filed with the application for an occupational tax certificate annually when filed with the U.S. Environmental Protection Agency and the state. Failure to submit such report annually may be grounds to void county approval through re-initiation of the special use approval.
- (b) *EPCRA Section 313 businesses.* Businesses that may be subject to EPCRA Section 313 are those businesses with ten or more full-time employees that manufacture, process or use any EPCRA Section 313 toxic chemical and that may be classified under any one of the following categories. Specific determinations are made under EPA rules on a business-by-business basis.
- (1) *Mining or manufacturing facilities.* Businesses involved with toxic chemicals and engaged generally in any of the following industrial classifications:
- a. Metal mining;
 - b. Coal mining;
 - c. Food and kindred products;
 - d. Tobacco products;
 - e. Textile mill products;
 - f. Apparel and other finished products made from fabrics and other similar materials;
 - g. Lumber and wood products (except furniture);
 - h. Furniture and fixtures;
 - i. Paper and allied products;
 - j. Printing, publishing and allied industries;
 - k. Chemicals and allied products;
 - l. Petroleum refining and related industries;
 - m. Rubber and miscellaneous plastics products;
 - n. Leather and leather products;
 - o. Stone, clay, glass and concrete products;
 - p. Primary metal industries;
 - q. Fabricated metal products, except machinery and transportation equipment;
 - r. Industrial and commercial machinery and computer equipment;
 - s. Electronic and other electrical equipment and components, except computer equipment;
 - t. Transportation equipment;

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- u. Measuring, analyzing and controlling instruments; photographic, medical and optical goods; watches and clocks; and
 - v. Miscellaneous manufacturing industries.
- (2) Any facility that combusts coal or oil for the purpose of generating electricity for distribution in commerce.
 - (3) Any refuse system regulated under federal law.
 - (4) Wholesale establishments engaged in storing chemical or allied products, or petroleum terminals or bulk storage.
 - (5) Businesses primarily engaged in solvents recovery services on a contract or fee basis.
- (Ord. of 10-13-2020)

Sec. 89-124. Outdoor display areas.

Merchandise or goods may be on display outdoors for the purpose of customer selection or direct sale or lease to customers only as follows:

- (a) *Types of merchandise on permanent display.* The following merchandise or goods may be located in outdoor display areas on a permanent basis (where the use is otherwise permitted):
 - (1) New or used motorized vehicles that are in operable and running condition.
 - (2) Plant nursery items.
 - (3) Light building materials such as lumber, patio pavers and decorative stone; yard furniture such as benches, swings and bird baths; and yard maintenance materials such as fertilizer, mulch, straw and seed.
 - (4) Daily outdoor display. Retail goods such as books, antiques, furniture and produce may be displayed outdoors or on a daily basis, provided it is brought inside at the end of each business day.
- (b) *Temporary events.* All other outdoor display of merchandise or goods shall be conducted on a temporary basis associated with special sales promotions or events in accordance with section 89-187.
- (c) *Restrictions.*
 - (1) Merchandise or goods on display outdoors must be located at least 20 feet from any property line.
 - (2) Any area outside of a building where merchandise or goods are displayed for customer selection or direct sale but which is permanently screened by an opaque fence or freestanding wall at least six feet in height or a buffer meeting the standards of the buffers and tree conservation article (Article VIII) of this Development Code shall not be considered an outdoor display area, but as outdoor storage.

(Ord. of 10-13-2020)

Sec. 89-125. Outdoor storage.

The outdoor storage of goods, material or merchandise not otherwise on display for customer selection or direct sale or lease to customers, where the use is otherwise permitted, is limited as follows:

- (a) *Outdoor storage in commercial zoning districts.*
 - (1) The outdoor storage of goods, material, merchandise or vehicles not otherwise on display for customer selection or direct sale or lease to customers in any of the commercial zoning districts is

prohibited, except in the C-3 intensive commercial zoning district and in the industrial zoning districts.

- (2) In the C-3 intensive commercial zoning district, outside storage of materials is only permitted as an accessory use and subject to the following:
 - a. Outdoor storage must be located in the rear yard and not abutting any residential district; or
 - b. Outdoor storage must be located 50 feet from any property line and future right-of-way line; and
 - c. The outdoor storage area must be screened from view by an opaque fence or freestanding wall no less than eight feet in height or a buffer meeting the standards of the buffers, landscaping and tree conservation article (Article VIII) of this Development Code.

(b) *Outdoor storage in the industrial zoning districts.*

- (1) Any storage use operated as a principal use or accessory use on a property zoned M-1 or M-2 shall be:
 - a. Contained entirely within a building; or
 - b. Screened from view by an opaque fence or freestanding wall no less than eight feet in height and appropriately landscaped and maintained in accordance with buffer and landscaping requirements in Article VIII;
 - c. Located in rear yard; and
 - d. Setback at least 50 feet from any property line and any future right-of-way line.

- (2) Additional restrictions apply to salvage, junk and wrecking yards (see section 89-183).

(Ord. of 10-13-2020)

Sec. 89-126. Walls and fences.

- (a) Walls and fences shall not be located within a utility or drainage easement unless specified otherwise in this Development Code.
- (b) Walls and fences shall meet all height, location, material and other applicable requirements established in this Development Code.

(Ord. of 10-13-2020)

Sec. 89-127. Standards for single-family and two-family dwellings.

All single-family and two-family dwellings, including on-site built and industrialized housing, and manufactured homes, shall meet or exceed the following requirements in order to be constructed, assembled, moved into, or relocated within Town of Carl:

(a) *Foundation.*

- (1) The structure shall be attached to a permanent foundation constructed in accordance with the building code or state regulations, as applicable.
- (2) Upon placement, all means of transportation, such as towing devices, wheels, axles, and hitches, shall have been removed.
- (3) The area beneath the ground floor of the structure shall either be a slab foundation or shall be enclosed around the exterior of the structure with a foundation wall or a non-load-bearing curtain wall constructed of masonry (stone or brick) poured in place concrete, or concrete block finished

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- with stucco or similar material, at least four inches thick, penetrated by openings only for installed vents and access doors.
- (4) Each manufactured home shall have tie-downs or other devices securing the stability of the manufactured home and shall be installed in accordance with the requirements of the installation of manufactured homes and mobile homes rules and regulations established under Georgia Law (O.C.G.A. §§ 8-2-160 et seq.)
 - (5) A polyethylene liner must be installed under homes as per FHA or southern building code requirements for single-family housing.
- (b) *Landings.*
- (1) At each exterior door there must be a landing that is a minimum of 36 inches by 36 inches level with the doorway threshold or as required by the building code.
 - (2) All homes shall be landscaped with trees and shrubs in a manner consistent with the buffers, landscaping and tree conservation article (article VIII) of this Development Code.
- (c) *Exterior siding.*
- (1) Exterior siding materials shall consist of any combination of wood, brick, stone, authentic stucco, or similar materials; high-quality vinyl that meets standards of the vinyl siding institute, wood or fiber cement lap siding, or similar materials as approved by the planning and community development director.
 - (2) Metal siding, corrugated metal, and vinyl-covered metal siding are prohibited with the exception of manufactured homes and industrialized homes as defined in this Development Code.
- (d) *Landscaping.*
- (1) Landscaping for single and two-family dwellings, including those located within major subdivisions, shall meet the requirements of article VIII, Buffers, Landscaping, and Tree Protection.
 - (2) All exposed ground surfaces on any lot shall be paved, covered with crushed stone, or protected with grass or other vegetative cover that is capable of preventing soil erosion and of eliminating objectionable dust.
 - (3) Adequate screening shall be provided in accordance with article VIII to minimize the impact of rear-facing residential developments when the rear yard is visible from a major public street (arterial or collector) or abutting property.
- (e) *Roofs.*
- (1) All roof surfaces shall have a minimum pitch of 4:12 (four inches of rise for every 12 inches of run), except that mansard and gambrel roofs must meet this requirement only for those surfaces that rise from the eaves.
 - (2) All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, standing seam (noncorrugated) metal, clay tiles, slate, or similar materials as approved by the planning and community development director.
 - (3) Minimum roof overhang shall be six inches, excluding gutters, along all sides of the structure.
 - (4) All dwelling units shall conform to maximum building height requirements defined in article IV, Lot and Building Standards.
- (f) *Minimum square footage.*
- (1) Every dwelling unit shall provide a heated gross floor area in accordance with the floor area provisions set forth in section 89-408.

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- (g) *Minimum structure width.* The minimum width of the entire structure shall be greater than 16 feet. Structure width shall be measured between all parallel exterior walls, with the exception of extensions from the main structure for dormers, bay windows, entrance foyers and similar appurtenances, and extensions of no more than four feet for other architectural elements of the structure's design.
 - (h) *Deviations from standards; where allowed.* The board of commissioners, or their designee, may approve deviations from the standards contained in this section for a single-family or two-family dwelling or a manufactured home on a case-by-case basis upon a finding that all of the following are met:
 - (1) Such deviation shall provide an adequate balance between the protection of the health, safety and welfare of the general public and the right to unfettered use of private property; and,
 - (2) Such deviation shall foster beneficial development of the county in the public interest.
 - (i) *Compliance with codes.* The dwelling shall be constructed in accordance with all applicable requirements of the development and building codes as adopted by the county, or in accordance with standards established by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, et seq.) for manufactured homes, or in accordance with state law and regulations for industrialized buildings, whichever apply.

(Ord. of 10-13-2020)

Sec. 89-128. Standards for multi-family projects (including townhouses).

All multi-family dwellings located in any zoning district must comply with the requirements of this section unless specified otherwise. Multi-family developments within the Highway Corridor Overlay District must also meet requirements of article XVI.

- (a) *General requirements.*
 - (1) Recreation amenities must comply with article V, Subdivisions and Master Planned Developments. Every townhouse or multi-family development must contain a community recreation amenity of adequate size or variety to serve the development, such as a community pool, tennis courts, playground, basketball courts, sidewalks, or bike trails.
 - (2) Off-street parking facilities shall be grouped in bays, either adjacent to streets or at the rear of dwellings; and no off street parking space shall be more than 100 feet distance by the most direct pedestrian route from a door of the dwelling unit it intends to serve.
 - (3) Curb and gutter is required on all internal public streets.
 - (4) All common areas not included within lots or occupied by dwelling units must be set aside for community open space or recreational amenities.
 - (5) All primary resource conservation areas, as defined in this Development Code, must be set aside under a conservation easement drawn in accordance with the environmental protection article (article IX) of this Development Code.
 - (6) In addition to the customary accessory uses to a dwelling the following shall apply:
 - a. A manufactured home may not be used as an accessory building in the manufactured home park.
 - b. Convenience retail sales space may be provided within a building in the park, limited to no more than 25 square feet (or ten percent) of gross floor area per manufactured home space. Outdoor display or storage of merchandise and gasoline pumps are specifically prohibited.
- (b) *Building orientation.*
 - (1) The principal building shall be oriented towards the street.

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- (2) Buildings that are front face to front face or back face to back face or front face to back face shall not be less than 75 feet apart. No dwelling shall be situated as to face the rear of another dwelling structure within the development or on adjoining properties, unless differences in terrain and elevation or vegetation would provide effective visual separation.
 - (c) *Dwelling units per building.*
 - (1) *Townhouses:* No more than ten nor fewer than three continuous townhouses can constitute a building.
 - (2) *Other multi-family buildings:* No more than eight dwelling units per floor can be included within a building used exclusively as a multi-family dwelling.
 - (3) *Lofts and mixed-use buildings:* Within a mixed use master planned development or a zoning district that is allowed to have lofts (dwelling units over retail or office space) or mixed-use arrangements of commercial and residential within the same building, the minimum floor area required for the dwelling units and the building heights will control the maximum number of units allowed.
 - (d) *Minimum floor area.* Refer to floor area provisions set forth in section 89-408.
 - (e) *Maximum height.*
 - (1) All multi-family buildings shall be a maximum height of three stories unless adequate fire protection services and facilities are available and shall not exceed maximum height standards in section 89-406 and Table 4.1.
 - (2) Special use approval by the board of commissioners may be granted for buildings over four stories.
 - (f) *Townhouse developments.*
 - (1) Staggered front facades: Dwelling units in a building shall be staggered and of varied design, singly or in pairs, by at least three feet.
 - (2) Townhouse developments shall be designed to provide proper access to the rear of all dwelling units for firefighting purposes.
 - (3) In a townhouse development, each townhouse shall be provided with at least 400 square feet of personal outdoor space immediately adjacent to and accessible from the unit. Such space shall be screened from view from adjacent properties with a decorative fence, trellis or lattice, wall, hedge or other landscape treatment at least six feet high.
 - (g) *Exterior siding materials.* Exterior siding materials for multi-family projects, including townhomes, shall consist of any combination of brick, stone, authentic stucco, and/or natural wood or cement-based artificial wood siding (Hardi-plank/board) siding, or similar material as approved by the planning and community development director.

(Ord. of 10-13-2020)

Sec. 89-129. Standards for manufactured home parks.

- (a) *Manufactured home park permit required.* A plan drawn to a scale of not more than 200 feet per inch submitted to the planning and community development department for approval in order to obtain a manufactured home park permit.
- (b) *Restrictions.*
 - (1) The minimum lot area for a park is five acres.
 - (2) The minimum road frontage is 50 feet.

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- (3) All access within the park shall have a minimum easement width of 36 feet and a pavement width of 20 feet and are required to be built to county local residential street construction standards. All manufactured home spaces must have direct access to streets within the park. No direct driveway access shall be permitted between manufactured home spaces and any exterior street.
 - (4) No space or manufactured home shall be rented for a period of less than 30 days.
 - (5) At least 20 percent of the park must be set aside as open space or for recreation purposes.
 - (6) All primary conservation resource areas, as defined in this Development Code, shall be set aside under a conservation easement drawn in accordance with the environmental protection article (article IX) of this Development Code.
 - (7) All streets within the park shall be lighted with a minimum spacing of 200 feet each.
 - (8) All off-street parking areas or spaces and driveways shall be paved. Minimum driveway width is ten feet.
 - (9) Connection to a county-approved water supply and sanitary sewer system is required for all manufactured home parks.
 - (10) The maximum number of manufactured home spaces allowed per acre is seven. Manufactured homes may be placed in a clustered manner with excess area used for recreation or open space.
 - (11) All manufactured home spaces shall have a minimum area of 5,000 square feet, a lot width of 50 feet, and a minimum of 70 feet in one direction.
 - (12) A copy of the park management rules and regulations must be submitted to the Planning and Community Development Department for approval. The park operator will be responsible for compliance with these regulations by all tenants. Failure to abide by these regulations or any of the Town of Carl Manufactured Home Park Requirements will be considered a valid reason for revoking the manufactured home park permit required to operate a manufactured home park in Town of Carl.
 - (13) Manufactured housing placed within the park must meet all requirements regarding manufactured housing as outlined within this Development Code. All homes shall bear a HUD sticker containing the manufacturer's certification that the home has been constructed in accordance with the federal manufactured home construction and safety standards in effect on the date of manufacture.
 - (14) All exposed ground surfaces in all parts of the manufactured home park shall be paved, covered with crushed stone, or protected with grass or other vegetative cover that is capable of preventing soil erosion and of eliminating objectionable dust.

(Ord. of 10-13-2020)

Sec. 89-130. Standards for pre-owned manufactured homes.

These standards are applicable to any pre-owned manufactured home that is proposed to be moved into or relocated within the county. Mobile homes, which are defined as manufactured homes that do not conform to the Federal Manufactured Housing Construction and Safety Standards Act (the HUD Code), are not allowed to be moved into or relocated within the county.

- (a) *Pre-owned manufactured home; defined.* A pre-owned manufactured home is a manufactured home, as defined in this Development Code, which has been placed, used or occupied as a residence subsequent to its original purchase as a new unit from a manufacturer or dealer.
- (b) *Required certification.* All pre-owned manufactured homes moved into or relocated within Town of Carl must bear an approval seal (label) of either HUD or the Georgia Department of Community Affairs and shall not have been altered in such a way that the home no longer meets the HUD code.
- (c) *Reserved.*

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- (d) *Required inspection.* Any pre-owned manufactured home being moved into or relocated within the county must pass inspection by a qualified HUD-certified inspector acceptable to the Planning and Community Development Department.
- (1) This inspection will cover, but not be limited to:
- a. *Sanitary facilities.*
 - 1. Every plumbing fixture, water, and waste pipe shall be in a sanitary working condition free from leaks or obstructions.
 - 2. Both cold and hot water must be supplied.
 - 3. Water heating facilities must be in safe working condition.
 - b. *Exterior condition.*
 - 1. Every habitable room shall have at least one window that can be opened facing directly to the outdoors.
 - 2. The exterior of the home shall be free of loose or rotting boards or timbers and any other conditions that might admit rain or moisture to the interior portions of the walls or to the occupied spaces.
 - 3. The exterior siding shall be free of rot and rust and must be uniform in appearance.
 - 4. Roofs shall be structurally sound and have no obvious defects that might admit rain or cause moisture to collect on the interior portion of the home.
 - c. *Safety of operating systems (electrical, heating, etc.), including:*
 - 1. Heating facilities must operate in a safe working condition. Where a central heating system is not provided, each manufactured home shall be provided with facilities whereby a heating appliance may be connected.
 - 2. Unvented fuel burning heaters shall be prohibited except for gas heaters listed for unvented use and the total input rating of the unvented heaters is less than 30 BTU per house per cubic foot of room content.
 - 3. Unvented fuel burning heaters shall be prohibited in bedrooms.
 - 4. Distribution panels shall be in compliance with the approved listing, complete with required breakers or fuses, with all unused openings covered with blank covers approved and listed for that purpose. Connections shall be checked for tightness. Panels shall be accessible.
 - 5. Electrical systems (switches, receptacles, fixtures, etc.) shall be properly installed, wired and shall be in working condition. The home shall be subjected to an electrical continuity test(s) to assure that all metallic parts are properly bonded.
 - d. *The presence of operable smoke detectors.*
 - e. *Interior condition.*
 - 1. Every floor, interior wall and ceiling shall be in sound condition.
 - 2. Doors and windows shall be operable, watertight and in good working condition.
 - 3. The floor system shall be in sound condition and free of warping, holes, extensive water damage or deterioration.
 - f. *Timing of inspection.*

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1. For a manufactured home to be relocated within the county, the inspection shall be conducted prior to moving the home from the original site.
 2. For a manufactured home being moved into the county, either:
 - i. The inspection shall be conducted prior to moving the home from the original site; or
 - ii. With the owner's written approval and acceptance of all liability, the inspection may be conducted at the new home site prior to connecting the manufactured home to a water supply, to a sanitary waste disposal system, and to permanent power.

(Ord. of 10-13-2020)

Sec. 89-131. Restrictions on all manufactured homes.

- (a) The following restrictions are placed on all manufactured homes:
 - (1) No manufactured home designed as a single family dwelling may be connected to a stick built home, another manufactured home, or to any industrialized home to create a larger home or multi-family dwelling, unless the units were specifically designed and manufactured for that purpose.
 - (2) Any additions or accessory structures should be self-supporting without adding any live or dead loads to the manufactured home, with the following exceptions:
 - a. The loads have been considered by the home manufacturer and the attachment to the manufactured home is specifically included in the home manufacturer's installation instructions;
 - b. The connection and transfer loads are design by a registered professional engineer or architect; or
 - c. Manufactured homes designed as a single family dwellings may not be converted or modified for use as a multi-family dwelling, storage building, or for a commercial use, unless the unit was specifically designed and manufactured for that purpose such as classroom trailers, construction storage trailers and office trailers.

(Ord. of 10-13-2020)

Sec. 89-132. Standards for shipping container-based structures and industrialized buildings.

These standards are applicable to buildings or structures constructed from retrofitted metal shipping containers. The intent of this section is to ensure that structures utilizing metal shipping containers are in compliance with the Georgia Industrialized Buildings Act. [(O.C.G.A.) Title 8, Chapter 2, Article 2, Part 1]. The Georgia legislature has provided rules and regulations for the inspection and safety of industrialized buildings and structures constructed from shipping containers which are not covered by US Department of Housing and Urban Development (HUD) standards for manufactured housing.

- (a) Industrialized building; defined. Any structure or component which is designed in accordance with the Georgia Industrialized Buildings Act and manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly or damage.
- (b) Building permits are required prior to the installation of shipping container-based structures and industrialized buildings, and must include:
 - (1) Plans and specifications for installation of industrialized building systems and component modules.

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- (2) Evidence of compliance with the Georgia Industrialized Buildings Act, such as an inspection seal or insignia issued by the Commissioner of the Georgia Department of Community Affairs.

(Ord. of 10-13-2020)

Sec. 89-133. Standards for non-residential buildings.

The following standards apply to all new construction and alternations within commercial zoning districts. Commercial buildings, including office buildings, retail buildings, shopping centers, institutional buildings, and similar non-residential buildings shall adhere to the requirements in this section. However, these standards are not applicable to farm structures in agricultural zoning districts, industrial development, and buildings or other structures within the Highway Corridor Overlay District.

- (a) *Intent.* The purpose of these standards is to promote high quality non-residential development that utilizes a common element of attractive, durable building materials in order to enhance the visual appeal of the community as a whole. Overtime, these standards are meant to establish a unique environment that is aesthetically pleasing, reflects a community identify, and enhances the overall quality of life in Town of Carl.
- (b) *Alternate standards.*
 - (1) These standards are intended to be followed as outlined below. However, in the event the intent of these standards can be achieved with minor deviations that do not substantially affect the purpose and intent of this Section, the Planning & Community Development Director, or his or her designee, has the authority to modify the specific provisions on a case-by-case basis.
 - (2) If substantial modifications or changes are desired for a particular property or project, the property owner may present proposed modifications to the board of commissioners, or their designee, for review. Any application for alternate architectural design standards shall be accompanied with proposed elevations, building material descriptions and renderings that provide sufficient information for the board of commissioners to make a determination whether the alternate proposal meets the intent of these standards. As part of the approval process, the board of commissioners, or their designee, may include conditions, modifications, or requirements deemed necessary to maintain the high level of development quality intended by this Code Section.
- (c) *Exemptions.*
 - (1) Farm structures in agricultural zoning districts;
 - (2) Buildings or other structures within the Highway Corridor Overlay District; and
 - (3) Industrial development shall be exempt from design standards in subsection (e) of this section.
- (d) *Building orientation.*
 - (1) Principal buildings shall be oriented towards the street.
- (e) *Exterior building materials.* All non-residential principal buildings that are not exempt under this section meet the following requirements unless greater restrictions in this Code apply.
 - (1) Building facades facing a street (other than an alley) shall have exterior material consisting of the following: Brick, natural or manufactured stone, authentic stucco, glass, architectural/precast concrete, block/CMU, natural wood and/or cement-base artificial wood siding, metal panels (plain, painted, baked, or acrylic finish), high-quality vinyl siding that conforms to standards of the Vinyl Siding Institute, and/or Exterior Insulating Finish System (EIFS), if installed in accordance with the EIFS manufacturer's specifications and by a contractor who is authorized by the EIFS manufacturer to install the product. Similar materials may be incorporated upon approval.

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- (2) Building facades located at the rear of the building that are not facing towards, or visible from, a public street or adjacent development can be simplified, but must be compatible in color and material to the other facades.
 - (3) Large, monolithic structures should have a change in plane every 500 feet articulated by slight offsets, vertical banding or similar architectural features that reduce visual impact of such structures.
 - (e) *Landscaping and buffers.* Landscaping and buffers shall meet the requirements set forth in article VIII, Buffers, Landscaping, and Tree Protection.
 - (1) Sufficient buffers and screening are required between residential and nonresidential uses and must meet the requirements of article VIII.
 - (f) *Exterior mechanical equipment.* Exterior equipment located on the ground or roof are subject to the standards below. Additional standards in this Code may also apply.
 - (1) Rooftop equipment shall be screened by building elements or otherwise integrated into the building design, so that it is not visible from the roof.
 - (2) Ground mounted mechanical, HVAC, and similar equipment shall not be visible from a public street and shall be screened on all sides by dense landscaping or walls constructed of similar material to the principal building.
 - (g) *Dumpster enclosures.*
 - (1) Dumpsters and similar receptacles shall not be located at the rear or side of buildings where they are not visible from the street or adjacent residential property.
 - (2) Dumpsters and similar receptacles shall be screened on all sides by opaque materials, including an access gate, that are compatible with the principal building.
 - (3) Dumpsters and similar receptacles shall be placed on a concrete pad or similar, of sufficient size and strength to support the weight of service vehicles.
 - (4) Dumpsters and similar receptacles shall not be located within a buffer zone.

(Ord. of 10-13-2020)

Sec. 89-134. Restrictions on uses in commercial and industrial districts.

- (a) *Neighborhood commercial district (C-1).* The following restrictions apply to all uses in the C-1 neighborhood retail commercial district:
 - (1) Overnight parking of commercial vehicles (except for cars and vans used for a permitted use) is prohibited.
 - (2) Outside storage of any vehicles or automobiles that are being repaired or serviced in conjunction with a permitted use is prohibited in the C-1 district.
 - (3) No light automotive repair establishment or full service gasoline station shall provide outside repair of vehicles except for replacing taillights, wiper blades, batteries and tires, and routine inspections.
 - (4) Any veterinary office use permitted within this district shall not have outside runs or dog kennels.
- (b) *Community commercial district (C-2).* The following restrictions apply to all uses in the C-2 community commercial district:
 - (1) C-2 uses are intended to be developed as planned shopping centers or other coordinated development or villages that will incorporate a higher level of design and land use relationships along with greater flexibility in site planning and minimum property restrictions. Strip commercial patterns of development are discouraged.

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- (2) Overnight parking of commercial vehicles (except for cars and vans) is prohibited.
 - (3) All business, servicing, storage or processing shall be conducted within a completely enclosed building except where the nature of the activity makes it impossible.
 - (4) Any accessory use involving the storage of equipment, refuse, or spare parts, or motorized vehicles under repair, shall be kept inside an enclosed building or otherwise fully shielded from public view by a fully opaque fence at least six feet high kept in good repair.
 - (5) All refuse and designated recycling collection location facilities must be contained within completely enclosed facilities that screens the trash receptacles from view, such as a fence or wall and opaque gate six feet high or higher.
- (c) *Intensive commercial district (C-3)*. The following restrictions apply to all uses in the C-3 intensive commercial district:
- (1) All business, servicing, storage and processing shall be conducted within a completely enclosed building except where the nature of the activity makes it impossible. For example: Off-street loading, automobile parking for customers while on the premises and the sales of automobile fuel at service stations.
 - (2) All vehicles in outside storage at auto repair shops, garages, or service stations awaiting repairs must be currently licensed by individuals other than the owner of the property of the business.
 - (3) Land uses, processes, or equipment employed shall be limited to those that are not objectionable by reason of odor, dust, lights (which are bright), smoke, noise or vibration.
 - (4) Truck terminals and truck stops must provide acceleration and deceleration lanes of at least 200 feet, plus a 50-foot taper, for trucks entering and leaving the site, and provide that truck traffic generated will not create a safety hazard or unduly impeded traffic movement.
 - (5) Automobile laundry or car wash areas are provided on a paved area, along with sufficient area to contain a number of vehicles (at 200 per vehicle) equals to one third of the practical hourly capacity of the washing machines.
- (d) *Light industrial district (M-1)*. The following restrictions apply to all uses in the M-1 light industrial district:
- (1) Lands zoned M-1 are required to be developed as planned industrial developments, except as specified below:
 - Individual industrial uses are allowed under the following conditions:
 - a. Such proposed use will not substantially affect or alter nearby property values.
 - b. Such proposed use is not inconsistent with the goals and policies of the Town of Carl Comprehensive Plan.
 - c. The site plan for such uses provides for adequate ingress and egress of vehicular traffic and will not cause health, safety or unreasonable traffic problems in the area.
 - d. The proposed use is justified based on facts presented to indicate the need for such use.
 - (2) A business requiring a permit from the Georgia Department of Natural Resources for the handling or storage of hazardous materials is not allowed in the M-1 district.
- (e) *Heavy industrial district (M-2)*. The following use restrictions apply to all uses in the M-2 heavy industrial district:
- (1) A heavy manufacturing use shall not be located closer than 500 feet from any residential property line.
 - (2) The subject use shall be carried on entirely within an enclosed building, with no outside storage except for vehicles used for the operation, unless the storage is screened from view by an opaque fence or freestanding wall no less than eight feet in height. See additional requirements within the restrictions chapter.

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- (3) Where liquid waste is generated from the manufacturing process or air pollutants emitted, compliance with all applicable anti-pollution federal and state laws must be demonstrated.
 - (4) Only incidental on-site sale of manufactured materials shall be permitted.
 - (5) A business requiring a permit from the Georgia Department of Natural Resources for the handling or storage of hazardous materials is not allowed in the M-2 district unless approved as a special use by the board of commissioners.

(Ord. of 10-13-2020)

Sec. 89-135. Sexually oriented businesses.

- (a) *Purpose and intent of section.* The purpose of this section is to regulate certain types of businesses, including but not limited to adult entertainment establishments, to the end that the many types of criminal activities frequently engendered by such businesses will be curtailed. However, it is recognized that such regulation cannot de facto approach prohibition. Otherwise, a protected form of expression would vanish. As to adult dance establishments, this section represents a balancing of competing interests: reduced criminal activity and protection of the neighborhoods through the regulation of adult entertainment establishments versus the protected rights of adult entertainment establishments and patrons.
- (b) *Permits and approvals required.*
 - (1) Sexually oriented establishment permit required.
 - a. It shall be unlawful for any person to engage in, conduct or carry on in or upon any premises within the county any of the sexually oriented establishments defined in this section without a sexually oriented establishment permit so to do. No permit so issued shall condone or make legal any activity thereunder if the activity is deemed illegal or unlawful under the laws of the state or the United States.
 - b. It shall be unlawful for any person to operate an adult bookstore, adult cabaret, adult dancing establishment, adult hotel or motel, adult massage parlor, adult mini-motion picture theater, adult motion picture arcade, adult motion picture theater, adult video store, encounter center, erotic dancing establishment, escort bureau or introduction service unless such business shall have a currently valid sexually oriented establishment permit or shall have made proper application for renewal within the time required therefor under this article, which permit shall not be under suspension or permanently or conditionally revoked.
 - c. No person shall advertise or cause to be advertised an erotic dance establishment without a valid sexually oriented establishment permit issued pursuant to this Development Code.
 - (2) *Special use approval required.* Prior to using the premises as a sexually oriented establishment, any person, association, partnership, corporation, or other business entity must first have applied for and received special use approval for the operation of such establishment.
- (c) *Use limitations.*
 - (1) No person shall publicly display or expose or suffer the public display or exposure of, with less than a full opaque covering, any portion of a person's genitals, pubic area or buttocks in a lewd and obscene fashion.
 - (2) It shall be unlawful for a permittee under this article to admit or permit the admission of minors within the permitted premises.
 - (3) An adult entertainment establishment permittee shall conspicuously display all permits and licenses required by this article.

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- (4) It shall be unlawful for any person to sell, barter or give or offer to sell, barter or give to any minor any service, material, device or thing sold or offered for sale by an adult bookstore, adult motion picture theater, adult massage parlor or adult dancing establishment or other adult entertainment facility.
- (5) No adult entertainment establishment shall employ or contract with as an employee or dancer a person under the age of 18 years or a person not licensed pursuant to this Development Code.
- (6) The following provisions, in addition to all others, shall apply to erotic dance and entertainment establishments:
- a. No later than March 1 of each year, an erotic dance establishment permittee shall file a verified report with the licensing officer showing the permittee's gross receipts and amounts paid to dancers for the preceding calendar year.
 - b. An erotic dance establishment permittee shall maintain and retain for a period of two years the names, addresses and ages of all persons employed as dancers.
 - c. An erotic dance establishment may be open only between the hours of 8:00 a.m. and 1:00 a.m. Monday through Friday, and Saturday from 8:00 a.m. through 12:00 a.m. on Sunday. No permittee shall permit his place of business to be open on December 25.
 - d. No erotic dance establishment permittee shall serve, sell, distribute or suffer the consumption or possession of any malt or vinous beverages, intoxicating liquor or other alcoholic beverage or controlled substance upon the premises of the permittee.
 - e. All dancing in an erotic dance establishment shall occur on a platform intended for that purpose which is raised at least two feet from the level of the floor.
 - f. No dancing shall occur closer than ten feet to any patron.
 - g. No dancer in an erotic dance establishment shall fondle or caress any patron, and no patron shall fondle or caress any dancer.
 - h. No patron shall directly pay or give any gratuity to any dancer.
 - i. No dancer shall solicit any pay or gratuity from any patron.
 - j. All areas of an establishment for which a permit has been issued under this Development Code shall be fully lighted at all times patrons are present. Full lighting shall mean illumination equal to 3.5 footcandles per square foot.
- (d) *Distancing and location requirements.* No sexually oriented establishment, business or use restricted under this section shall be located within the following distances as defined and measured as stated herein:
- (1) Within 1,000 feet of any parcel of land which is either zoned or used for residential uses or purposes.
 - (2) Within 1,000 feet of any parcel of land upon which a church, school, governmental building, library, civic center, public park or playground, community club, or prison is located.
 - (3) Within 1,000 feet of any parcel or land upon which another establishment regulated or defined under this section is located.
 - (4) Within 1,000 feet of any parcel of land upon which any other establishment selling alcoholic beverages is located.
 - (5) After issuance of any license, no change in the location of the building on the premises or customer entry locations shall be made which would affect compliance with any distance requirements of this section.
 - (6) On less than three acres of land containing at least 100 feet of road frontage.

For the purpose of this subsection, distance shall be by airline measurement from the property line, using the closest property lines of the parcels of land involved. For purposes of this section, the term "parcel of land" means any quantity of land capable of being described by location and boundary, designated and used or to be used as a unit.

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- (f) *Unlawful operation declared nuisance.* Any adult entertainment establishment operated, conducted or maintained contrary to the provisions of this section is hereby declared to be unlawful and a public nuisance. The county may, in addition to or in lieu of prosecuting a criminal action under this section, commence an action or proceeding for abatement, removal or injunction thereof in the manner provided by law. It shall take such other steps and shall apply to such court as may have jurisdiction to grant such relief as will abate or remove such adult entertainment establishment and restrain and enjoin any person from operating, conducting or maintaining an adult entertainment establishment contrary to the provisions of this section. In addition, violation of the provisions of this section shall be per se grounds for suspension or revocation of a permit granted under this section.
- (g) *Cleanliness of premises.* Each premises for which a permit has been issued under this section shall be maintained in a clean and sanitary condition and shall be cleaned at least once daily and more frequently when necessary. This activity shall be supervised by the person in charge of the premises. There shall be provided adequate facilities, equipment and supplies on the premises to meet this requirement and adequate ventilation and illumination shall be provided to permit thorough, complete cleaning of the entire premises. Trash and garbage shall not be permitted to accumulate or to become a nuisance on or in the immediate vicinity of the premises but shall be disposed of daily or as often as collections permit.
- (h) *Self-inspection of premises.* The permittee of premises for which a permit has been issued under this section, or his designated representative, shall make sanitary inspections of the premises at least once a month and shall record his findings on a form supplied by the planning and community development department. Each premises shall post and maintain in a readily accessible place a schedule for maintaining the sanitation of the premises.
- (i) *Authority to seal premises for unsanitary or unsafe conditions.* Premises for which a permit has been issued under this section, or any part thereof, may be sealed by order of the planning and community development department on finding of a violation of this section resulting in an unsanitary or unsafe condition. Prior to sealing, the planning and community development department shall serve on the permittee, by personal service or by posting in a conspicuous place on the premises, a notice of the violation and an order to correct it within 24 hours after service. If the violation is not so corrected, the planning and community development department may physically seal that portion of the premises causing the violation and order the discontinuance of use thereof until the violation has been corrected and the seal removed planning and community development department. The planning and community development department shall affix to the sealed premises a conspicuous sign labeled "unclean" or "unsafe", as the case may be.
- (j) *Abatement as sanitary nuisance.* Premises for which a permit has been issued under this section, or any part thereof, may be abated as a sanitary nuisance.

(Ord. of 10-13-2020)

Sec. 89-136. Timber harvesting notice.

- (a) *Notice.* Pursuant to and in compliance with O.C.G.A. § 12-6-24, all persons or firms harvesting standing timber in any unincorporated area of the county for delivery as pulpwood, logs, poles, posts, or wood chips to any wood yard or processing plant shall provide notice of such harvesting operations to the planning and community development director prior to entering onto the property if possible, but in no event later than 24 hours after entering onto the property. Further, such persons shall give notice of cessation of cutting within 24 hours after the job is completed. Such notice shall be provided for each separate tract to be harvested and shall be on and comply with the form provided by the Georgia Forestry Commission at Section 224-2-.01 of the Rules of the Georgia Forestry Commission, as such form and Rule may be amended from time to time. Such notice may be submitted in person, by mail, by facsimile transmission, or by e-mail transmission. Any subsequent change in the facts provided in the notice shall be reported to the planning and community development director within three business days after such change. A copy of all timber harvest notices received by the planning and community development director shall be provided to the county tax assessor and the county tax commissioner.
- (b) *Fees.* There is no fee required for submitting a notice of timber harvest.

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- (c) *Penalty.* Violation of the notice requirements of this subsection shall be punishable by a fine not exceeding \$500.00.

(Ord. of 10-13-2020)

Secs. 89-137—89-155. Reserved.

DIVISION 2. RESTRICTIONS ON CERTAIN PRINCIPAL USES

Sec. 89-156. Application.

The following provisions apply to principal uses or structures in all zoning districts where the use is otherwise allowed, whether by right or through special use approval.

(Ord. of 10-13-2020)

Sec. 89-157. Agricultural uses.

- (a) *Livestock sales pavilion or farmers' market, including abattoirs.*

- (1) Shall be operated in accordance with state and county health department regulations.
- (2) Any buildings or structures housing or holding livestock shall be located at least 100 feet from any property line and 300 feet from any property zoned or used for residential purposes.

- (b) *Raising and breeding of animals.*

- (1) Acreage restrictions.
 - a. The keeping of cattle, poultry and other non-domestic animals other than feedlots and hog parlors shall require not less than five acres in area.
 - b. Feedlots and hog parlors shall be conducted on tracts of land not less than ten acres in area.
 - c. Commercial and noncommercial kennels (shelters) shall be located on a site of not less than one acre, and shall be enclosed by a six-foot fence.
- (2) All new structures shall be located in accordance with the agricultural distancing requirements of section 89-122 of this Development Code.
- (3) Except in the agricultural zoning district, there shall be not less than 5,000 square feet of fenced lot area not covered by the principal structure for each animal, unless the property is a bona fide farm. All agricultural distancing requirements of section 89-122 of this Development Code must be met.

- (c) *Riding stables.*

- (1) Horse stables with five or more stalls are allowed within an equestrian oriented subdivision for the common use of all residents in the subdivision.
- (2) Riding stables must have an area of not less than four acres for one horse, and an additional two full acres for each additional horse kept on the property.
- (3) Riding stables must meet the separation requirements of section 89-122 of this Development Code.

(Ord. of 10-13-2020)

Sec. 89-158. Aircraft landing area.

All private aircraft landing facilities are subject to special use approval.

(a) *Private landing strips.*

- (1) For fixed-wing aircraft, a 1,000-foot clear zone extending from the end of all runways shall be secured through ownership or easement, but in no case shall the end of a runway be closer than 200 feet from any property line.
- (2) For both fixed- and rotary-wing aircraft, neither the landing area nor any building, structure or navigational aid shall be located within 400 feet of any property line adjacent to a residential district or use.
- (3) If located within or adjacent to a residential district or use, the hours of operation shall be limited to daylight hours.

(b) *Heliports, private use.*

- (1) Private use heliports shall, as a minimum, have a takeoff and landing area 1½ times the overall length of the largest helicopter expected to use the facility. The surface of the area shall be grassed, paved or treated as may be required to minimize dust or blowing debris.
- (2) The owner of a private use heliport shall erect a safety barrier around the peripheral area surrounding the takeoff and landing area. The safety barrier shall be a fence, wall or hedge no less than three feet in height and fully enclosed with a self-locking gate.
- (3) If located within or adjacent to a residential district or use, the hours of operation shall be limited to daylight hours.

(Ord. of 10-13-2020)

Sec. 89-159. Animal hospitals and veterinary clinics.

All structures shall be located and activities conducted at least 200 feet from any property or structure zoned or used for residential purposes.

- (a) Adequate sound- and odor-proofing shall be provided so the use does not create a nuisance.
- (b) No boarding shall be allowed unless required in connection with medical treatment.
- (c) No outside runs or kennels shall be allowed when such facilities are located within any neighborhood commercial district or a planned center.

(Ord. of 10-13-2020)

Sec. 89-160. Asphalt plants and concrete plants.

Asphalt plants, temporary batch plants and concrete plants are subject to the following minimum standards:

(a) *Use restrictions.*

- (1) Compliance with all applicable federal and state laws.
- (2) All necessary federal and state permits are obtained.
- (3) No operation shall be allowed between the hours of 7:00 p.m. and 5:00 a.m. No operation shall be permitted on Sundays, New Years Day, Independence Day, Thanksgiving or Christmas Day. These restrictions shall not apply to routine maintenance and may be varied for special projects,

including department of transportation projects and large commercial projects, with the approval of the board of commissioners.

- (4) Asphalt mixing shall be a sealed process.
- (b) *Site requirements.*
 - (1) Minimum acreage to be five acres unless located on the property of an active quarry.
 - (2) A 1,000-foot setback is required at the time of erection from any residential district (as defined on Table 2.1 in Article II).

(Ord. of 10-13-2020)

Sec. 89-161. Automobile, boat, trailer and truck sales.

An establishment for the sale of new or used automobiles, trucks, boats or recreational vehicles shall meet the requirements of this section.

- (a) No vehicle parked for sale or service shall be located closer than 20 feet from the street right-of-way line.
- (b) Where such an establishment is an authorized dealer of new cars, boats or recreational vehicles, a service facility may also be permitted provided such service facility meets the requirements of a general automotive repair establishment and all surfaces where vehicles are stored or displayed for sale and all parking areas shall be paved.
- (c) Such establishments that deal exclusively in used vehicles only shall not have any service facility on the premises unless approved as a special use.

(Ord. of 10-13-2020)

Sec. 89-162. Automobile, truck and trailer lease and rentals.

- (a) All vehicles available for rent or lease shall be setback at least 30 feet from the street right-of-way line.
- (b) All parking areas shall be clearly marked and no unit shall be parked outdoors other than within these boundaries, except when being serviced.

(Ord. of 10-13-2020)

Sec. 89-163. Automobile wash service.

- (a) An automobile wash service must provide a paved area located on the same lot for the storage of vehicles awaiting service equal to $\frac{1}{3}$ of the practical hourly capacity of the wash machines.
- (b) The principal structure associated with this use shall be located at least 100 feet from all property lines.

(Ord. of 10-13-2020)

Sec. 89-164. Automotive oil change and lubrication shops.

An establishment principally providing oil change and lubrication services for automobiles and light trucks (under one ton), and which may also include light maintenance such as replacement of windshield wipers and automotive fluids, is subject to the following restrictions:

- (a) All minor auto repair, maintenance, service, storage of materials or similar activities connected with this use shall be carried on entirely within an enclosed building.

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- (b) This use shall be located at least 100 feet away from any residential district or use.
 - (c) No outside storage of parts or non-operable vehicles are allowed on the property.

(Ord. of 10-13-2020)

Sec. 89-165. Automotive repair and paint shops.

An establishment principally providing repair and maintenance services for vehicles, including tune-ups and cyclical maintenance, the sale and installation of tires, engine repairs and overhauls, repair or replacement of transmissions and mufflers, body shops and glass shops, is subject to the following restrictions:

- (a) This use shall not be permitted within 300 feet of any property used for a residence, school, park, church, playground or hospital.
- (b) All activities shall be carried on entirely within an enclosed building.
- (c) This use shall not be established on a lot which is either adjacent to or directly across the street from any residential zoning district.

(Ord. of 10-13-2020)

Sec. 89-166. Bed and breakfast inns, rooming and boarding houses.

A bed and breakfast inn or rooming and boarding house, except for a bed and breakfast inn in the C-2 or C-3 zoning district, must meet the following requirements:

- (a) *Use restrictions.*
 - (1) A bed and breakfast inn may contain no more than 15 guest rooms, and a rooming and boarding house may be occupied by no more than 15 roomers or boarders, exclusive of the owner-occupant family of the residence.
 - (2) Food service shall be limited to breakfast only and shall be served exclusively to guests taking lodging in the facility.
 - (3) Individual rooms that are rented shall not contain cooking facilities.
 - (4) The exterior appearance of the structure shall not be altered from its single-family character unless the changes are approved by the board of commissioners as a special use.
 - (5) The owner of the bed and breakfast inn or rooming and boarding house must reside on the property.
 - (6) One employee shall be allowed to assist the owner, unless otherwise approved by the board of commissioners.
 - (7) Maximum length of stay shall not exceed 14 days for bed and breakfast inns.
 - (8) Rooming and boarding houses may offer residence on a permanent or long term (more than 30 days) basis.
- (b) *Site restrictions.*
 - (1) Must meet the minimum acreage requirements of the specific zoning district.
 - (2) No parking area for guests to be located closer than 50 feet to any residential property line.

(Ord. of 10-13-2020)

Sec. 89-167. Bulk petroleum storage.

- (a) Any structures or buildings shall be located not less than 100 feet from any property line.
- (b) Any structures or buildings shall be located not less than 200 feet from any property used or intended to be used for residential purposes.

(Ord. of 10-13-2020)

Sec. 89-168. Cemeteries, mausoleums and crematories.

- (a) *Crematories; site requirements.*
 - (1) All buildings shall be setback not less than 200 feet from all property lines.
 - (2) All buildings shall be not less than 500 feet from any property zoned or used for residential purposes.
- (b) *Cemeteries and mausoleums; site requirements.*

- (1) A cemetery, with or without a mausoleum, must be located on a tract of not less than 25 acres.
- (2) A cemetery, with or without a mausoleum, shall be provided with direct access to a public street.
- (3) Graves shall be setback not less than 50 feet from all property lines.
- (4) When abutting any residential property line, a 50-foot buffer shall be required.
- (5) Buildings shall be not less than 200 feet from any property line or future street right-of-way lines.
- (6) The property shall be landscaped and maintained.

- (c) *Existing cemeteries.* Any cemetery or place of burial recognized by the Town of Carl Tax Commissioner as tax exempt (under O.C.G.A. § 48-5-41), and any "family plot" or other burial ground discovered on the site, must be protected under the requirements of state law (O.C.G.A. §§ 36-72-1 et seq.). State law currently defines "burial ground" and "cemetery" as follows:

Burial ground: An area dedicated to and used for interment of human remains. The term shall include privately owned burial plots, individually and collectively, once human remains have been buried therein. The fact that the area was used for burial purposes shall be evidence that it was set aside for burial purposes.

Cemetery or cemeteries: Any land or structure in this state dedicated to and used, or intended to be used, for interment of human remains. It may be either a burial park for earth interments or a mausoleum for vault or crypt interments or a combination of one or more thereof.

(Ord. of 10-13-2020)

Sec. 89-169. Churches and other places of worship.

- (a) When in a residential district (as defined on Table 2.1 in article II), any building or structure established in connection with these uses shall be setback not less than 75 feet from any property line, except where this adjoining property is zoned for nonresidential use, in which case the setback shall be the same as required for the adjoining nonresidential district. Where this property line is a street line, the front yard setback established for the residential district shall apply.
- (b) When in a residential district, these uses shall be permitted only on a lot which has access to an arterial or collector street.
- (c) Unless the site is located in an M-1 or M-2 zoning district, property containing a church or other place of worship must contain at least three acres.
- (d) Have frontage on a public street of at least 60 feet and have a minimum lot width of 200 feet.

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- (e) No parking area shall be established within 20 feet of the property line of an adjoining residential district.
 - (f) Where a building or structure was previously used for purposes other than as a church or other place of worship and is later converted to use as a church or place of worship, such building or structure must be brought into compliance with all Development Code requirements applicable to churches and other places of worship including, but not limited to, parking regulations and life safety codes.

(Ord. of 10-13-2020)

Sec. 89-170. Community and neighborhood recreation centers.

- (a) *Community recreation centers.* Nonprofit community recreation centers, such as senior centers and YMCA/YWCAs, shall be subject to the following minimum requirements:
 - (1) The use must be owned and operated by a nonprofit organization.
 - (2) Minimum site area of three acres, except that senior centers must be located on a site of at least one acre.
 - (3) Structures associated with said use to be located a minimum of 50 feet from any property line.
 - (4) Structure associated with said use to be limited to 45 feet in height.
 - (5) When abutting any residential property line a 25-foot wide buffer at the rear and side yards shall be required.
- (b) *Neighborhood recreation centers.* Neighborhood recreation centers, amenities, and swimming pools are subject to the following:
 - (1) Outdoor activity shall cease by 11:00 p.m.
 - (2) Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected, and that no direct light is cast upon adjacent properties and roadways. If lighting is to be established, it shall be shown on the landscaping plan for the project.
 - (3) This use shall be permitted only upon written approval of the health department to indicate compliance with the health department swimming pool regulations. A swimming pool shall be enclosed by a fence or wall having a height of not less than six feet.
 - (4) Site plans shall be approved by the planning and community development director to ensure compatibility of the facility with the neighborhood in which it is to be located, and to ensure compliance with all applicable laws and provisions of this Development Code. The facility shall be designed to accommodate no more than those residing within the surrounding and adjoining residential developments.
 - (5) Setbacks of buildings and structures.
 - a. Buildings and structures established in connection with such use shall be setback not less than 50 feet from any property line, except when this property is a street line. In this case, the front yard setback of the district shall apply.
 - b. The setback may be reduced to 20 feet from an interior property line if a structural buffer is provided along said property line that effectively provides a visual and noise screen for adjacent property to a height of eight feet.

(Ord. of 10-13-2020)

Sec. 89-171. Community food banks and housing shelters.

Charitable, nonprofit establishments that provide meals, food distribution, short-term housing and/or room and board accommodations for poor, transient, or needy individuals shall meet the following minimum criteria:

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- (a) Adequate showers and restroom facilities must be provided at the location to meet the needs of overnight guests.
 - (b) Beds must be provided for all overnight guests excluding staff and volunteer workers.
 - (c) Guests of the shelter shall be required to leave the shelter premises no later than 7:00 a.m., unless otherwise established by the board of commissioners.
 - (d) All premises shall be maintained in a clean, safe, and sanitary fashion.
 - (e) Within the commercial zoning districts, a community food bank or housing shelter may be located in a church or other place of worship as an accessory use, provided it meets the above minimum standards of this section.
 - (f) No shelter shall be located closer than 500 feet to the nearest single-family property line measured from the closest corner or wall of the shelter.

(Ord. of 10-13-2020)

Sec. 89-172. Day care facilities.

- (a) *Group day care facility.* A day care facility accommodating up to a maximum of 18 adults or children is subject to the following:
 - (1) Care shall be limited to fewer than 24 hours per day.
 - (2) A maximum of 18 adults or children for whom compensation is received.
 - (3) Outdoor play areas shall be provided in the rear or side yards for all group day care facilities and shall be enclosed by a solid hedge, wall or fence six feet high. All outdoor play areas shall be separated from driveways, streets and parking areas.
 - (4) Group day care facilities shall provide adequate areas for the safe drop-off and pick-up of children. These areas shall be off-street in a driveway, turnaround or parking area.
 - (5) When within or adjacent to a residential district, the facility may operate for a 14-hour period per day with outdoor activities limited to daylight hours between 8:00 a.m. to 8:00 p.m. in order to limit noise impacts to neighboring residents.
 - (6) All group day care facilities shall obtain necessary state licenses and shall be operated in conformance with all applicable state and local regulations.
 - (7) When operated as an accessory use, the group day care facility shall be located within a nonresidential building and otherwise comply with all requirements of this subsection, above.
 - (8) A group day care facility operated as a principal use shall comply with all of the property development and performance standards for the zoning district in which it is located, and shall not be located within 300 feet of another group day care facility.
- (b) *Day care centers and private kindergartens.* Day care facilities for 19 or more adults or children and private kindergartens are subject to the following:
 - (1) Care or services shall be limited to fewer than 24 hours per day.
 - (2) The lot on which these uses are established shall have access on arterials or collector streets.
 - (3) There shall be not less than 30 square feet of indoor play area for each child at maximum enrollment, and not less than 100 square feet per child of outdoor play area at maximum enrollment.
 - (4) The outdoor play area shall be enclosed by a fence not less than six feet in height.
 - (5) Such facilities shall provide adequate areas for the safe drop-off and pick-up of children. These areas shall be off-street in a driveway, turnaround or parking area.

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- (6) When within or adjacent to a residential zoning district, the day care center may operate for no more than a 14-hour period per day with outdoor activities limited to daylight hours between 8:00 a.m. to 8:00 p.m. in order to limit noise impacts to neighboring residents.
 - (7) All such uses shall obtain necessary state licenses and shall be operated in conformance with all applicable state and local regulations.
 - (8) When operated as an accessory use, a day care center shall be located within a nonresidential building and otherwise comply with all requirements of this subsection, above.
 - (9) A day care center or private kindergarten operated as a principal use shall comply with all of the property development and performance standards for the zoning district in which it is located and shall not be located within 300 feet of any other day care center or group day care facility.

(Ord. of 10-13-2020)

Sec. 89-173. Fraternity and sorority houses and residence halls.

Fraternity and sorority houses and residence halls must be located within 1,000 feet of an accredited institution of higher education.

(Ord. of 10-13-2020)

Sec. 89-174. Gasoline stations, truck stops and convenience stores with fuel pumps.

Any use that dispenses gasoline or diesel fuel, whether as a principal or accessory use, shall comply with the requirements of this section.

(a) *General requirements.*

- (1) The property shall have minimum frontage on a public street of 120 feet and minimum area of 12,000 square feet.
 - (2) Gasoline pumps, canopies, tanks and other service facilities shall be setback not less than 20 feet from the future right-of-way line of the following streets, whichever is greater:
 - a. U.S. or state numbered highway: As required by the Georgia Department of Transportation;
 - b. Arterial streets: 80 feet from centerline
 - c. Major collector streets: 70 feet from centerline;
 - d. Minor collector streets: 60 feet from centerline;
 - e. Local commercial or industrial street: 50 feet from the centerline; and
 - f. Local residential street: a distance equal to the front setback required by the zoning district for a principal building.
 - (3) All operations except for the sale of gasoline or diesel fuel shall be conducted in an enclosed building.
 - (4) Exterior lighting shall be deflected away from adjacent properties.
 - (5) Unless elsewhere permitted in the district, major auto repair shall not be permitted.
 - (6) No outside storage of parts or non-operable vehicles.
- (b) *Requirements for full service gasoline stations.* A building or structure used for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation and minor services customarily incidental, are subject to the following in addition to the general requirements of this section:

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- (1) No major automobile repairs such as engine overhaul, transmission and differential repairs, body and fender work and other repairs of a similar nature shall be performed.
 - (2) Building shall not exceed 8,000 square feet in floor area.
 - (3) An emissions or auto inspection station may be an accessory use to a gasoline service station provided it is fully enclosed in a permanent building.
- (c) *Truck stops.* Establishments that cater to the fueling needs of the trucking industry are subject to the following in addition to the general requirements of this section:
- (1) All uses other than the dispensing of fuel must be contained within a single principal building. Such building may contain convenience shopping space, a restaurant, TV viewing and recreation lounges, restroom facilities, showers and dormitory space, but cannot be larger than 10,000 square feet in gross floor area.
 - (2) No major repairs such as engine overhaul, transmission and differential repairs, body and fender work and other repairs of a similar nature shall be performed on the site.
 - (3) Truck parking areas must be at least 300 feet from any residential property and separated from adjoining residential property by a 200-foot wide buffer.
- (d) *Convenience stores with fuel pumps.* A convenience store with fuel pumps are subject to the following in addition to the general requirements of this section:
- (1) The convenience store shall not exceed 5,000 square feet in gross floor area.
 - (2) No automotive repairs may be done on site.

(Ord. of 10-13-2020)

Sec. 89-175. Golf courses.

- (a) *Minimum course standards.* New golf courses shall meet United States Golf Association requirements for regulation play and must provide at least 18 holes covering a minimum course distance of 5,500 yards, except as follows:
- (1) A golf course incorporated into a residential development or a type of master planned development may be a regulation nine-hole course with a minimum course distance of 3,000 yards; and
 - (2) A course meeting the United States Golf Association requirements for an executive golf course (minimum course distance of 4,000 yards) may be incorporated into an office park development or type of master planned development.
- (b) *Lighting restrictions.* Outside lighting of golf courses and their accessory uses shall be completely screened from any adjoining residential use such that no light or glare is cast on such residential use.
- (c) *Accessory uses to a golf course.* The following accessory uses are permitted in association with an 18-hole regulation or executive golf course:
- (1) Buildings used to house equipment solely for the maintenance and operation of the golf course, not to exceed 3,000 square feet.
 - (2) Country club or clubhouse, which may include:
 - a. Tennis courts and other recreational courts;
 - b. Swimming pools; and
 - c. Food service with an 18-hole regulation or executive golf course only, or with a nine-hole golf course in a master planned development.
 - (3) Putting green.

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- (4) Pro-shop with an 18-hole regulation or executive golf course only.
 - (5) Cart rental and staging area;
 - (6) A driving range is allowed as an accessory use to a golf course only with special use approval, and in compliance with the requirements of subsection 89-178(1) of this Development Code.
- (d) *Use limitations.*
- (1) Two thousand square feet of gross floor area for pro-shop.
 - (2) Forty thousand square feet for a clubhouse or country club with an 18-hole regulation or executive golf course.
 - (3) Ten thousand square feet for a clubhouse with a nine-hole regulation golf course.
 - (4) Buildings and structures must be setback at least 100 feet from any property line.
 - (5) Loud speakers are not allowed if adjacent to a residential zoning district or any type of master planned development.
- (Ord. of 10-13-2020)

Sec. 89-176. Institutional uses.

- (a) *Hospitals.*
- (1) At least 100 feet shall separate all buildings from any residential district, of which the outermost 50 feet shall be a buffer.
 - (2) At least 50 feet shall separate all parking areas from any residential district or use, of which ten feet shall be a buffer.
 - (3) Access is limited to arterials or collectors.
- (b) *Schools, private.*
- (1) Private schools of general and special education (i.e., not including private schools for personal enrichment, job training or vocational training) are subject to following minimum requirements:
 - a. Minimum lot size of five acres.
 - b. Minimum public road frontage of 100 feet on a minor or major collector or arterial road.
 - (2) Private elementary and secondary schools.
 - a. The private school must provide a curriculum recognized by the state board of education as being equivalent to that offered in the public school system under state standards.
 - b. Temporary mobile classrooms require a special use permit.
 - (3) Private junior colleges, four-year colleges and universities.
 - a. The private school must be eligible for accreditation by a national educational organization recognized by the state.
 - b. The private school must offer a curriculum and degrees equivalent to those offered in similar but public schools operated by the state board of regents.
- (c) *Private planetaria, aquariums, botanical gardens and other nature exhibitions.* Such uses shall not locate any structure closer than 100 feet to any property used or zoned residential.
- (d) *Zoos.* Such uses shall follow the distancing requirements and other restrictions for "livestock" under section 89-122 of this Development Code.

(Ord. of 10-13-2020)

Sec. 89-177. Mining or quarry operations.

- (a) *Special use approval required.* Quarries and open pit mines, and soil or sand removal or extraction operations, require special use approval by the board of commissioners.
- (b) *Application requirements.* All applications for a mining or quarrying operation shall include the following:
 - (1) A site plan containing the following information must be a part of such application:
 - a. Equipment, roads, buildings proposed or existing.
 - b. Points of ingress and egress.
 - c. All roads adjacent to the property.
 - d. All existing or proposed buffers.
 - e. Existing lakes, ponds, streams, rivers, or other waterways, wetlands and flood hazard areas.
 - f. Parking areas
 - g. North arrow, scale of drawing and area to be excavated.
 - h. Proposed handling and storage areas or overburden, by products and excavated material.
 - (2) A copy of all documents submitted or prepared for submission to the Georgia Department of Natural Resources for the purposes of obtaining a state mining permit.
 - (3) A statement as to the intended use of explosives or other hazardous materials and the methods and procedures proposed for the handling, use, storage and disposal of such materials.
- (c) *Restrictions.*
 - (1) No operation shall be allowed between the hours of 7:00 p.m. and 5:00 a.m. No operation shall be permitted on Sundays, New Years Day, Independence Day, Thanksgiving or Christmas Day. These restrictions shall not apply to routine maintenance and may be varied for special projects, including department of transportation projects and large commercial projects, with the approval of the board of commissioners.
 - (2) Access is required from paved streets other than residential subdivision streets. Said streets shall be able to withstand maximum load limits established by the State of Georgia.
 - (3) All gravel and pit access roads shall be maintained with a dustless, non-oiled surface.
 - (4) Gates must be provided at all points of vehicular and pedestrian ingress and egress and shall be locked when not in regular use.
 - (5) For quarries and open pit mines, the maximum depth of excavation shall not be below existing groundwater, except in cases where the reclamation plan indicates that a lake or lakes will be a part of the final use of the land or where such plan indicates that adequate fill from overburden is to be used to refill such excavation. No excavation shall be allowed to lower the water table of the surrounding inhabited properties to the extent there are wells with potable water within 1,000 feet of the excavation area.
 - (6) Notices shall be posted at regular intervals along the outer limits of the property, which shall warn against trespassing and shall contain a statement pertaining to the use of explosives, if applicable.
 - (7) The area being excavated for stone mining and quarrying shall be enclosed within a barrier fence of at least four feet high located at least ten feet back from the edge of any excavation. For other mining operations covered by this section, the excavation area shall be surrounded by a four-foot high fence or earthen berms of at least four feet in height covered with thorny shrubs.

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- (8) All work areas shall be sufficiently illuminated, naturally or artificially, in accordance with the form of the operation and state hours of operation. No direct artificial illumination resulting from the operation shall fall on any land not covered by the application.
 - (9) Sound levels at the boundaries of the property shall not exceed the following limits when adjacent to residential, commercial or industrial zoning districts existing at the time of establishment of the quarry or mining operation:
 - a. *Long duration sound.* For any sound lasting continuously for one second or more, maximum limits are: 60 dBA for projects adjacent to a residential district; 65 dBA for projects adjacent to a commercial district; and 75 dBA for projects adjacent to an industrial district other than heavy industrial.
 - b. *Short duration sound.* For any sound having a duration of less than one second, including impulsive sound (i.e., sound having an abrupt onset and rapid decay), the limit shall be 80 dBA at the property line when adjacent to a residential, commercial or industrial zoning district.
 - c. *Method of sound measurement.* These sound levels are to be measured in decibels in accordance with the standards promulgated by the American National Standards Institute (ANSI), and shall be made with a sound level meter using the (a-) weighting scale.
 - (10) The blasting limit of 2.0 inches/second peak particle velocity as measured from any of three mutually perpendicular directions in the ground adjacent to off-site buildings shall not be exceeded.
 - (11) Millisecond-delay blasting shall be used to decrease the vibration level from blasting.
 - (d) *Distance requirements.*
 - (1) *Soil or sand removal or extraction operations.* Such uses shall not be established within 500 feet of a residential use or 200 feet of any other use.
 - (2) *Quarries and open pit mines.* Such uses shall not be established within 500 feet of a residential use or 200 feet of any other use.
 - a. The operational and removal area of such uses shall not be established within 500 feet of any property line.
 - (e) *State permits.* A copy of the state permit approval shall be maintained on file with the planning and community development department.
- (Ord. of 10-13-2020)

Sec. 89-178. Outdoor commercial recreation and entertainment.

Outdoor commercial recreation and entertainment includes uses such as drive-in theaters, amusement parks, miniature golf, tennis courts, etc. (See also section 89-185 for stadiums, coliseums and amphitheaters, which are exempt from the requirements of this section.) Restrictions that apply to such uses in general, and restrictions that have application to specific types of operations, are as follows:

- (a) *General restrictions.* The following provisions apply to all outdoor commercial recreation and entertainment uses:
 - (1) Unless otherwise required below, all facilities shall be enclosed by a wall or fence and buffer area ten feet in depth to screen adjacent property.
 - (2) Central loudspeakers shall be prohibited.
 - (3) Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected, and that no direct light is cast upon adjacent properties and roadways.

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- (4) No outdoor commercial recreation or entertainment operation shall be allowed between the hours of 5:30 p.m. and 8:00 a.m. unless specifically authorized as a condition of special use approval of the board of commissioners.
 - (5) Sound levels at the boundaries of the property shall not exceed the following limits when adjacent to residential, commercial or industrial zoning districts existing at the time of establishment of the outdoor commercial recreation or entertainment operation:
 - a. *Long duration sound.* For any sound lasting continuously for one second or more, maximum limits are: 60 dBA for projects adjacent to a residential district; 65 dBA for projects adjacent to a commercial district; and 75 dBA for projects adjacent to an industrial district other than heavy industrial.
 - b. *Short duration sound.* For any sound having a duration of less than one second, including impulsive sound (i.e., sound having an abrupt onset and rapid decay), the limit shall be 80 dBA at the property line when adjacent to a residential, commercial or industrial zoning district.
 - c. *Method of sound measurement.* These sound levels are to be measured in decibels in accordance with the standards promulgated by the American National Standards Institute (ANSI), and shall be made with a sound level meter using the (a-) weighting scale.
 - (b) *Drive-in theater.*
 - (1) The theater screen, projection booth or other buildings shall be setback not less than 500 feet from any residential district or existing residence. A minimum 100-foot buffer shall be provided adjacent to and residential zoning district. If not adjacent to a residential district, a buffer area ten feet in depth shall surround the perimeter of the property on which it is located.
 - (2) Driving and parking areas shall be paved.
 - (3) Ingress and egress from a public street shall be so designed and constructed as to provide for safe traffic movement and shall include 200-foot acceleration and deceleration lanes on the street from which the theater is accessed.
 - (4) This use shall be accessed only from collectors or arterials.
 - (5) The theater screen shall not be visible from any street located within 2,000 feet of the screen.
 - (6) The theater shall be enclosed by a wall or fence of adequate height to screen the parking area from view of adjacent property.
 - (c) *Fairgrounds and amusement parks.*
 - (1) All buildings and structures associated with this use shall be setback not less than 200 feet from any property line.
 - (2) This use shall not be permitted within 500 feet of a residential zoning district.
 - (3) Vehicular access shall be derived only from an arterial street.
 - (4) The facility shall be enclosed by a security wall or fence not less than six feet in height.
 - (d) *Tennis centers, clubs and facilities.* All buildings and structures associated with such use shall be setback not less than 50 feet from a residential zoning district.
 - (e) *Go-cart concessions.*
 - (1) All buildings and structures associated with this use shall be setback not less than 200 feet from any property line.
 - (2) This use shall not be permitted within 500 feet of the boundary of an R district.
 - (3) This facility shall be enclosed by a wall or solid fence of not less than six feet in height.

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- (4) The maximum area occupied by the facility shall not exceed 40,000 square feet.
 - (f) *Outdoor commercial racing.* Outdoor commercial racing of motorcycles, automobiles, trucks, tractors or any other motorized vehicles is subject to the following additional minimum requirements:
 - (1) *Permits required.*
 - a. Special use approval as provided in the procedures and permits article (article XII) of this Development Code.
 - b. All necessary federal and state permits, if any.
 - c. Traffic impact study must be submitted with the application.
 - (2) *Operational limitations.*
 - a. A noise and air pollution abatement plan must be approved by the board of commissioners as part of the special use approval.
 - b. No damaged vehicles shall be stored on the site for more than seven days.
 - c. Hours of operation are 8:00 a.m. to 11:00 p.m., unless otherwise approved by the board of commissioners.
 - (g) *Golf courses and clubhouses, private.* See section 89-175 of this Development Code for restrictions relating to golf courses and golf course related uses.

(Ord. of 10-13-2020)

Sec. 89-179. Personal care homes.

- (a) Personal care homes shall be categorized and regulated based on the following classifications as defined in section 89-10:
 - (1) Small personal care home (up to three persons with no medical or nursing care).
 - (2) Group personal care home (up to 15 persons with no medical or nursing care).
 - (3) Congregate personal care home (16 or more persons with no medical or nursing care, or any number of persons with medical or nursing care).
- (b) All personal care homes must comply with the rules and regulations for their operation established and enforced by the Georgia Department of Human Services ("DHS") and must obtain a permit from the DHS prior to operating in Town of Carl.
- (c) All personal care home operators shall obtain an occupational tax certificate in accordance with the provisions of article 2, of chapter 26 of the Town of Carl Code of Ordinances prior to providing any personal care services and shall annually renew the certificate as required thereunder.
- (d) The Town of Carl Fire Marshal shall be authorized to inspect the dwelling for compliance with this section prior to issuance of an occupational tax certificate or a renewal thereof.
- (e) A personal care home of any type (small, group, or congregate) in a residential zoning district shall be at least 1,000 feet from any other personal care home (of any type). The 1,000-foot distance is measured by the straight line which is the shortest distance between the property lines of the two tracts of land on which each facility is located.
- (f) A personal care home of any type (small, group, or congregate) in a residential zoning district shall not function as a work release facility for convicts or ex-convicts, function as a facility serving as an alternative to incarceration, or function as a drug rehabilitation treatment center; however, notwithstanding the foregoing restrictions, this subsection (f) shall not prevent the operation of a personal care home for recovering drug addicts where such a living arrangement is shown to be therapeutically necessary or the residents of the personal care home qualify as "handicapped" under the federal Fair Housing Act.

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- (g) All personal care homes operated within residential districts shall adhere to all requirements applicable to property within the district in which the personal care home is located, except as specifically required in this section. In the event of any conflicts, the provisions of this section shall prevail.
 - (h) Small personal care homes in a residential district shall retain the outward appearance of a single-family home.
 - (i) Small personal care homes shall conform to the parking requirements of the zoning district in which the home is located.
 - (j) The managing caregiver of a small personal care home or a group personal care home must be a full time resident of the facility.
 - (k) The holder of the occupational tax certificate for a small personal care home or a group personal care home shall notify the Town of Carl Planning and Community Development Department of the name of each resident that resides within the facility and shall update the list within 30 days of the date that a resident moves in or moves out of the facility.
 - (l) Any dwelling or use that constitutes a personal care home under this Unified Development Code, but also might fall under additional definitions (e.g. rooming and boarding house, retirement community, guest house, fraternity or sorority) shall comply with the requirements of this section 89-179 and shall be located in zoning districts as described for the appropriately sized personal care home in Table 2.3.

(Ord. of 10-13-2020)

Sec. 89-180. Private ambulance and emergency medical services.

- (a) These uses shall be permitted only on property with frontage on an arterial or collector with access limited to that arterial or collector.
- (b) The proposed development shall be reviewed and written approval granted by the director of public safety and planning and community development director prior to issuance of any permit or license.
- (c) The owner of the business shall bear all costs for traffic signs and signals necessary to advise the motoring public of emergency vehicle access. The requirement for, and location of these warning signs and signal devices shall be determined by the director of public works.

(Ord. of 10-13-2020)

Sec. 89-181. Public utility buildings and structures.

Use of a property for a public utility structure, such as an electric transformer station, gas regulator station and telephone exchange, shall be subject to the following requirements:

- (a) These uses shall be essential for service to the area in which they are located.
- (b) Any building or structure, except an enclosing fence, shall be setback not less than 20 feet from any property line, 60 feet from any other building or structure and shall meet all applicable yard requirements.
- (c) These uses shall be enclosed by a fence not less than eight feet in height and a buffer of at least ten feet in depth.
- (d) The required front yard and other open space on the premises outside the fenced area shall be grassed, landscaped and maintained in an appropriate manner.
- (e) The storage of vehicles and equipment on the premises shall be prohibited.
- (f) Site and development plans shall be approved by the planning and community development director to ensure compatibility of the facilities with the neighborhood in which they are to be located.

(Ord. of 10-13-2020)

Sec. 89-182. Radio, television and telecommunications.

(a) *Purposes.*

- (1) Provide for the appropriate location and development of communications towers and antennae to serve the residents and businesses of Town of Carl, Georgia.
- (2) Minimize adverse visual impacts of towers and antennae through careful design, siting, landscaping, screening, and innovative camouflaging techniques.
- (3) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
- (4) Lessen traffic impacts on surrounding residential areas.
- (5) Maximize use of any new and existing communications towers so as to minimize the need to construct new towers and minimize the total number of towers throughout the County provided however that the use of shorter towers of a height which does not require lighting under FAA Regulations will normally be given preference over the use of taller structures even when the use of unlighted structures may require a larger number of towers to serve the county.
- (6) Maximize and encourage use of alternative tower structures as a primary option rather than construction of additional single-use towers.
- (7) Encourage and promote the location of new communications towers in areas which are not zoned for residential use.
- (8) Provide development standards for telecommunication facilities that are consistent with the requirements of the Federal Telecommunications Act of 1996, as amended; the Federal Communications Commission (FCC) and/or other applicable federal, state and local laws, statutes, ordinances and regulations.

(b) *Exemptions.*

- (1) Wireless communications facilities for which a permit was issued prior to the effective date of this Development Code are not required to meet the standards contained herein.
- (2) Wireless communication facilities located on properties owned by Town of Carl are not subject to the requirements this section.
- (3) Antennae and towers less than 70 feet in height, owned and operated by the holder of an amateur radio license issued by the Federal Communications Commission are exempt from the requirements of this section.
- (4) Personal over-the-air devices for audio or video programming and wireless internet services are not subject to the requirements of this section.
- (5) Monopole towers 100 feet or less in height located within electrical sub-stations are not subject to the requirements this section.
- (6) Satellite ground relay station facilities are not subject to the requirements of this section.
- (7) Notwithstanding any other provision of this Code, the installation, maintenance, and operation of antennas and other associated equipment of the type commonly known as small cell communications equipment or small wireless facilities, shall be governed by the County's Small Wireless Facilities and Antennas Ordinance, unless otherwise required by law.

(c) *Principal or accessory use.* Antennae, towers and concealed support structures may be either a principal use or an accessory use and may be located on a nonconforming lot or on a lot containing a nonconforming use. The construction of a tower or concealed support structure in compliance with this section shall not be considered an expansion of a nonconforming use.

(d) *Approval required.*

- (1) No wireless communications facility located on private property shall be constructed unless it has first been approved as determined by the following Table 3.1.

Table 3.1: Approval process for wireless communications facilities

Zoning District	Facility Type ***				
	Attachment to Existing Building or Structure	Concealed Support Structure	New Tower		Colocation on Existing Tower
			Monopole	Other	
AG Agricultural District	A	A	SU	SU	BP
AR Agricultural Residential	A	A*	SU	Prohibited	BP
R-1 and R-2 Residential	A	SU*	Prohibited	Prohibited	BP
R-3 and MH Residential	A	A	SU	Prohibited	BP
Commercial Districts	BP	BP	SU	Prohibited	BP
Industrial Districts	BP	BP	SU	SU	BP
AHO Airport Hazard Overlay District**	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
HCO Highway Corridor Overlay**	BP	BP	SU	Prohibited	BP
Special Areas:					
Any Master Planned Development	A	SU	Prohibited	Prohibited	BP

Key:

BP = Building permit

A = Administrative approval

SU = Special use approval required

* On nonresidential properties only, such as churches, schools, etc.

** Overlay district restrictions apply whenever more restrictive than those imposed by an underlying zoning district.

*** 1. Notwithstanding any other provision of this Code, the installation, maintenance, and operation of antennas and other associated equipment of the type commonly known as small cell communications equipment or small wireless facilities shall be governed by the County's Small Wireless Facilities and Antennas Ordinance, unless otherwise required by law.

2. The approval processes in this section shall comply with the Federal Telecommunications Act of 1996, as amended, the Federal Communications Commission (FCC) and/or other applicable Federal, State and local laws, statutes, ordinances and regulations.
- (2) No antenna, tower or concealed support structure shall be located on a lot platted or used for single-family residential purposes.
- (3) Concealed support structures in the AR, R-1 and R-2 zoning districts shall be allowed only in conjunction with an existing nonresidential use.
- (4) A temporary wireless communication facility may be approved by administrative review in any zoning district for a period not to exceed 90 days. The application shall include an explanation of the urgency of need for a temporary facility in addition to all other documentation requirements.
- (5) In addition to the standards enumerated for administrative review or special use approval, the following factors shall also be considered:
 - a. Height of the proposed tower or concealed support structure.
 - b. Proximity of residential uses.
 - c. Topography of the surrounding area.
 - d. Surrounding tree cover and existing vegetation.
 - e. Design of the structure with particular reference to characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - f. Whether there exist or have been approved other suitable towers or tall structures within the geographic area required to meet the proposed service provider's engineering requirements. The lack of suitable alternatives may be demonstrated by one or more of the following:
 1. That existing towers or tall structures are not located within the necessary geographic area.
 2. That existing towers or tall structures are not of sufficient height to meet system engineering requirements.
 3. That existing towers or tall structures do not have the structural capacity to support the service provider's antennae or do not have sufficient ground or interior space for related equipment.
 4. That the proposed service provider's antennae would cause interference with antennae on existing towers or tall structures or that existing systems would cause interference with the proposed service provider's signal.
 5. That other limiting factors, not including economic considerations, render existing towers or tall structures unsuitable.

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- (6) Any decision to deny an application to place, construct, or modify personal wireless service facilities shall be in writing and cite the basis on substantial evidence contained in a written record.
- (e) *Height limitations and colocation requirements.*
- (1) Antennae attached to existing buildings or structures other than towers shall not increase the total height by more than 20 feet.
 - (2) Concealed support structures in any agricultural or residential district shall not exceed 70 feet in height. Concealed support structures in other districts shall not exceed 100 feet in height. Colocation for additional users may be required contingent upon the design of the structure.
 - (3) Towers located in agricultural districts shall not exceed 250 feet in height.
 - (4) Monopoles located in the AR, R-3 and MH districts shall not exceed 150 feet in height.
 - (5) Monopoles located in commercial and industrial districts shall not exceed 200 feet in height.
 - (6) Self-support (lattice) and guyed towers shall not exceed 350 feet in height.
 - (7) All towers over 100 feet in height shall have structural capacity and ground or interior space to accommodate multiple users. Towers up to 160 feet shall accommodate at least three users. Towers over 160 feet shall accommodate at least five users.
- (f) *Design criteria.*
- (1) *Setbacks.*
 - a. All towers shall be located no less than a distance equal to the height of the tower from any property zoned or used for single-family residential purposes.
 - b. All towers shall be located at least $\frac{1}{3}$ of its height from any public right-of-way.
 - c. Setbacks shall be based on the entire lot on which the tower is located and shall not be applied to any lease area within the host parcel.
 - d. Accessory structures or anchors in conjunction with a tower shall comply with the minimum yard requirements of the zoning district in which they are located.
 - (2) *Landscaping, screening and visual impact.*
 - a. A minimum ten-foot wide area meeting buffer standards shall surround towers and related equipment. Landscaping and buffer areas must be under the ownership or long-term lease of the tower owner. The required buffer area may be reduced or waived by the planning and community development director if existing natural vegetation provides sufficient screening from adjacent properties and public rights-of-way.
 - b. Antennae and related equipment attached to existing structures other than towers shall be of the same color as any feature of the structure that forms the background.
 - c. Antennae and related equipment attached to historically or architecturally significant structures or within significant view corridors, as established by Town of Carl or state or federal law or agency, shall be concealed in a manner that matches the architectural features of the structure.
 - d. Concealed support structures shall have all related equipment screened from view by one of the following methods:
 1. Locating all equipment in an existing building;
 2. Locating all equipment in an underground vault; or
 3. Locating all equipment in a new building that is of an architectural style similar to existing buildings or compatible with the specific environment.

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- (3) *Lighting.* Security lighting of the facility is allowed to the extent that the light source is shielded from adjacent properties. Towers shall not be lighted beyond that required by the FAA. If lighting is required on a tower located within one mile of a residential use, the owner shall request FAA approval of a dual-lighting system.
 - (4) *Security.* All towers and related equipment shall be enclosed by decay-resistant security fencing not less than six feet in height and shall be equipped with other anti-climbing devices as appropriate to prevent unauthorized access.
 - (5) *Signage.* Tower facilities shall have mounted in a conspicuous place, a sign of not more than one square foot in area, identifying the facility's owner and providing a means of contact in the event of an emergency. All other signs and any form of advertising are prohibited.
 - (6) *Compliance.* All towers, concealed support structures, antennae and related equipment shall comply with all building, electrical and other codes currently in force, the applicable standards of the electronic industries association and the applicable regulations of the Federal Communications Commission and Federal Aviation Administration.
- (g) *Application requirements.*
- (1) *Administrative review.* Applicants shall submit the following documentation for administrative review:
 - a. A written statement of commitment to use the proposed site from at least one federally-licensed wireless service provider.
 - b. Narrative and graphic materials, such as signal propagation plots, prepared by a radio frequency engineer clearly explaining and illustrating the proposed service provider's need for the new antenna installation. In documenting need, the applicant will address existing towers and tall structures located within one mile of the proposed location, the required antenna height and alternate locations as may be appropriate.
 - c. For towers or concealed support structures, a report from a qualified independent engineer licensed in the State of Georgia documenting the following:
 - 1. The location of the facility by longitude and latitude and Georgia State Plane Coordinate System, ground elevation and total height.
 - 2. Total anticipated capacity of the tower or concealed support structure, including assumptions as to number and type of antennae supported.
 - 3. Evidence of the structural integrity of the structure with respect to wind and ice loading.
 - 4. Design characteristics that indicate the limits of falling debris in the event of catastrophic structural failure.
 - d. Architectural renderings or simulated photographs of all proposed structure(s) in context with particular attention to views from public streets or residential uses.
 - e. Identity and current contact information of the person authorized by the applicant to answer questions from the local government or community regarding construction and operation of the facility. Include name, mailing address, telephone number, facsimile number and electronic mail address, if applicable.
 - (2) *Special use.* All applicants for special use approval shall submit the following in addition to all documentation required by the procedures and permits article (Article XII) for special use applications:
 - a. A written statement of commitment to use the proposed site from at least one federally-licensed wireless service provider.
 - b. Narrative and graphic materials, such as signal propagation plots, prepared by a radio frequency engineer clearly explaining and illustrating the proposed service provider's need for the new antenna installation. In documenting need, the applicant will address the proposed site's relationship to the existing antenna network, existing towers and tall structures located within one

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- mile of the proposed location, the required antenna height and alternate locations as may be appropriate.
- c. Architectural renderings or simulated photographs of all proposed structure(s) in their physical environment with particular attention to views from public streets or residential uses.
 - d. For towers or concealed support structures, a report from a qualified independent engineer licensed in the State of Georgia documenting the following:
 - 1. The location of the facility by longitude and latitude and Georgia State Plane Coordinate System, ground elevation and total height.
 - 2. Total anticipated capacity of the tower or concealed support structure, including assumptions as to number and type of antennae supported.
 - 3. Evidence of the structural integrity of the structure with respect to wind and ice loadings.
 - 4. Design characteristics that indicate the limits of falling debris in the event of catastrophic structural failure.
 - e. A scale drawing of the site and area that indicates distances to the nearest residential uses.
 - f. A map that illustrates the proposed tower location with respect to the nearest airport.
 - g. A determination by the FAA regarding hazards to air navigation.
 - h. Identity and current contact information of the person authorized by the applicant to answer questions from the local government or community regarding construction and operation of the facility. Include name, mailing address, telephone number, facsimile number and electronic mail address, if applicable.

(Ord. of 10-13-2020)

Sec. 89-183. Salvage, junk, wrecking and scrap yards.

- (a) Junk yards and scrap yards, including vehicle or other salvage and wrecking yards, are subject to the following requirements:
 - (1) This use shall be enclosed by an opaque fence (including chain link with interwoven solid strips) or wall not less than eight feet in height, which provides visual screening, with a locked gate to prevent unauthorized entry.
 - (2) Junk yards and scrap yards must be more than 500 feet from any residential structure other than the residence of the property owner; a 200-foot setback is required from property lines.
 - (3) The incidental sale of auto parts removed from cars on the site shall be permitted.
 - (4) Junk yard and scrap yard owners shall take reasonable steps to control rodent and insects infestation.
 - (5) All burning shall be in conformance with the State of Georgia Air and Water Pollution Act.
 - (6) There shall be adequate drainage with no slope more than five percent in grade and shall be adequately maintained to prevent rodent and vermin infestation, and meet EPA specifications in regard to contamination.
 - (7) Junk vehicles shall not be stacked or layered as to endanger public health and welfare.
 - (8) The minimum area shall be five acres and the maximum area shall be 25 acres.
 - (9) Exterior lighting shall be arranged so that it is deflected away from adjacent properties and thoroughfares.
- (b) Storage yards for damaged or confiscated automobiles.

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- (1) This use shall be enclosed by a fence or wall not less than eight feet in height which provides visual screening.
 - (2) No dismantling, repair or other activity shall be conducted.
 - (3) This use shall be located at least 200 feet from any residential district or use.
 - (4) These automobiles shall not be held longer than provided by state and county law.

(Ord. of 10-13-2020)

Sec. 89-184. Self-service storage, mini-warehouses.

Minimum standards for the use, site development, construction, and placement of self-service storage facilities and mini-warehouses shall be as follows:

- (a) *General regulations.*
 - (1) No wholesale or retail sales shall be permitted within a storage bay. A self-service storage facility included within a commercial or industrial development shall have a minimum of one acre and a maximum of five acres devoted exclusively for such use.
 - (2) As a principal use, a self-storage facility shall not occupy a site larger than ten acres.
 - (3) The only commercial activities permitted exclusively on the site of the self-service storage facility shall be rental of storage bays, pick-up and delivery of goods or property in dead storage, and the sale or rental of items related to moving and storage such as moving boxes, packing supplies and hand trucks.
 - (4) Storage bays shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail sales of any kind; rehearsing or practicing utilizing band instruments; conversion to an apartment or dwelling unit; or to conduct any other commercial or industrial activities on site.
 - (5) Residential quarters for security purposes may be established on the site (see the night watchman section of this article).
 - (6) A minimum six-foot fence or wall shall enclose the self-storage facility. Said fence or wall shall be constructed of brick, stone, masonry units, wood, chain link, cyclone, or other similar materials. Said fence or wall shall be setback a minimum of 20 feet from the side and rear property lines. Fences and walls shall adhere to the required front yard setback. This requirement will be inapplicable should the facility comply with landscape requirements of self-storage.
 - (7) Individual storage bays within a self-service storage facility shall not be considered a premises for the purpose of assigning a legal address in order to obtain an occupational license or any other governmental permit or licenses to do business.
 - (8) Except as provided, all property stored on site shall be entirely within enclosed buildings. Storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals are prohibited.
- (b) *Access.* A self-service storage facility shall be located on a lot that gains access from a local commercial or industrial street, a minor or major collector, or an arterial street.
- (c) *Outside storage.* Open storage of recreational vehicles and dry storage of pleasure boats of the type customarily maintained by private individuals for their personal use, truck trailers, antique cars and other vehicles shall be permitted within a self-service storage facility provided the following conditions are met.

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- (1) Such storage shall take place only within a designated area. The area so designated shall be clearly delineated upon the site plan submitted for approval by the county.
 - (2) The storage area shall not exceed 25 percent of the total buildable area of the site.
 - (3) The storage area shall be entirely screened from view from adjacent residential properties and public streets by a building or by the installation of a six-foot high opaque wall or fence. If existing vegetation or topography provides the required screening, then this wall or fence requirement may be eliminated.
 - (4) Vehicles shall not be stored within the area set aside for minimum building setbacks.
 - (5) No vehicle maintenance, washing, or repair shall be permitted on site. Pleasure boats stored on site shall be stored upon wheeled trailers. No dry stacking of boats shall be permitted on site.
- (d) *Development regulations.*
- (1) Separation between storage buildings.
 - a. If separate buildings are constructed, there shall be a minimum of 20 feet separating the individual buildings.
 - b. Buildings shall be situated or screened so that overhead access doors do not face public roads or residentially zoned property.
 - (2) Maximum bay size. The maximum size of a storage bay shall be 450 square feet.
 - (3) Maximum building height.
 - a. With the exception of the structure used for security quarters, the maximum height of a self-service storage facility shall be one story unless the board of commissioners approves additional stories.
 - b. The height of the building shall not exceed 12 feet.
 - c. All self-service storage facilities shall utilize gable roofs with not less than a 2:12 slope.
 - (4) Parking requirements.
 - a. Designated customer parking is not required; however, a minimum of five parking spaces shall be provided adjacent to the facility's leasing office, if a leasing office is located on site.
 - b. Interior parking. Interior parking shall be provided in the form of aiseways adjacent to the storage bays. These aiseways may be used for both circulation of traffic and user parking while using the storage bays. The minimum width of these aiseways shall be as follows:
 1. If aiseways permit two-way traffic, minimum width shall be 24 feet.
 2. If aiseways permit only one-way traffic, minimum width shall be 20 feet.
 - c. Prior to issuance of a certificate of occupancy, the traffic flow patterns in the aiseways shall be clearly marked. Marking shall consist at a minimum of the use of standard directional signage and painted lane markings with arrows. In order to assure appropriate access and circulation by emergency vehicles and equipment, the fire department shall approve the turning radii of the aiseways.
- (e) *Dumpsters and trash receptacles.* Dumpsters and trash receptacles shall be located where they are not visible from adjacent residentially-zoned properties and shall be adequately screened from view from all other adjacent properties and streets.

(Ord. of 10-13-2020)

Sec. 89-185. Stadiums, coliseums, arenas and amphitheaters.

Stadiums, coliseums, arenas and amphitheaters are subject to the following minimum requirements:

- (a) *Site requirements for an amphitheater.* Minimum site area of five acres.
- (b) *Site requirements for a stadium, coliseum or arena.*
 - (1) Minimum site area of ten acres.
 - (2) A minimum 1,000-foot setback from any residential district.

(Ord. of 10-13-2020)

Sec. 89-186. Special events venues.

Structures or spaces including, but not limited to, event facilities, banquet halls or similar facilities being leased for receptions, events, or similar functions, are subject to the following minimum requirements:

- (a) This use requires special approval in accordance with sections 89-1316.
- (b) Activities shall be limited to community or private parties, gatherings and charity events; weddings, wedding receptions and wedding or baby showers; and business functions. Other similar events may also be included, at the discretion of the planning and community development director.
- (c) For the purposes of public safety, such facilities or spaces shall be located with direct access from principal arterial, minor arterial, major collector, minor collector, state highway, or other road as appropriate to accommodate emergency and public safety access to the venue.
- (d) In the AG and AR districts, the minimum lot size to accommodate a special event venue shall be three acres.
- (e) Adequate parking and access shall be provided at the venue.
- (f) Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected, and that no direct light is cast upon adjacent properties and roadways.
- (g) The maximum capacity of structure or space (number of guests) is subject to fire code limitations and additional restrictions, including provision of adequate restroom facilities for a proposed special event capacity.
- (h) If approved, this use may be subject to limitations on hours of operation and noise levels.

(Ord. of 10-13-2020)

Sec. 89-187. Temporary events.

Temporary events are only allowed in zoning districts where they are permitted and only upon the issuance of a permit as provided in this section.

- (1) All temporary events are subject to the following:
 - a. A temporary event shall not occur on property that is less than three acres in size.
 - b. Hours of operation of a temporary event shall be between the hours of 7:00 a.m. to 11:00 p.m., excluding set up and clean up, unless otherwise specified by the permit issued for a specific temporary event. Notwithstanding such operating hours, the temporary event must comply with the Town of Carl Noise Ordinance.

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- c. No building, structure, activity, or portion of a temporary event, including any associated activities (such as parking and ticket/entrance gates), shall be permitted within 500 feet of the property line located within a R-1, R-2, or R-3 zoning district.
 - d. For all temporary events that occur on property that is bordered by other than R-1, R-2, and R-3, no building, structure, activity, or portion of a temporary event, including any associated activities (such as parking and ticket/entrance gates) associated with a temporary event shall be permitted within 100 feet from any such property line.
 - e. For the purposes of public safety, temporary events shall be located with direct access from a principal arterial, minor arterial, major collector, minor collector, state highway, or other road as necessary to accommodate emergency and public safety access to the venue, as determined in the discretion by the applicable Town of Carl public safety and emergency officials as a result of the application and review process.
 - f. A temporary sign associated with a temporary event must comply with temporary sign provisions in article VII.
 - g. All temporary event parking shall be fully contained within the subject property. Temporary event parking may not occur within or along governmentally-owned right-of-way.
 - h. Fireworks associated with a temporary event shall be prohibited, except for New Year's Eve, July 4th, and Memorial Day, provided all applicable County and State regulations for fireworks are satisfied. Except for New Year's Eve, fireworks shall be prohibited after 10:00 p.m.
 - i. Notwithstanding any provision that provides a more stringent limitation to the contrary, electronically amplified live and or recorded music and/or voices shall not exceed 70 dB(A) or ten dB(A) above ambient levels (whichever is more), when measured at or outside the property boundary.
 - j. The number of individuals attending a temporary event at any one time shall be limited to 1,000 individuals, which includes the individuals hosting and/or working at the temporary event. The holder of a temporary event permit shall be responsible for denying access to the property and/or the temporary event to ensure that the number of attendees at any one time does not exceed 1,000 individuals.
 - k. Two off-duty Town of Carl deputies shall be employed by the temporary event facility to maintain law and order and to assist with traffic and parking. Two additional off-duty Town of Carl deputies shall be employed if more than 400 individuals will be present on the subject property. If more than 700 individuals will be present on the subject property, two additional off-duty Town of Carl deputies shall be employed by the temporary event facility. By way of example, a temporary event with 900 attendees (including the individuals hosting and/or working at the temporary event) is required to employ six off-duty Town of Carl deputies to maintain law and order and to assist with traffic and parking. In the event more individuals attempt to attend the temporary event than may be accommodated based on the number of Town of Carl deputies present at the temporary event, such individuals shall be denied access to the temporary event. Law enforcement officers from other jurisdictions may satisfy the requirements of this subsection upon approval in writing by the Town of Carl Sheriff's Office.
- (2) Application requirements. Applications shall be submitted to the planning and community development department at least 45 calendar days in advance of the event. The application shall be furnished on a form provided by the county and shall include:
- a. The complete street address of the property to be used for the temporary event and evidence that the property meets the three-acre minimum requirement;
 - b. Ownership information, including the name, address, email address, and telephone number of each person or entity with an ownership interest in the property;
 - c. The written authorization of each person or entity with an ownership interest in the property;

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- d. The name, address, telephone number, and email address of the applicant;
 - e. The date and time of the proposed event;
 - f. A description of the nature of the event;
 - g. Signed acknowledgment that the applicant has read all regulations pertaining to temporary events and agrees to comply;
 - h. A scaled drawing indicating the boundary of the site, parking, and location of associated activities, buildings, and/or structures shall be provided; and
 - i. Documentation verifying the number of off-duty Town of Carl deputies to be employed for the temporary event;
 - j. Details regarding plans to provide security and traffic management for the temporary event;
 - k. Liability insurance. A written public liability insurance policy naming the County as an additional insured with limits of not less than \$300,000.00 for personal injury, per occurrence, and \$100,000.00, property damage per occurrence against all claims arising from the temporary event. If the temporary event poses higher risks than covered by such insurance, the applicant shall be responsible for assessing the risks of the temporary event and obtaining additional insurance coverage naming the County as an additional insured at the direction of the County;
 - l. Hold harmless agreement. The applicant is required to provide an executed indemnification and hold harmless agreement on the form provided by the County in which the applicant agrees to defend, pay, and hold harmless all County related entities, from any and all claims or lawsuits for personal injury or property damage arising from or in any way connected to the temporary event; excepting any claims arising solely out of the negligent acts of the County, its officers, and employees.

Each application shall be signed and sworn to by the applicant. False statements in any application shall be grounds for immediate revocation of the permit, denial of the application and/or denial of future applications.

(3) Application review.

- a. Upon receipt of a complete temporary event permit application, the application shall be forwarded for review and consideration by the Town of Carl Sheriff, Town of Carl Fire Marshal, and the Town of Carl Public Works Department, all of whom shall provide the director of planning and community development written statements noting any impact the proposed temporary event will have on county or state infrastructure, traffic, the provision of services, public safety, as well as concerns regarding compliance with applicable laws and regulations (the "statement of impact"). As determined in the discretion of the planning and community development director, the application may be forwarded to the Georgia Department of Transportation, Town of Carl Environmental Health, or any other state agencies to seek a statement of impact.
- b. In considering an application and any related statement of impact, the director of planning and community development may schedule a meeting with the applicant, the sheriff's office, and any applicable county department representatives. Such meeting shall occur to determine any additional information necessary for the possible approval of the permit application. The county reserves the right to require any additional reasonable information identified by the director of planning and community development, the sheriff's office, or any county department, or as a result of any statement of impact, to address concerns regarding a proposed temporary event.
- c. The director of planning and community development shall have 14 calendar days to issue a decision regarding an application, and may approve, approve with conditions, or deny the temporary event permit. If the director of planning and community development fails to act on a complete application before the expiration of the 14 day review period, the director of planning and community development shall be deemed to have approved the temporary event permit application.

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- d. The decision regarding an application shall be in writing and shall be personally delivered or deposited in the U.S. Mail by the fourteenth calendar day following receipt of a complete application.
 - e. An applicant dissatisfied with the denial of or conditions imposed upon a permit may submit an appeal to the county manager. The appeal shall be in writing and shall be submitted within ten days after the date shown on the written decision. Upon notice of such appeal, the county manager shall issue a finding as to whether the denial or conditions imposed by the director of planning and community development shall be upheld.
 - f. In deciding whether to approve, approve with conditions, or deny the temporary event, the director of planning and community development shall issue a permit only upon a determination that the activity or event, if permitted:
 - i. Would not cause substantial detriment to the public good;
 - ii. Would not interfere with another event or with the county's ability to reasonably provide public safety and emergency services;
 - iii. Can reasonably be expected to function safely as proposed;
 - iv. Would not be outweighed by potential damage or intrusion to or undue interference with the surrounding land uses;
 - v. Will not deny reasonable police and fire protection to the county based upon the diversion of police, emergency, and fire resources to support the temporary event;
 - vi. Will not cause irreconcilable interference with previously approved and/or scheduled construction, maintenance or other activities;
 - vii. Would not negatively affect the safety and welfare of pedestrian and vehicular traffic;
 - viii. Would not violate any applicable laws or regulations;
 - ix. Provides an adequate transportation management/parking plan for traffic control/parking management; and
 - x. Complies with the requirements and purpose of this section 89-187.
 - g. When more than one permit application is received for the same date, and the director of planning and community development, with input from county staff and the sheriff's office, reasonably determines both temporary events cannot occur without interfering with the other or without interfering with emergency, police, and fire protection to the county, the first complete application that is received by the county shall receive priority, and the application submitted second in time may be denied.
- (4) Permit limitations:
- a. No more than four single-day permits may be issued for a property within a calendar year.
 - b. A property is eligible for one permit per year for a temporary event lasting longer than one day, such as a carnival lasting multiple consecutive days, provided such permits shall be valid for no more than seven consecutive days.
 - c. The issuance of a permit under this section shall in no way be construed as authorizing the property for hosting a concert or serving as a concert venue.
- (5) Enforcement, violations, and penalties.
- a. Enforcement action may be brought against any individual, including, but not limited to, the applicant, permit holder, or property owner. Any violation of the provisions of this section shall be enforced in magistrate court to the full extent authorized by O.C.G.A. § 36-1-20, subject to the specific sanctions set forth below.

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- b. Town of Carl Code Enforcement and the Town of Carl Sheriff or his or her designee shall have authority to enforce the provisions of this section.
 - c. The issuance of a citation for a violation of any of the provisions stated herein (including failure to obtain a temporary event permit or failing to conform to the conditions imposed upon the issuance of a permit) will result in a fine of up to \$1,000.00, imprisonment not to exceed 60 days, or both at the discretion of the magistrate judge.
 - d. The issuance of a citation shall also result in an administrative hearing before the board of commissioners, as provided in subsection (6) below, for the board of commissioners to determine whether the violator(s) and/or subject property shall be subject to a suspension in the eligibility to apply for future temporary event permits for up to 12 months.
 - e. The county manager and the Town of Carl Sheriff shall have the authority to close any event and require the guests to vacate the property immediately upon violation of the requirements or conditions set forth herein or to preserve public health, safety, and welfare of persons or property.
- (6) Administrative hearing on suspension.
- a. The board of commissioners shall have the duty of conducting hearings concerning the suspension of the issuance of future temporary event permits.
 - b. Upon presentation of evidence to the director of planning and community development of a violation of this section, the director of planning and community development shall schedule a hearing before the board of commissioners and provide written notice to the adverse party of the time, place, and date of the scheduled hearing. The director of planning and community development shall also state in the written notice the basis for the administrative hearing and the violation or occurrence alleged that forms the basis for the potential suspension of the issuance of future temporary event permits.
 - c. At the hearing, after presentation of the case against the adverse party, the adverse party will have an opportunity to present his/her case, to rebut the allegations made against him/her, and present whatever defenses he/she has. The adverse party shall have the right to be represented by an attorney, at the expense of the adverse party, and to present evidence and cross-examine opposing witnesses.
 - d. At the conclusion of the hearing, the board of commissioners shall vote as to whether a suspension shall be applied and the length of any suspension. The director of planning and community development shall provide written notification via certified mail to the adverse party of the decision of the board of commissioners.
 - e. The decision of the board of commissioners shall be final, unless appealed to the Superior Court of Town of Carl within 30 days of receipt of the written notification to the adverse party of the board of commissioners' decision.
 - f. For purposes of this subsection (6), notice shall be deemed delivered when personally served or when served by certified mail postage prepaid within three days after the date of deposit in the United States Mail.

(Ord. of 10-13-2020; Ord. of 3-8-2022)

Sec. 89-188. Temporary offices for a development.

A temporary construction office or sales office serving a subdivision or other development project, where otherwise allowed, shall meet the following criteria:

- (a) *Temporary construction buildings.*

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- (1) Temporary buildings used in construction work may be permitted in any zoning district and shall be removed immediately upon completion of final construction, and before a building permit is issued for the lot.
 - (2) The temporary construction office may be a manufactured home or industrialized building.
- (b) *Temporary sales office; location.*
- (1) In all major subdivisions, a permit may be granted for the temporary use of one of the homes to be used as a real estate sales office for sale of the lots or new homes to be built and developed within the boundaries of the development.
 - (2) A temporary sales office in a subdivision shall be removed within 30 days after certificates of occupancy have been approved on all but three homes.
 - (3) The temporary sales office shall be located on a lot within an area that has received final plat approval and has been recorded with the clerk to the superior court.
- (c) *Temporary sales office; restrictions.*
- (1) Sales shall be limited to the lots and buildings within the subdivision where the temporary sales office is located, as defined by the approved final plat.
 - (2) The temporary sales office may not be a manufactured home.

(Ord. of 10-13-2020)

Sec. 89-189. Travel trailer park.

In any district where travel trailer parks are permitted, the applicant shall submit a sketch plan of the park subject to the following conditions:

- (a) No travel trailer park shall be located except with direct access to a county, state or federal highway, with a minimum lot width of not less than 50 feet for access points.
- (b) No entrance or exit shall be through a residential district or shall require movement of traffic from the park through a residential district.
- (c) The minimum lot area per park shall be three acres.
- (d) Spaces in travel trailer parks may be used by travel trailers provided they meet any additional laws or ordinances and shall be rented by the day or week only, and an occupant of such space shall remain in the same trailer park for a period of not more than 30 days.
- (e) Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to operation of a trailer park are permitted as accessory uses in any district in which trailer parks are allowed provided:
 - (1) Such establishments and the parking area primarily related to their operations shall not occupy more than ten percent of the area of the park.
 - (2) Such establishments shall be restricted in their use to occupants of the park.
 - (3) Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the park.
- (f) No space shall be so located that any part intended for occupancy for sleeping purposes shall be within 50 feet of the right-of-way line of any freeway, expressway, arterial or collector streets.
- (g) In addition to meeting the above requirements, the travel trailer park site plan shall be accompanied by a certificate of approval from the Town of Carl Health Department.

(Ord. of 10-13-2020)

Sec. 89-190. Waste handling or disposal.

- (a) *Recycling collection location.* A location containing metal or heavy-duty plastic containers, bins, or dumpsters designed for short-term holding of pre-bagged recyclable items such as tin, aluminum, glass, and paper (no perishable or food items allowed) for scheduled minimum monthly pick up with no on-premises sorting shall meet the following requirements:
 - (1) The center must be maintained in a safe, clean, neat, and sanitary fashion and shall not encompass an area larger than ½ acre.
 - (2) Such location shall be visually screened and maintained.
 - (3) All containers, bins or dumpsters and all vehicle maneuvering and parking areas (other than access driveways) shall be within the building setbacks.
- (b) *Materials recovery center.* The operation of material recovery center facilities may be permitted subject to special use approval on private property located in the industrial zoning districts subject to the following requirements:
 - (1) The facility must be setback a minimum of 1,000 feet from any residential use.
 - (2) All activities must be conducted in a fully enclosed building; no outside storage of materials.
 - (3) An opaque fence or cyclone (chain link) type fence, six feet high, must enclose the entire business, which shall be maintained in good condition and does not detract from the surrounding neighborhood.
- (c) *Wood chipping/shredding and yard trimming composting facilities.*
 - (1) Composting materials shall be limited to tree stumps, branches, leaves and grass clippings or similar vegetative materials, and not include animal products, inorganic materials such as bottles, cans, plastics or metals, or similar materials.
 - (2) A three-foot high landscape earthen berm with a maximum slope of three to one and/or a minimum six-foot high, 100 percent opaque, solid wooden fence or masonry wall shall be constructed around the entire perimeter of the facility.
 - (3) The fence/wall or berm must be located outside of a public right-of-way and interior to any landscape strip. The finished side of a fence/wall shall face the exterior property lines.
- (d) *Landfills, subtitle D and construction-demolition materials.* Subtitle D landfills and landfills approved for construction and demolition materials are subject to the following requirements:
 - (1) No person may locate or operate a subtitle D or construction-demolition landfill that will likely create a nuisance; be conducive to insect and rodent infestation or the harboring and feeding of wild dogs or other animals; impair the air quality; impair the quality of the ground or surface waters; or likely create other hazards to the public health or safety as may be determined by the Town of Carl Health Department.
 - (2) *Special use approval required.* A special use permit application shall be submitted with design plans, specifications, maintenance and operation information, including the following:
 - a. Proposed location;
 - b. Fire protection;
 - c. Drainage courses passing through or adjacent to site;
 - d. Location of access roads;
 - e. Special drainage devices.
 - f. Number and type of equipment;
 - g. Maintenance and operation procedures;

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- h. Certificate of acceptance from Town of Carl Health Department;
 - i. A copy of the completed application to be submitted for state permit approval; and
 - j. Other pertinent information necessary to indicate the development, operation, and appearance of the completed sanitary landfill disposal area.
- (3) *Site and design requirements.*
- a. All landfills shall have a minimum lot area of 25 acres.
 - b. A minimum 200-foot buffer is required adjacent to residential districts or uses and a minimum 200-foot buffer is required adjacent to public right-of-way.
 - c. All facilities shall be enclosed with a security fence at least six feet high with openings not more than those in two-inch mesh wire or similar fencing material or device. Such fencing shall be adequate to prevent paper or related refuse from blowing from the landfill onto neighboring property.
 - d. Any changes in the normal drainage of the property upon which the sanitary fill is located shall be accommodated by storm sewers as necessary to properly care for drainage: such storm sewers shall be installed at the expense of the user.
- (4) *Access.*
- a. Access shall be from a paved road.
 - b. Truck traffic routes and entrances to the facility shall be approved by the public works director.
 - c. The subtitle D or construction-demolition landfill site must be accessible without traveling over residential streets, or through any residential subdivision or development.
- (5) *Restrictions on operations.*
- a. Compliance with all applicable federal and state laws and permit requirements is required on a continuing basis. Violations of state or federal requirements shall be grounds for revocation of special use approval as deemed necessary to protect the public health, safety and general welfare.
 - b. Business hours shall be as set by the Georgia Environmental Protection Division but may be enforced by Town of Carl.
 - c. All subtitle D or construction-demolition landfills shall have and keep on their premises, in good working order, adequate equipment to comply with the requirements established for the use.
 - d. No bio-medical or hazardous wastes as defined by federal and state laws shall be disposed or discharged into the landfill site.
 - e. No waste shall be disposed of within 500 feet of a public street or highway or a property line adjoining a residential zoning district.
 - b. All subtitle D or construction-demolition landfills shall have an operator in attendance at all times when the landfill is in use, and such landfill must be barricaded when closed to the public.
- (6) *Fire control.* At least one of the following methods shall be provided to control fires:
- a. Access to a supply of water at the sanitary landfill site; or
 - b. Have access to an organized fire department which will provide service upon call; or
 - c. Maintain a stockpile of earth adjacent to the working face of the fill.
- (e) *Landfills, inert fill.*
- (1) A development permit may be issued in any zoning district for filling of a specific natural land depression with earth, provided that:
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- a. Such fill shall not include garbage or trash, materials subject to decomposition such as tree stumps, dry waste building materials, or any materials that contain internal voids such as concrete block; and
 - b. Such facilities shall be allowed only in areas incapable of development without landfill operations.
 - (2) Solid fill landfills intended for the disposal of dry waste building materials, broken concrete or asphalt paving, or other materials not subject to decomposition, are allowed in any zoning district, subject to the following:
 - a. Special use approval is granted by the board of commissioners; and
 - b. Such fill shall not include garbage or trash, or materials subject to decomposition such as tree stumps.
 - (3) Lot area shall not exceed ten acres.
 - (4) Access from paved streets, other than residential subdivision streets, is required. Said streets shall be able to withstand maximum load limits established by the State of Georgia.
 - (5) No access through any residential subdivision or development.
 - (6) Minimum 100-foot buffer required adjacent to residential districts and uses; minimum 50-foot buffer required adjacent to public rights-of-way.
 - (7) Minimum six-foot high solid fence/wall shall be required around all property lines adjacent to residential districts or uses.
 - (8) Business hours shall commence no earlier than 5:00 a.m. and cease by 7:00 p.m.
 - (9) The operation of the landfill shall comply with all applicable federal, state and county licensing, permits, law, and authorization.
 - (f) *Bury pits.*
 - (1) The disposal by burial of dry waste building materials on a lot or within a development that is generated while a structure is under construction is prohibited. Such waste shall be removed from the property prior to issuance of a certificate of occupancy for the structure.
 - (2) The disposal of domestic garbage or trash and the disposal of commercial and industrial waste products shall only be allowed in a sanitary landfill or as otherwise permitted or required by the county health department and in compliance with all applicable state and federal laws.

(Ord. of 10-13-2020)

Secs. 89-191—89-215. Reserved.

DIVISION 3. ACCESSORY BUILDINGS, USES AND STRUCTURES

Sec. 89-216. Application.

The following provisions apply to accessory uses or structures in all zoning districts where the use is otherwise allowed, whether by right or through special use approval.

(Ord. of 10-13-2020)

Sec. 89-217. Accessory buildings, uses and structures; in general.

- (a) *Relationship to a principal use.*

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- (1) No accessory use or structure shall be allowed on any lot except in relation to an existing principle use on the lot.
 - (2) When an accessory structure is attached to the principal building by breezeway, passageway or similar means, the accessory structure shall comply with the yard requirements of the principal building to which it is accessory.
 - (3) No accessory structure shall be constructed upon a lot until construction of the principal building has commenced.
 - (4) An accessory structure shall not be permitted in a side yard in the residential districts, or in the front yard of any district. See subsection (d) below for exceptions.
- (b) *Restrictions on accessory buildings; all districts.*
- (1) Accessory structures within a nonresidential district shall be used only by employees of the owner, the lessee or tenant of the premises, unless otherwise allowed by provisions of this resolution.
- (c) *Relationship to a principal use.*
- (1) No accessory structure shall be located closer than five feet to a side or rear lot line.
 - (2) Accessory structures shall not exceed two stories in height.
 - (3) An accessory structure shall not cover more than 30 percent of the rear yard.
- (d) *Exceptions.*
- (1) Corner lots or irregular lots that do not have a rear yard (see section 89-10, "Lots") may be exempt from section 89-217(a)(4). An accessory structure may be permitted in the side yard of a corner lot or irregular lot that does not have a rear yard in accordance with section 89-217(d).
 - a. Accessory structures in a side yard must be screened from a public street by a fence or landscaping that is a minimum six feet in height.
 - b. Accessory structures shall meet all other requirements provided herein.
 - (2) Corner lots and irregular lots must comply with all other applicable regulations and restrictions provided herein.

(Ord. of 10-13-2020)

Sec. 89-218. Customary accessory uses to a dwelling.

- (a) *Allowed accessory uses.* Any use that is customarily incidental to the principal residential use of a property, and normally found in conjunction with such principal use, is allowed as an accessory use to a dwelling. Without excluding any other such accessory use, each of the following is considered to be a customary accessory use to a dwelling and may be situated on the same lot with the principle use that it serves:
- (1) Private garage.
 - (2) Outdoor parking area or carport.
 - (3) Shed or tool room for the storage of equipment used in grounds or building maintenance.
 - (4) Television or radio antenna, or a satellite dish antenna as set forth for personal over-the-air devices under the radio, television and telecommunications section of this article.
 - (5) Children's playhouse, playground and play equipment.
 - (6) Quarters for the keeping of pets (such as a doghouse) owned by the occupants of the dwelling for noncommercial purposes.

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- (7) Private recreational facility, such as a swimming pool and bathhouse or cabana, jacuzzi, tennis court, deck or patio.
 - a. Pools must be enclosed by a fence or wall at least four feet in height with a self-locking gate.
 - b. Pools must be located within the principal building setback in accordance with section 89-407. Pool setbacks shall be measured from the surrounding wall or fence.
 - c. Swimming pools located on a corner lot or irregular lot that does not have a rear yard shall comply with applicable regulations in section 89-217(d).
 - (8) Home occupation in accordance with the provisions of section 89-219.
 - (9) Guest house in accordance with the provisions of section 89-220.
 - (10) Relative residence in accordance with the provisions of section 89-221.
 - (11) Personal horse stable for a single-family detached residence in accordance with the provisions of section 89-223.
 - (12) Common laundry facility, rental or management office, central mail box pavilion, dumpster, designated recycling collection location, clubhouse, fitness amenities and tennis courts incidental to a multi-family dwelling or mobile home park for the exclusive use of the occupants of the dwelling or development, subject to the following conditions:
 - a. Must be located within the building setbacks.
 - b. Signage and advertisement for any commercial purposes shall not be visible outside the development or intended to attract off-site customers.
 - (13) Noncommercial greenhouse.
 - (14) Garbage pad, heating and air conditioning units.
 - (15) Incidental storage is permitted provided that the material stored is incidental to the permitted use and is stored completely within a portion of the enclosed, principal structure permitted within the district or within permitted accessory structures. Adherence to the National Fire Protection Association Code 30 for flammable and combustible materials must be met including Chapter 4 of that code dealing with container storage and NFPA Code 101 (Life Safety Code).
- (b) *General restrictions.*
- (1) No accessory building, structure, use or deck shall be built upon a lot until construction of the principal building has commenced.
 - (2) Accessory buildings and structures shall meet the setback requirements of the lot and building standards article (Article IV) of this Development Code.
 - (3) Where a corner lot adjoins in the rear a lot in a residential district, no accessory structure shall be located closer to the side street right-of-way line than the principal building or closer than 25 feet to the rear property line. The setback of 25 feet will not be required when the adjoining yard is a rear yard.
 - (4) Manufactured or mobile homes shall not be used for storage in any district nor allowed as an accessory use unless otherwise specified in this Development Code.
 - (5) Shipping containers shall not be used as an accessory structure, except within AG and AC districts. Industrialized buildings constructed with shipping containers as a component are subject to the Georgia Industrialized Buildings Act and section 89-130 of this Development Code.
- (c) *Restrictions in all residential districts.* The following restrictions apply to accessory uses in all residential zoning districts:
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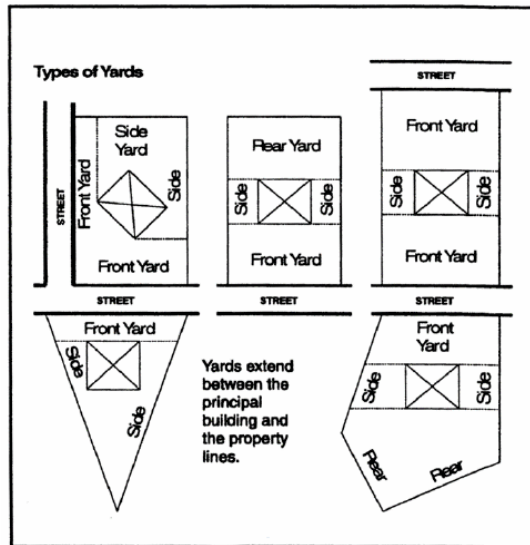


Figure 3.1 Types of Yards

- (1) All accessory structures shall be located in the side or rear yard, unless specified otherwise in this Development Code.
- (2) The floor area of an individual accessory structures shall not be more than 50 percent of the floor area of the principle building, and the cumulative floor areas of all accessory buildings shall not exceed 100 percent of the floor area of the principle building.
- (3) Any metal structures over 500 square feet shall require special use approval.

(Ord. of 10-13-2020)

Sec. 89-219. Home occupations.

- (a) *Home occupations; defined.* Home occupations are types of commercial uses that are customarily performed in a small area of a residence that are of a low intensity nature and clearly incidental to the use of a residence. A home occupation is further defined as one of the following:

Family day care home: An accessory use within a private residence operated by the occupant of the dwelling that enrolls for pay, supervision and non-medical care, five or fewer children or elderly adults with no overnight stays, or no more than six children or elderly adults if the structure meets the building code requirements for institutional uses.

Home business: A home occupation that is limited to the office use of a practicing professional, an artist or a commercial representative, and may involve very limited visits or access by clients or customers, but does not involve the maintenance, repair, storage or transfer of merchandise received at the home.

Home office: A home occupation that is limited to an office use and does not involve visits or access by the public, suppliers or customers, and does not involve the receipt, maintenance, repair, storage or transfer of merchandise at the home.

- (b) *Home occupations in general.* Home occupations are subject to the following:

- (1) No home occupation use shall create noise, dust, vibration, smell, excessive traffic, smoke, glare, or electrical interference that would be detected beyond the dwelling unit.
- (2) A home occupation use shall not create traffic inconsistent with surrounding property uses.

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- (3) There shall be no exterior lighting of the building or property that is not in character with a residential neighborhood.
- (c) *Home office.*
- (1) Home offices shall be located and conducted in such a manner that the average neighbor under normal circumstances would not be aware of their existence.
- (2) *Permitted activities.*
- a. A home office shall be limited to the personal conduct of a business within one's place of residence. There shall be no exterior indication that the business activity is taking place.
- b. A home office is allowed only as an accessory use to a residential dwelling.
- (3) *Limitations on size and location.*
- a. The floor area devoted to the home office can be no more than 25 percent of the heated floor area of the dwelling unit or 500 square feet (whichever is less). This limitation applies to the aggregate floor area of all areas devoted to the home office, whether located within the dwelling or in an accessory structure.
- b. There shall be no activity or display associated with the home office outside of any building or structure.
- c. The use shall be conducted entirely within the dwelling unit.
- (4) *Activity controls.*
- a. There shall be no exchange of merchandise of any kind on the premises.
- b. No use shall involve public contact on the property and no article, product or service shall be sold on the premises other than by telephone, unless this use has been granted a special permit.
- c. There shall be no activities on the premises that are associated with personal service occupations such as a barber shop, beauty shop, hairdresser or similar activities.
- d. There shall be no manufacturing, assembly or fabrication of products on the premises conducted as an occupation or commercial venture.
- e. There shall be no associates or employees on the premises other than other members of the family who reside on the premises.
- f. It shall be unlawful to store or park any business material, business equipment or business vehicle on the premises of the home office, unless any such business material, equipment or vehicle is confined entirely within the residence or in an approved accessory structure, except that one business vehicle complying with the restrictions contained in subsections 89-726(a) and (b), and used exclusively by the resident may be parked on a paved driveway or other paved parking area, in a carport or garage, or in a rear yard.
- g. There shall be no parking spaces provided or designated specifically for the home office.
- (d) *Home business.*
- (1) *Special requirements.*
- a. Whenever the applicant ceases to occupy the premises for which the home business was approved, no subsequent occupant of such premises shall engage in any home business until he shall have been issued a new special use approval.
- b. The applicant must be the owner of the property on which the home business is to be located or must have written approval of the owner of the property if the applicant is a tenant.
- (2) *Limitations on size and location.*
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- a. The use shall be conducted entirely within the dwelling unit.
 - b. No more than 50 percent of the dwelling unit may be used for the home business.
- (3) *Activity controls.* Only persons living in the dwelling unit plus one employee other than persons living in the dwelling unit shall be employed therein.
- (4) *Outdoor storage and parking.*
- a. It shall be unlawful to store or park any business material, equipment or vehicle on the premises of the home business, unless any such business material, equipment or vehicle is confined entirely within the residence or in an approved accessory structure, except that:
 - 1. One business vehicle complying with the restrictions contained in subsections 89-726(a) and (b), and used exclusively by the resident may be parked on a paved driveway or other paved parking area, in a carport or garage, or in a rear yard; and
 - 2. In an AG or AR district only, wreckers, dump trucks, flat bed trucks, tow trucks, mechanical earthmoving equipment or any commercial vehicle may be stored at the location of the home occupation and if such vehicle is used exclusively for an agricultural purpose.
- (e) *Family day care home.* Daily care for children or elderly adults for pay is allowed as a home occupation subject to the following limitations:
- (1) Care shall be limited to fewer than 24 hours per day.
 - (2) A maximum of five children or elderly adults for whom compensation is received, or no more than six children or elderly adults if the structure meets the building code requirements for institutional uses.
 - (3) For purposes of this section only, children who are related by blood, marriage or adoption to the childcare provider shall not be included in the calculation of the six person limitation, with the total maximum of no greater than eight children at any one time.
 - (4) No family day care shall be established within 500 feet of another family day care.
 - (5) No off-street parking may be provided for child pick up and drop off in a front yard, and all other outward appearance of the day care use shall be prohibited other than normal play equipment associated with a residence.
 - (6) The day care services shall be provided exclusively by the resident of the home. There shall be no employees.
 - (7) Not more than 25 percent of a residence may be used for the day care service.
 - (8) Outdoor play areas shall be located in the rear or side yards and shall be separated from driveways, streets and parking areas.
 - (9) No home occupation day care service may be established and operated in Town of Carl until a business permit to do so has been obtained from the county.

(Ord. of 10-13-2020)

Sec. 89-220. Guest house.

A detached dwelling unit that is used primarily for sleeping purposes by relatives, domestic employees or temporary guests of the family occupying the principal home on the lot must meet the following minimum requirements:

- (a) *Standards for guest houses.*
 - (1) The guest house must be an accessory use to a dwelling already existing on the lot.
 - (2) Minimum standards:

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- a. The placement of a guest house on a lot shall not result in the violation of the lot coverage maximums applicable to the zone in which it is located.
 - b. The water supply and sanitary sewage disposal system for the lot must be certified as adequate to support the guest house in combination with the main house.
 - c. Adequate parking as outlined within this code must be provided specifically for the guest house. Access shall be provided through the principle dwelling units existing driveway.
- (b) *Restrictions.*
- (1) Guest houses shall be architecturally compatible with the main unit.
 - (2) No more than one guest house may be located on any lot.
 - (3) The guest house must be placed to the rear of the main house
 - (4) The floor area of the guest house shall not exceed 50 percent of the existing living area of the principal residence nor more than 1,500 square feet, whichever is larger.

(Ord. of 10-13-2020)

Sec. 89-221. Relative residence.

A second cooking facility may be constructed and used within a single-family residence for the exclusive use of relatives of the real property owner subject to the following restrictions:

- (a) The real property owner must live in the single-family residence.
- (b) The area of the second cooking facility shall not exceed the area of the main cooking facility.
- (c) Access to the relatives' living area shall be required from the interior of the residence although secondary access to the exterior of the dwelling is not prohibited.
- (d) Paved off-street parking shall be provided for additional vehicles as needed.

(Ord. of 10-13-2020)

Sec. 89-222. Short term rentals.

Notwithstanding any other provision of this Unified Development Code, the operation of a short-term rental shall be governed by the short-term rental ordinance, and no person shall rent, lease, or otherwise exchange for compensation all or any portion of a short-term rental without first obtaining a short-term rental permit from the county.

(Ord. of 10-13-2020; Ord. of 6-14-2022, § 2)

Cross reference(s)—Short-term rentals, §§ 26-150 et seq.

Sec. 89-223. Horse stables, personal.

A building for the shelter and feeding of horses as an accessory use to a single-family detached residence is subject to the following:

- (a) A personal horse stable shall not contain more than four stalls.
- (b) Such stable shall be established on a lot having an area of not less than four acres for one horse, and an additional two full acres for each additional horse kept on the property.
- (c) The horse stable and any corral or designated riding area shall be located at least 100 feet from any property line.

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- (d) All animals shall be maintained within a fully fenced area.

(Ord. of 10-13-2020)

Sec. 89-224. Customary accessory uses to a church or other place of worship.

Any use that is customarily incidental to the principal use of a property as a church or other place of worship, and normally found in conjunction with such principal use, is allowed as an accessory use to a church or other place of worship subject to the following provisions:

- (a) Meeting facilities are permitted in all zoning districts; however a special use permit shall be required for such facilities in the M-1 or M-2 district.
- (b) Offices for the operation of the church or other place of worship are permitted in all zoning districts; however a special use permit shall be required for such facilities in the M-1 or M-2 district.
- (c) Except in the M-1 and M-2 districts, a church or other place of worship may have a residence for the housing of the pastor, priest, minister, rabbi, or other leader of the congregation for the church or other place of worship, provided that:
 - (1) The residence shall be not less than 15 feet from the primary structure on the property; and
 - (2) Customary accessory uses associated with a dwelling shall be permitted on the property if a residence exists as an accessory use on the property.
- (d) Except in the M-1 and M-2 districts, a church or other place of worship may have accessory instructional facilities as follows:
 - (1) Rooms devoted to religious instruction, adult counseling, etc., related to the exercise or transmission of the religion's beliefs or philosophy are permitted with no additional requirements.
 - (2) Schools sponsored by the church or other place of worship as general education facilities must comply with the requirements for private schools under subsection 89-176(b) of this Development Code. The minimum lot size requirement for the school shall be in addition to the minimum lot size required for the church or other place of worship itself.
 - (3) In all cases, temporary classrooms require special use approval.
- (e) Except in the M-1 and M-2 districts, a church or other place of worship may have an accessory cemetery with the following requirements:
 - (1) The cemetery, with or without a mausoleum, shall meet all minimum requirements for such uses under subsection 89-168(b) of this Development Code except for the minimum lot size.
 - (2) The cemetery, in addition to the minimum lot size requirement for the church, shall be located on a site of at least five acres.
- (f) Within the commercial zoning districts, a community food bank or housing shelter may be located in a church or other place of worship as an accessory use, provided it meets the applicable minimum standards of the community food bank and housing section of this article (section 89-171).

(Ord. of 10-13-2020)

Sec. 89-225. Customary accessory uses to a commercial or industrial use.

Any use that is customarily incidental to the principal commercial or industrial use of a property, and normally found in conjunction with such principal use, is allowed as an accessory use. Without excluding any other such accessory use, the following provisions apply to accessory uses in the commercial and industrial zoning districts:

- (a) Accessory buildings are subject to the following conditions:

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- (1) Maximum height of two stories, not to exceed 40 feet.
 - (2) Where any nonresidential lot adjoins the side or rear of a residential lot, any accessory building shall not be located within the required building setback.
 - (b) Car washes accessory to gasoline stations and convenience food stores with fuel pumps, provided the car wash is located within an enclosed building that is located within the principal building setback.
 - (c) Automobile, truck and trailer leasing and rentals accessory to an automobile service station, provided the following shall apply:
 - (1) This use shall not be established on a lot of less than 20,000 square feet.
 - (2) This use shall not occupy more than ten percent of the lot area.
 - (3) Parking areas for the permitted trailers shall be located only in portions of the lot where off-street parking is permitted but no area or space shall occupy spaces set aside for required off-street parking or use by cars awaiting service.
 - (4) No trailer shall be parked within 30 feet of the future street right-of-way line or in any way which interferes with normal traffic flow to, within or out of the lot.
 - (5) All parking areas shall be clearly marked and no unit shall be parked outdoors other than within these boundaries except when being serviced.
 - (d) Heating and air conditioning units subject to the following conditions:
 - (1) When abutting any residential property line, heating and air conditioning units shall not be located in any required setback.
 - (2) Heating and air conditioning units may be installed on a roof of any structure in the commercial and industrial zoning districts so long as the heating and air conditioning units do not exceed the height restrictions of the zoning district in which the building is located, and they are screened from a side or front view.
 - (3) Ground based air conditioning and heating units shall not exceed 35 feet in height.
 - (e) Incidental storage. Incidental storage, provided that the material stored is incidental to the permitted use, and is stored completely within a portion of the enclosed, principal structure permitted in the district or within the permitted accessory structure. Adherence to the National fire Protection Association Code 30 for flammable and combustible materials must be met including Chapter 4 of that code dealing with container storage, and NFPA Code 101 (Life Safety Code).
 - (f) Free standing parking garages, subject to the following conditions:
 - (1) When abutting any residential property line, free standing parking garages shall not be located within any required building setback for a principal building.
 - (2) When abutting other nonresidential districts, freestanding parking garages shall not be closer than 10 feet to any rear or side property line.
 - (g) Ambulance services accessory to a hospital or funeral home.
 - (h) Clinic and pharmacy, as part of a planned office center.
 - (i) Health service clinics, including a pharmacy as an accessory use.
 - (j) Manufacturing and fabrication as an accessory use. If undertaken as an accessory use to a retail use allowed by right, such as a jewelry store or pottery, the manufacturing or fabrication activity may occupy no more than 25 percent of the gross floor area or 1,000 square feet (whichever is less). All products manufactured or fabricated on the premises must be sold on the premises as a retail activity.
 - (k) Ancillary retail sales. The retail sale of goods and services as an accessory use to a primary industrial use on a property is allowed, insofar as the goods for sale have been produced on site or are in storage at

the site for planned distribution to other areas. The ancillary retail sale of goods shall only be conducted as part of the permitted industrial use and shall not be a freestanding business.

(Ord. of 10-13-2020)

Sec. 89-226. Accessory retail uses within office, hotel or multi-family buildings.

Retail sales and services accessory to the operation of an office building or institutional use, motel, hotel or multi-family building, must be conducted wholly within the building housing the use to which such activities are accessory (unless otherwise allowed under this section), and are further subject to the following conditions:

- (a) Retail sales, services and restaurants in a district other than community or intensive commercial, or within any type of master planned development.
 - (1) *Allowed accessory commercial uses.* The following accessory uses are permitted: barber shops, beauty shops, laundry and dry cleaning pick up and distribution stations, and other similar personal service establishments, drugstores, book stores, florists, convenience food stores, liquor stores (within a hotel or motel only), gift shops, cafeterias and restaurants, private clubs, laundry facilities for the convenience of residents, and newsstands.
 - (2) *Maximum floor area.* The floor space used or to be used for these accessory uses shall be limited to:
 - a. A total of 25 square feet per dwelling unit in a high-rise apartment development; or
 - b. Twenty-five square feet per room in a hotel or motel; or
 - c. Ten percent of the net floor area in an office building or institutional use
 - (3) *Restrictions.*
 - a. Every public entrance to the accessory commercial use shall be from a lobby, hallway or other interior portion of the primary use structure except for a restaurant located within an office building, hotel or motel.
 - b. No show window, advertising or display for the accessory commercial use shall be visible from the exterior of the primary use structure except for a restaurant located within an office building, hotel or motel.
 - c. No merchandise shall be stored or displayed outside of the primary use structure.
- (b) Restaurants and cafeterias secondary to a hotel or motel and office building or institutional use may be located in a structure other than the primary use structure.

(Ord. of 10-13-2020)

Sec. 89-227. Night watchman residence.

- (a) *Night watchman residence, permanent.* A permanent night watchman residence may be developed as an accessory use to a nonresidential use for the exclusive occupancy of personnel employed for the security of the principal use subject to the following standards:
- (b) *Need.* The principal use must be deemed by the planning and community development director as one requiring full-time security or 24-hour on-site management. Such uses include but are not limited to mini-warehouses, high-value warehousing or on-site storage, or outdoor storage of valuable materials or equipment.
- (c) *Development restrictions.*
 - (1) The night watchman residence may consist of only one dwelling unit.

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- (2) The residence shall meet the minimum floor area requirements of the building code as adopted by the board of commissioners, and may not be a manufactured home but must comply with all other standards of section 89-127 relating to single-family and two-family residences.
 - (3) The residence may be a portion of a building primarily devoted to nonresidential uses or may be a separate residential building. If it is a separate building, the location, design, and materials of the residence shall be consistent and integral with the site plan and building design for the principal use.
 - (4) Two off-street parking spaces shall be provided in addition to the parking required for the principal uses(s).

(Ord. of 10-13-2020)

Sec. 89-228. Agricultural produce stands.

- (a) This use shall comply with the front yard setback established for the district in which it is located and be located no closer than 50 feet from any side or rear property line.
- (b) Access shall be provided by at least a collector road. There shall be adequate pull off and off-street parking available, and a minimum of four off-street parking spaces.
- (c) The stand shall sell only products grown or produced on the premises on which it is located.
- (d) Produce stands shall be no greater than 1,000 square feet, unless a larger size is approved as a special use.

(Ord. of 10-13-2020)

Sec. 89-229. Permanent, temporary or portable sawmill.

- (a) Such a sawmill may only process timber removed from the property on which it is located, unless it is located in a C-3 or an industrial zoning district.
- (b) This use shall be setback not less than 400 feet from a residential structure or adjoining property.
- (c) Temporary or portable sawmills may be operated for a maximum period of six months.

(Ord. of 10-13-2020)

Sec. 89-230. Agritourism.

- (a) *Purpose and intent.* The purpose of this section is to allow agricultural tourism with a special use permit and provide regulations related to agritourism to ensure this use is facilitated at an appropriate scale and intensity that limits impacts to adjacent properties, maintains the rural character, and preserves the agricultural heritage of the county.
- (b) *Requirements.* Agritourism may only be permitted upon the grant of a special use permit and in compliance with the following additional conditions:
 - (1) Agritourism shall be associated with agricultural activity such as, but not limited to, farming, horticulture, and livestock rearing, and such agricultural activities shall be conducted on the same property as is being used for agritourism.
 - (2) The minimum lot size of any property conducting agritourism shall be ten acres. Contiguous parcels under common ownership that together constitute the same farm may be counted toward this requirement. Town of Carl makes no representation regarding any impact use of a property for agritourism may have on conservation use value assessment.
 - (3) Any competition utilizing motorized vehicles shall not be permitted as an agritourism activity.

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- (4) Nothing in this section shall be construed as permitting overnight lodging as part of an agritourism use. To the extent a property is to be used for overnight lodging, all permitting requirements otherwise required by the Code shall apply.
 - (5) A minimum 100-foot setback is required from all property lines for all activity areas, gathering spaces, patios, pavilions, or other structures, whether permanent or temporary, associated with agritourism, including parking. Where this Code provides for greater setbacks for specific uses or structures, such specific setbacks shall apply.
 - (6) The regulations pertaining to noise set forth in section 58-4 shall apply to any property used for agritourism, but in no event shall sound levels at the boundaries of the property exceed the following limits:
 - a. *Long duration sound.* For any sound lasting continuously for one second or more, maximum limits are: 60 dBA when adjacent to a residential district; 65 dBA when adjacent to a commercial district; and 75 when adjacent to an industrial district other than heavy industrial.
 - b. *Short duration sound.* For any sound having a duration of less than one second, including impulsive sound (i.e., sound having an abrupt onset and rapid decay), the limit shall be 80 dBA at the property line when adjacent to a residential, commercial or industrial zoning district.
 - c. *Method of sound measurement.* These sound levels are to be measured in decibels in accordance with the standards promulgated by the American National Standards Institute (ANSI), and shall be made with a sound level meter using the (a-) weighting scale.
 - (7) Amplified sound or music for outdoor activities shall be permitted only during the hours specified in the special use permit.
 - (8) Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected, and that no direct light is cast upon adjacent properties and roadways.
 - (9) Hours of operation shall commence no earlier than 6:00 a.m. and cease by 10:00 p.m.
 - (10) If located adjacent to any residential district or an AG district used for single-family dwellings, the minimum buffers required for the heavy industrial district as specified in Table 8.1 shall be required.
 - (11) Tents and temporary structures associated with an agritourism use may be permitted on a property for a maximum of 30 consecutive days, no more than four times each calendar year.
 - (c) *Uses.* All services, attractions, or products offered, including retail as part of an agritourism use, shall be related to and support such agricultural activities. Agritourism activities shall be permitted only where the board of commissioners has granted specific approval. An applicant proposing one or more of the following activities must specifically request approval by the board of commissioners of each activity:
 - a. *Cut your own/pick your own.* A working farm that grows trees, fruits, vegetables, and/or nuts where sales are made directly to the public and where the customers may participate in the harvesting.
 - b. *Educational demonstrations.* Demonstrations that teach the ability to create a product where raw materials are grown from a working farm.
 - c. *Farm retail sales.* A working farm where products produced on the farm are sold directly to the public either from the main dwelling or from an accessory building of less than 1,000 square feet.
 - d. *Farm tours.* Tours where visitors are shown working farm operations and are taught about farm processes.
 - e. *Fee fishing/hunting.* Offering private property for fishing or hunting for a fee to the public or to private parties.
 - f. *Petting zoo.* Area for visitors to interact one on one with animals.

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- g. *Seasonal events/activities.* Seasonal events and activities, including, but not limited to hay rides, holiday lighting displays, Easter egg hunts, and corn mazes.
 - h. *Horseback riding.* Lessons in riding to members of the public for pay. Also includes offering trails for horse owners to bring and ride their own stock. This does not include facilities open to the public to watch horses and riders train.
 - i. Other uses specifically requested, provided that such uses meet the intent of this section and it is determined that there will be minimal impact to surrounding properties. However, nothing in this section shall be construed as permitting the short-term rental of a property, or the use of property as a special event venue. In order for a property used for agritourism to also be used as a special event venue or for short-term rental, separate applications for such special use of property must be submitted and approved.

(Ord. No. 6-14-2022, § 2)

Secs. 89-231—89-250. Reserved.

DIVISION 4. AIRPORT HAZARD OVERLAY DISTRICT

Sec. 89-251. Purpose of article.

The purpose of the Airport Hazard (AHO) Overlay District is to protect the public health, safety, and welfare by assuring that development within areas impacted by airport operations is appropriately planned to mitigate the impact of such operations. Further, this overlay district is intended to prevent the establishment of air space obstructions in air approaches through height restrictions and other land use controls, as deemed essential to protect the public health, safety, and welfare consistent with Federal Aviation Regulations (FAR) Part 77.

This overlay district is intended to be applied to properties which lie within close proximity to the Town of Carl Airport (WDR) where aircraft are likely to fly at relatively low elevations. This overlay district is further intended to identify noise zones which should be planned to regulate future airport encroachment by inappropriate land uses and to minimize the effects of airport noise. A map of the Airport Hazard Overlay District is provided as Exhibit "A" which is attached hereto and incorporated herein by reference.

(Ord. of 10-13-2020)

Sec. 89-252. Airport Hazard Overlay (AHO) with subzones established.

The designated approach zones described below are areas on the ground that generally correspond to airspace imaginary surfaces above ground.

- (a) *Approach Zone 1 (AZ1).* The inner edge of AZ1 is 1,000 feet wide, perpendicular to the runway centerline, and located 200 feet from the threshold of Runway 31. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet. Its centerline is the continuation of the centerline of the runway.
- (b) *Approach Zone 2 (AZ2).* The inner edge of AZ2 is 500 feet wide, perpendicular to the runway centerline, and located 200 feet from the threshold of runways 5, 23, and 13. AZ2 expands outward uniformly to a width of 2,000 feet at a horizontal distance of 5,000 feet. Its centerline is the continuation of the centerline of the runway.

(Ord. of 10-13-2020)

Sec. 89-253. General regulations.

(a) *Building permit.*

- (1) *Existing uses.* No permit shall be granted that would allow the establishment or creation of an obstruction or permit a legal nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this division, or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- (2) Applications for building permits within approach zones shall include a completed FAA obstruction evaluation / airport airspace analysis. FAA form 7460-01 must be submitted to the FAA to initiate the analysis and evaluate potential hazards to air navigation.

(b) *Airport noise; agreement and waiver of rights.* All planning actions will require as a condition of approval that the applicant sign an agreement with Town of Carl agreeing that airport noise is likely to increase in the future and that they waive all rights to file formal complaints about airport noise. The agreement shall be evidenced by an Affidavit of Facts Effecting Title recorded in the real estate records of Town of Carl. Such Agreement shall at a minimum contain the following provisions:

- (1) Any building constructed within the Airport Hazard Overlay Zone should at a minimum meet the Georgia Power Good Cents insulation requirements to minimize aircraft noise in the building.
- (2) All deeds transferring property within the Airport Hazard Overlay Zone shall contain the following:
"This property is in an area in the Airport Hazard Overlay Zone and is subject to overflights using the Town of Carl Airport. As a result, residents in the Airport Hazard Overlay Zone may be subject to some inconvenience, annoyance or discomfort arising from the noise of such operations. Residents of property near a public use airport should therefore be prepared to accept such inconvenience, annoyance, and discomfort from normal airport operations or growth in the amount of air traffic and covenant to a waiver of rights to complain about airport noise from normal operations."

Sec. 89-254 Restrictions.

The following land use restrictions shall apply within airport Approach Zones in addition to those provisions stated for the underlying zoning district affected by the Airport Hazard Overlay Zone.

- (a) *Types of land uses, restricted.* To protect the airport from encroachment by incompatible uses and to minimize the effects of noise and safety hazards associated with airport operations, the following uses shall be prohibited, unless otherwise approved as special uses by the Board of Commissioners of Town of Carl in accordance with the review criteria set forth below.
 - (1) Churches, schools, stadiums, lodges and clubs, and other similar places of public assembly;
 - (2) Multi-family dwellings;
 - (3) Hospitals, public and private institutions and other uses where concentrations of persons are customary;
 - (4) Industrial and/or heavy commercial uses which emit smoke, dust, flame, or glare of such magnitude as to constitute a hazard to aircraft;
 - (5) Restaurants or bars that provide seating for customers;
 - (6) Gas stations* and fuel storage facilities*;
 - (7) Solid waste transfer stations or other facilities that may attract birds;
 - (8) Theaters and outdoor theaters; or

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- (9) Other similar uses deemed by the airport director or designated representative to constitute a hazard to aircraft or affect the FAA-approved instrument approach to the runways by means of height, type of construction, interference with radio navigation signals, visual distraction, or other means without conditions imposed as a result of special use approval.

* No variance or special use permit may be granted to allow any of these uses in the Airport Hazard Overlay Zone.

- (b) *Additional restrictions on uses.* Notwithstanding any other provisions of this division, no use shall:

- (1) Be made of land or water within any of the subzones established in this division in such a manner as to create electrical interference with navigational signals or radio communication between airport and aircraft;
- (2) Make it difficult for pilots to distinguish between airport lights and other lights;
- (3) Result in glare in the eyes of pilots using the airport;
- (4) Impair visibility in the vicinity of the airport;
- (5) Create bird strike hazards; or
- (6) Otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use or using the airport.

- (c) *Height restrictions.*

- (1) Except as otherwise provided in this division, no structure shall be erected, altered, or maintained in any zone created by this division to a height that penetrates FAR Part 77 airspace surfaces.
- (2) Any new structure within the AHO Zone must also comply with applicable height requirements set forth in section 89-405.
- (3) Town of Carl may take physical action to top or remove, as appropriate, any tree in the approach zones which is determined to be a hazard to air navigation.

(Ord. of 10-13-2020)

Sec. 89-255 Review criteria for special uses in the Airport Hazard Overlay Zone.

- (a) In evaluating and deciding any application for a special use permit in the Airport Overlay (AH) Overlay Zone, the approval authority shall apply the following review criteria:
- (1) Whether the proposed use is compatible in view of the use and development of the airport;
 - (2) Whether the proposed use will adversely affect the airport and whether the airport will adversely affect the proposed use;
 - (3) Whether permitted uses in the airport overlay zone are available and appropriate for the subject property;
 - (4) Whether the proposed use will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
 - (5) Whether the proposed use is in conformity with the policy and intent of the comprehensive plan; and
 - (6) Other factors found to be relevant by the hearing authority for review of the proposed use.
- (b) The Town of Carl Airport Authority shall be given an opportunity to review the planning and community development department staff report and to recommend in writing either approval or denial of the special use to the planning commission. The planning commission shall forward the airport authority's recommendation to the board of commissioners with the planning commission's recommendation. The airport authority's recommendation shall be advisory only and shall not be binding on the planning commission or on the board of commissioners.

(Ord. of 10-13-2020)

Secs. 89-256—89-300. Reserved.

DIVISION 5. PROHIBITED USES

Sec. 89-301. Designated uses not allowed.

The following specific uses are not allowed in any zoning district in Town of Carl:

- (a) Leather and hide tanning and finishing, except taxidermy.
- (b) Mobile home (pre-1976).
- (c) Paper manufacturing other than finished stationery products.
- (d) Petroleum and coal products manufacturing other than asphalt plants.
- (e) Solid waste combusters or incinerators.

(Ord. of 10-13-2020)

Sec. 89-302. Noxious manufacturing or industrial activities not allowed.

- (a) *Prohibited noxious or hazardous products.* A manufacturing or industrial activity that produces any of the following as products or by-products of the manufacturing process is prohibited:
 - (1) Caustic or corrosive acids.
 - (2) Chlorine or other noxious gases.
 - (3) Explosives.
 - (4) Fertilizer or glue.
 - (5) Products involving hair or fur.
- (b) *Prohibited noxious or hazardous processes.* A manufacturing or industrial use that involves any of the following is prohibited:
 - (1) Tanning or finishing of leather or other hides, except taxidermy.
 - (2) Petroleum refining.
 - (3) Processing of sauerkraut, vinegar or yeast.
 - (4) Rendering or refining of fats and oils.
 - (5) Wood preservation.

(Ord. of 10-13-2020)

Secs. 89-303—89-400. Reserved.

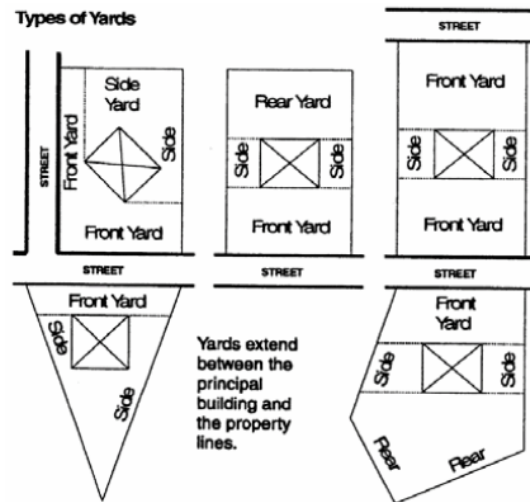
ARTICLE IV. LOT AND BUILDING STANDARDS

Sec. 89-401. Purpose of article.

This article sets out the standards that control the size of lots, the placement of buildings and structures on a lot, and the bulk and intensity of development on a lot.

(Ord. of 10-13-2020)

Sec. 89-402. Minimum lot frontage.



- (a) *Street frontage required.* Every property must front on a street from which direct access can be gained that has been opened and accepted as a public street or is a recorded private street approved by the board of commissioners.
- (b) *Minimum frontage.*
 - (1) Every lot and every multi-family or nonresidential development must have minimum street frontage equal to 50 feet, except as follows:
 - (2) Exceptions to minimum frontage requirement:
 - a. Lots fronting primarily on a cul-de-sac turnaround, or any right-of-way having a curve radius of 60 feet or less, shall not have less than 35 feet of street frontage.
 - b. A townhouse subdivision lot shall have at least 20 feet of street frontage.

(Ord. of 10-13-2020)

Sec. 89-403. Maximum density, minimum lot area and width.

- (a) Every property upon which a principal building or use will be located shall meet or exceed the requirements shown on Table 4.1 for the zoning district in which the lot is situated.
- (b) *Maximum density.*
 - (1) The total number of dwelling units in a residential subdivision or development shall not exceed the gross area of the subdivision or development property multiplied by the maximum density shown on Table 4.1. Residential densities are shown on the table as the number of dwelling units per acre.
 - (2) The maximum nonresidential density figures shown on Table 4.1 are used to determine the amount of gross floor area for nonresidential uses that can be constructed on a lot. Maximum floor area is

determined by multiplying the floor area ratio (FAR) times the area of the lot in square feet. For instance, a one-acre lot at 0.5 FAR could accommodate 21,780 square feet of floor area (43,560 square feet of lot area × 0.5 FAR).

Table 4.1: Density, Lot Area, Width, Setbacks and Building Heights by Zoning District

District	Use	Well and Septic Tank		Public Infrastructure		Min. Lot Width (feet)	Building Setback (feet)*****			Max. Building Height (feet)
		Max. Density*	Min. Lot Size	Max. Density*	Min. Lot Size		Front	Side	Rear	
AG	All uses	1 du/5 acres	5 acres	1 du/5 acres	5 acres	150	50	40	40	50
AR	All uses	1 du/2 acres	2 acres	1 du/2 acres	2 acres	150	50	40	40	50
R-1	Single-Family Detached	1 du/1.3 acres	1.3 acres	1 du/acre	25,500	100	35	15	40	50
R-2	Single-Family Detached	N/A	N/A	2.3 du/acre	15,000	75	30	15	40	45
	Duplex	N/A	N/A	2.3 du/acre	15,000	75	30	15**	40	45
	Townhouse Subdivision*	N/A	N/A	2.3 du/acre	2 acre Site	20	0***	15**	40	45
R-3	Single-Family Detached	N/A	N/A	2.9 du/acre	10,000	60	30	10	40	40
	Duplex (per du)	N/A	N/A	2.9 du/acre	10,000	60	20	10**	40	40
	Townhouse Subdivision	N/A	N/A	8 du/acre	2 acre Site	20	0***	10**	40	40
	Townhouse Condominium or Apartment	N/A	N/A	12 du/acre	2 acre Site	150 (Site)	20	30	40	50
MH	Manufactured Home Subdivision	N/A	N/A	3.5 du/acre	10,000	50	30	8.5	40	35
	Manufactured Home Park	N/A	N/A	5 du/acre	5 acre Site	100 (Site)	20	30	40	25
AC	All uses	0.2 FAR	1 acre	0.25 FAR	1 acre	150	30	15	15	35

O-I	All uses	0.2 FAR	40,000	0.25 FAR****	10,000	100	30	15	15	35
C-1	All uses	0.2 FAR	40,000	0.25 FAR	10,000	100	30	15	15	35
C-2	All uses	0.4 FAR	40,000	0.50 FAR	20,000	100	30	15	15	50
C-3	All uses	0.4 FAR	40,000	0.50 FAR	40,000	100	30	15	15	75
M-1	All uses	0.5 FAR	40,000	0.75 FAR	20,000	100	30	15	15	75
M-2	All uses	0.5 FAR	40,000	0.75 FAR	40,000	100	50	15	20	None

* Townhouse subdivision density may be increased with special use approval up to 5du/acre in R-2.

** None required between attached principal buildings.

*** Rear vehicular access from an alley is required for all units; no parking allowed between the street and each unit.

**** A FAR of up to 0.5 and a building height of up to 50 feet may be allowed with special use approval.

***** The minimum principal building setback along an arterial road (including highways) shall be 100 feet from the right-of-way line. (See Section 89-404 (b)).

- (3) *Minimum lot width.* Each minimum lot width shown on Table 4.1 shall be achieved at the minimum front setback line for a principal building on the lot, measured as described under the definition of "lot width". For a lot having the majority of its frontage on a cul-de-sac, the minimum lot width shall be the achieved a 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.
- (4) *Authority of health department.* Nothing contained in this article shall be construed as preventing the county health department, after study of the conditions existing in a proposed subdivision, from requiring that all or any portion of the area of such subdivision shall not be built upon or that the minimum lot sizes set forth in this Development Code are inadequate and must be increased to ensure the protection of the public health.

(Ord. of 10-13-2020)

Sec. 89-404. Minimum setbacks; principal buildings.

- (a) All principal buildings on a lot shall be setback from the street right-of-way lines and from the side and rear lot lines bounding the lot no less than the distances shown on Table 4.1.
- (b) Minimum setback along highways. For any lot that adjoins an arterial road, the minimum building setback along such road shall be 100 feet from the right-of-way line.

(Ord. of 10-13-2020)

Sec. 89-405. Building and structure heights.

- (a) *Building and structure heights; how measured.*
 - (1) *Building height.* The vertical distance measured to the highest point of a building from the average finished grade across those sides of a building that face a street.

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- (2) *Structure height.* The vertical distance to the highest point of a structure (other than a building), as measured from the average grade at the base of the structure or from the average grade directly below a projecting structure.
- (b) *Maximum building and structure heights.* The maximum height of all buildings and structures in each zoning district, except as otherwise provided in this section, shall be as shown on Table 4.1.
- (1) The maximum height for all buildings and structures within the AHO airport hazard overlay district shall be 35 feet and shall not exceed AHO height restrictions set forth in Article III, Division 4. No exceptions are allowed.
- (2) *Exemptions.* The following structures (unless within the AHO airport hazard overlay district) are exempt from the height limitations imposed by this section, provided that no structure may exceed 200 feet in height from the average finished grade at its base:
- a. Agricultural buildings located on a farm such as barns, silos, windmills, grain elevators, and other farm structures, but not including dwellings.
 - b. Structures located on a building's roof, such as bulkheads, elevator penthouses, water tanks, cooling towers, gas holders, and industrial structures where required as part of the manufacturing process, provided that these structures shall not cover more than 25 percent of the total roof area of the building on which these structures are located.
 - c. Church spires, belfries, cupolas, domes, monuments, water towers, observation towers, citizens band and ham radio antennae, utility substations, windmills, chimneys, smokestacks, derricks, conveyors, and TV reception antennae.
- (3) *Height limitations for fences and freestanding walls.* Fences and freestanding walls (other than retaining walls) cannot be located within any public right-of-way or utility or drainage.
- a. In the AG and AR zoning districts, the following shall apply:
 1. A fence or freestanding wall in any front yard area may not exceed five feet in height.
 2. A fence or freestanding wall in any side or rear yard area may not exceed eight feet in height.
 - b. In the R-1, and R-2 zoning districts, and for single-family detached and duplex developments within the R-3 and MH zoning districts, the following shall apply:
 1. A fence or freestanding wall in any front yard area may not exceed four feet in height, and shall not be constructed out of chain link, barbed wire or woven wire.
 2. A fence or freestanding wall in any side or rear yard area may not exceed eight feet in height.
 3. A decorative wall surrounding a subdivision or located along an abutting county road shall not exceed eight feet in height, regardless of the type of yard in which the wall is located and shall not be constructed in right-of-way.
 - c. For multi-family developments (including townhouses) within any zoning district, the following shall apply:
 1. A fence or freestanding wall in any front yard area may not exceed six feet in height.
 2. A fence or freestanding wall in any side or rear yard area may not exceed eight feet in height.
 3. A decorative wall surrounding a development or located along an abutting county road shall not exceed eight feet in height, regardless of the type of yard in which the wall is located.
 - d. In any office, commercial or industrial zoning district, no fence or freestanding wall may exceed eight feet in height.
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- e. In all zoning districts and developments, fences or freestanding walls shall not obstruct visibility at street intersections (see the visibility triangle provisions under the project design standards in Article X).
 - (4) Height limitations for radio, television and telecommunication antennae and towers are contained section 89-182.

(Ord. of 10-13-2020)

Sec. 89-406. Minimum lot size on septic tank.

- (a) *Minimum area for lots served by septic tanks.*
 - (1) Any lot upon which both an individual well and septic tank are to be provided shall have a minimum area of not less than that required by state and county health department regulations or this Development Code, whichever is greater. The site location on the lot of these facilities shall be approved by the county health department in accordance with all applicable requirements.
 - (2) Any lot which is to be served by a public water supply and an individual septic tank shall have an area of not less than that required by state and county health department regulations or this Development Code, whichever is greater. The site location on the lot of these facilities shall be approved by the county health department in accordance with all applicable requirements.
- (b) *Lot size and width increases.* The county health department may require larger lot sizes in individual cases based on a variety of factors, in accordance with their regulations.

(Ord. of 10-13-2020)

Sec. 89-407. Minimum setbacks; accessory buildings and structures.

- (a) *Accessory buildings.* Minimum setbacks for accessory buildings shall be as follows:
 - (1) *Guest house.* Guest houses must be located to the rear of the main home on the lot and must meet the same setbacks as required for principal buildings in each zoning district.
 - (2) *Night watchman residence.* Night watchman residences shall conform to the minimum setback requirements for principal buildings in each zoning district.
 - (3) *All other accessory buildings.*
 - a. Accessory buildings having a floor area of 144 square feet or less must be at least five feet from any property line and shall be located to the rear of the principal building.
 - b. Accessory buildings having a floor area greater than 144 square feet must comply with the same setbacks as required for principal buildings in each zoning district and may not be located within any front yard except between the minimum front principal building setback and the principal building on a lot containing five acres or more.
 - c. When an accessory building is attached to the principal building it shall comply with the yard requirements of the principal building to which it is accessory. Decks and patios shall meet the standards in (b)(5) of this section.
- (b) *Accessory structures.* Minimum setbacks for accessory structures (excluding buildings but including parking lots, fences, signs and outdoor swimming pools) shall be as follows:
 - (1) *Fences and freestanding walls.* For all fences and freestanding walls, there shall be no minimum setback from any property line, provided that any fence or freestanding wall shall not be location within a utility or drainage easement and shall not obstruct visibility at street intersections (see the sight triangle provisions under the project design standards article).

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- (2) *Gasoline pumps and canopies.* For special setback provisions for gasoline pumps and canopies, see "gasoline stations, truck stops and convenience stores with fuel pumps" in section 89-174.
 - (3) *Signs.*
 - a. Any portion of a sign ten feet high or less shall be located at least five feet from a public street right-of-way line (except for miscellaneous signs specifically allowed under the sign regulations article of this Development Code).
 - b. Any portion of a sign more than ten feet high shall be located at least 20 feet from a public street right-of-way line.
 - c. All signs shall be setback at least five feet from any side or rear property line.
 - (4) *Outdoor recreation facilities.*
 - a. An outdoor swimming pool, tennis court, basketball court or other recreation or sports facility must comply with the same setbacks as required for principal buildings in each zoning district; and
 - b. Shall not be located within any front yard, except between the minimum front principal building setback and the principal building on a lot containing five acres or more.
 - (5) *Decks and patios.*
 - a. Decks and patios may extend into the side or rear setback but no closer than five feet from any property line.
 - b. Steps and landings may extend into the required setbacks provided that such extensions do not exceed ten feet for the front and three feet for the side.
 - c. Steps and landings may extend into the rear setback but no closer than five feet from the property line.
 - (6) *All other accessory structures.* Accessory structures not listed above must be at least 20 feet from any street right-of-way and at least five feet from any other property line (except driveways that connect to a street or adjoining property).

(Ord. of 10-13-2020)

Sec. 89-408. Floor area provisions.

- (a) *Minimum building floor area within a dwelling unit.*
 - (1) The minimum building floor area required for dwelling units in each zoning district is shown on Table 4.2.
 - (2) Occupancy within a dwelling unit is not allowed to exceed the following number of persons, based on the amount of building floor area within the unit:
 - a. For up to 600 square feet of building floor area, no more than two persons.
 - b. For each person over two, at least 125 square feet of additional building.
 - c. Floor area shall be provided within the dwelling unit.
- (b) *Maximum floor area in nonresidential districts.*
 - (1) The gross floor area occupied by a single business establishment in the C-1 zoning district, or within any master planned development allowing neighborhood commercial uses, may not exceed the maximums shown on Table 4.3, nor may a multi-tenant commercial building exceed 100,000 square feet and may contain one grocery store and one drug or hardware store.

- (2) For the purpose of this subsection, a business that contains other businesses within it occupying the same space, such as a grocery store with a branch bank or fast food restaurant inside, shall be considered a single business establishment.

Table 4.2: Residential Floor Area Requirements

Zoning District/Use	Minimum Floor Area (square feet)
AG Agricultural	1,008
AR Agricultural Residential	1,008
R-1 Low Density Single-Family	1,600 Single Story 1,850 Two Story
R-2 Medium Density Residential	1,600 Single Story 1,850 Two Story
R-3 High Density—Single-Family	1,600 Single Story 1,850 Two Story
R-3 High Density—Duplex or Townhouse Unit	1,200
R-3 High Density—Apartments*	
1 bedroom	650
2 bedroom	800
3 bedroom or more	1,000
MH Manufactured Home	1,008

* A maximum of 20% of all apartments within a development may be less than the minimum 650 sf, but not less than 520.

* All floor area measured in heated square feet.

Table 4.3: Nonresidential Floor Area Restrictions

Zoning District/Use	Gross Floor Area (square feet)
AC Agricultural Commercial	No Restrictions
O-I Office and Institutional	6,000 maximum*
C-1 Neighborhood Commercial: **	
Grocery Store	30,000 maximum
Drug or Hardware Store	20,000 maximum
Convenience Food w/Fuel Pumps	3,000 maximum
All Other Stores and Offices	6,000 maximum
C-2 Community Commercial:	No Restrictions
C-3 Highway Retail Commercial	No Restrictions
M-1 Light Industrial	No Restrictions

M-2 Heavy Industrial	No Restrictions

* The maximum gross floor area in an O-I district may be increased with special use approval.

** Maximum 100,000 square feet total in multi-tenant building.

(Ord. of 10-13-2020)

Secs. 89-409—89-460. Reserved.

ARTICLE V. SUBDIVISIONS AND MASTER PLANNED DEVELOPMENTS

Sec. 89-461. Purpose of article.

This article presents the different ways that land can be subdivided and developed, ranging from conventional subdivisions, to open space subdivisions where green space and natural features are preserved by reducing lot sizes, to various types of master planned developments including mixed use master planned developments, traditional neighborhood developments, and senior housing subdivisions, which allow a wider variety of housing types in a well-planned, walkable environment that maximizes green space -and provides a variety of amenities.

(Ord. of 10-13-2020)

Sec. 89-462. Minor subdivisions.

(a) *Minor subdivisions; general.*

- (1) A "minor subdivision" is the subdivision of five or fewer lots in which each lot has frontage on an existing county street or road, and which does not involve the construction of a new street or the widening of an existing roadway, the provision of stormwater drainage facilities (other than driveway culverts), or the construction or improvement of any public utilities.
- (2) Minor subdivisions, as more fully described under this section, shall be reviewed and processed as final subdivision plats under the provisions for such plats in the procedures and permits article of this Development Code.
- (3) The term "original tract" as used in this section means a unit of land which the owner holds under single or unified ownership, or which the owner holds controlling interest in, on the effective date of adoption of this Code.
- (4) The term "contiguous common parcels" as used in this section means parcels adjoining or touching other land at a common point and having a common owner, regardless of whether or not portions of the parcels have separate tax lot numbers, or were purchased in different land lots, or were purchased at different times.

(b) *Types of minor subdivisions.* Minor subdivisions are defined as, and limited to, any one of the following:

- (1) *Recombination.* The sale or exchange of portions of adjoining lots between separate or common owners of adjoining properties, including the recombination of existing lots of record, provided that additional lots are not thereby created, and that all resulting lots are in accordance with the zoning and other provisions of this Development Code, and all other applicable laws and regulations.
- (2) *Minor subdivision plat.* In order to be approved as a minor subdivision plat, the division of land must create no more than five lots, building sites, or other divisions (including the remaining portion of the original tract) and meet the following criteria:

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- a. Each lot shall front on an existing paved public road and meet the minimum requirements of the zoning district.
 - b. Each lot shall access the existing paved public road by way of a shared driveway unless approved for an individual driveway access by the public works department.
 - c. All slope and utility easements, as well as required street rights-of-way as determined by the planning and community development director based on the comprehensive plan, are provided at no cost to the county.
 - d. Each proposed lot shall comply with the requirements of the health department whose certification of approval shall be required prior to the approval of the final plat by the planning and community development director.
 - e. The potential location of a driveway connection serving each lot and meeting the requirements of these development regulations must be reviewed and approved by the public works department and shall be indicated on the final subdivision plat.
- (3) *Estate subdivision.* Estate subdivisions may be developed in the AG agricultural zoning district under the following provisions:
- a. Each lot created by the subdivision, including the remaining portion of the original tract, must contain ten acres or more.
 - b. Each proposed lot shall provide at least 100 feet of frontage upon the street, shall provide at least 150 feet of lot width measured in accordance with the requirements of this Development Code, and shall meet or exceed all other minimum requirements of the AG zoning district. These dimensions must be increased to 200 feet of frontage and 300 feet of lot width if further subdivision (under subsection e. below) is anticipated or desired.
 - c. Each proposed lot abuts upon an existing paved public street.
 - d. All slope and utility easements, as well as required street rights-of-way, as determined by the planning and community development director based on the comprehensive plan, are provided at no cost to the county.
 - e. Each lot, thus created, may be re-subdivided into lots of no less than five acres as a minor subdivision pursuant to these regulations, provided that each such lot shall meet all requirements of this Development Code (including minimum lot width and frontage).
 - f. Each proposed lot shall comply with the requirements of the health department whose certification of approval shall be required prior to approval of the final plat by the planning and community development director.
 - g. The potential location of a driveway connection serving each lot and meeting the requirements of these development regulations must be reviewed and approved by the public works department and shall be indicated on the final subdivision plat.
- (c) *Limitations on minor subdivision.*
- (1) *Purpose.* It is the intent of the board of commissioners to provide for the division of land not a part of a larger common plan of development (i.e., as a minor subdivision), whereby a tract of land may be divided into not more than five individual tracts of land, provided all tracts of land within the minor subdivision have appropriate frontage, access, and otherwise comply with all county regulations, including this Development Code.
 - (2) *Chain subdivisions prohibited.* Minor subdivisions provide certain development advantages that tend to favor their use over the filing of major subdivision applications. Given these development advantages, there is a risk that subdividers may seek to divide a parcel via consecutive and/or contiguous minor subdivisions, instead of filing as a major subdivision. It is the intent of the board of commissioners to prohibit the practice of such "chain" subdivisions that seek to evade the major subdivision development regulations such as where the same land owner subdivides land and then files additional minor

subdivision applications of the same land or on contiguous common parcels, which collectively creates six or more lots within a period of three years. It is also the policy of the board of commissioners to prohibit the division of lots adjacent to each other within a three-year time period, in cases where part of an original tract of land is now owned by another person or entity and was transferred or sold to another owner with the apparent intent to circumvent the requirements for major subdivisions. Notwithstanding any provision to the contrary, nothing in this section shall prohibit the division of land or adjacent parcels if such division results in the creation of a total of five or fewer lots within a three-year period, provided all tracts of land within the minor subdivision have appropriate frontage, access, and otherwise comply with all county regulations, including this Development Code.

- (3) *Contiguous common parcels shown on subdivision plats.* Contiguous common parcels, as defined by this section, shall be referenced on all applications for subdivision of land, and contiguous common parcels shall be considered part of any application for subdivision of land, for purposes of determining whether or not the division of land proposed is a part of a larger common plan of development, but is being submitted as a minor subdivision in an apparent attempt to circumvent the requirements for major subdivisions. Common contiguous parcels shall not be counted as lots in the case of a minor subdivision.
- (4) *Additional limitations.* This section only applies to the division of property into not more than five total parcels, and within any three-year period. This provision shall not be construed to prohibit the approval of two contiguous subdivisions under separate ownership; however, this provision is intended to be construed liberally so that one property owner does not develop a subdivision on part of an original tract and transfer or sell another part of the original tract for the purposes of subdivision within a three-year period.

(Ord. of 10-13-2020)

Sec. 89-463. Major subdivisions.

Major subdivisions; defined. A "major subdivision" is any subdivision that does not qualify as a "minor subdivision" under section 89-462, or any subdivision of fewer than six lots that involves the construction of a new public or private street. A major subdivision commonly involves the construction of a new street or widening of an existing roadway, the provision of stormwater drainage facilities, or the construction or improvement of public utilities, or which otherwise has six or more lots (not in a large lot minor subdivision), building sites or other divisions.

- (a) *Types of major subdivisions.* Major subdivisions fall into five categories for the purpose of development regulation:
 - (1) *Conventional subdivisions.* Wherein the maximum density allowed for the zoning district determines the maximum number of lots in the subdivision, and all of the lots meet the minimum lot size and other dimensional requirements for the zoning district as shown on Table 4.1 of article IV. Open space outside of the lots may be created but is not required.
 - (2) *Open space subdivisions.* Wherein the zoning district density limitation may be increased as provided in this article and the minimum lot size is reduced to allow for maximum flexibility on a site and in order to create conservation areas, open space and recreational amenities for the residents.
 - (3) *Mixed use master planned developments.* A type of master planned development in which the zoning district density limitation may be increased as provided in this article and the minimum lot size of the zoning district is reduced in order to create open space and recreational amenities for the residents. Depending on the zoning district in which a master planned development is located, flexibility in housing types, mixed-use projects and certain commercial uses are allowed.
 - (4) *Traditional neighborhood developments.* A type of master planned development in which the zoning district density limitation may be increased as provided in this article and the minimum lot size of the zoning district is reduced in order to provide walkable, compact neighborhoods, a mix of uses and housing styles, and encourage neighborhood interaction, safety, and security.

- (5) *Senior housing developments.* A type of master planned development in which the zoning district limitation may be increased as provided in this article and the minimum lot size reduced in order to provide a development of neighborhoods with specialized design oriented toward senior citizens. These neighborhoods are age-restricted with amenities geared toward the senior residents.

The following table presents a summary of the requirements of this article as they apply to each of the three types of major subdivisions. Refer to the text and other tables of this article for specific provisions.

Table 5.1: Summary Comparison of Major Subdivisions

	Conventional Subdivision*	Open Space Subdivision	Mixed Use Master Planned Development	Traditional Neighborhood Development	Senior Housing Development
Approval	By Right	By Right	Special Use	Special Use	Special Use
Max. Number of Lots	Density per Table 4.1	Density per Table 4.1 plus 10%	Density per Table 4.1 plus 10%. Loft dwellings in a commercial building are allowed in addition to the development density.	Density per Table 4.1 plus 10%.	Density per Table 4.1 plus 10%.
Minimum lot size per dwelling unit: <i>Well + Septic Tank:</i> AG, AR R-districts— Single-family R-districts— Duplex	Per Table 4.1 Per Table 4.1 Per Table 4.1	Per health dept. N/A** N/A**	Per health dept. N/A** N/A**	N/A*** N/A*** N/A***	N/A*** N/A*** N/A***
<i>Public Water + Septic:</i> AG, AR R-1 Other R-districts	Per Table 4.1 N/A Per Table 4.1	Per health dept. Per health dept. Per health dept.	Per health dept. N/A Per health dept.	N/A*** N/A*** N/A***	N/A*** N/A*** N/A***
<i>Public Water + Sewer:</i> AG, AR R-1 R-2—Single-Family R-2—Duplex or Townhouse	Per Table 4.1 N/A Per Table 4.1 Per Table 4.1	Per preliminary plat Per preliminary plat Per	Per concept plan N/A Per concept plan Per concept plan	Per concept plan Per concept plan Per concept plan Per concept plan	Per concept plan Per concept plan Per concept plan Per concept plan

R-3—Single-Family R-3—Duplex R-3—Townhouse	Per Table 4.1 Per Table 4.1	preliminary plat Prelim plat/site plan Per preliminary plat Per preliminary plat Per site plan	Per concept plan Per concept plan Per concept plan	Per concept plan Per concept plan Per concept plan	Per concept plan Per concept plan Per concept plan
Open Space	None required	Minimum 20% + Primary conservation areas (20% including primary conservation areas in R-1)	Minimum 20% + Primary conservation areas		
Natural Resources or Conservation Easement required	Natural Resources easement: Primary conservation areas	Conservation easement: Primary conservation areas + Secondary conservation areas if designated by developer	Conservation easement: Primary conservation areas + Secondary conservation areas if designated by developer	Conservation easement: Primary conservation areas + Secondary conservation areas if designated by developer	Conservation easement: Primary conservation areas + Secondary conservation areas if designated by developer

* All requirements of article IV apply to conventional subdivisions.

** Not applicable. All open space subdivisions and mixed use master planned developments must be connected to a public water system except in the AG and AR zoning districts.

*** Not applicable. All traditional neighborhood developments and senior housing subdivisions must be connected to public water and sewer systems.

(Ord. of 10-13-2020)

Sec. 89-464. Conventional subdivisions.

- (a) *Maximum number of lots.* The maximum number of lots (or dwelling units) in a conventional subdivision shall be determined by the density allowed for the zoning district and the comprehensive plan land use designation where the subdivision is located, multiplied times the gross acreage of the subdivision site.

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- (b) *Minimum lot size.* In a conventional subdivision, the lot area per dwelling unit shown on Table 4.1 of article IV establishes the minimum lot size for each lot.
 - (c) *Minimum lot width, setbacks.* The lot width and setback requirements of article IV apply to each lot in a conventional subdivision.
 - (d) *Other lot and building standards.* All other lot and building standards contained in article IV and not modified under this section shall apply to conventional subdivisions.
 - (e) *Conservation, open space and recreation.* Requirements regarding the protection of primary conservation areas in natural resource easements and the provision of recreation amenities in conventional subdivisions can be found under section 89-469.
 - (f) *Reserved.*
- (Ord. of 10-13-2020)

Sec. 89-465. Open space subdivisions.

Open space development provisions may be applied to any residential subdivision in any zoning district. In addition to any conditions of zoning approval that may apply to a specific property, the following shall apply to all such subdivisions:

- (a) *Maximum number of lots.* An open space subdivision shall not exceed the overall maximum density of dwelling units per acre allowed for the zoning district under Table 4.1 of article IV plus density bonuses in accordance with the following table, Table 5.2. The maximum number of lots shall not exceed the maximum density allowed under Table 4.1 Plus the applicable density bonus indicated below.

Table 5.2: Open Space Density Bonuses

Percent Common Open Space	Density Bonus
20% to 24%	0.10 dwellings/acre
25% to 29%	0.15 dwellings/acre
30% to 34%	0.20 dwellings/acre
35% to 39%	0.25 dwellings/acre
40% to 44%	0.30 dwellings/acre
45% or above	0.50 dwellings/acre

- (b) *Minimum lot size.* The minimum lot size per dwelling unit shall be established as part of the preliminary subdivision plat (see project approval under the procedures and permits article of this Development Code), provided that all lots shall comply with health department requirements depending on the source of water supply and method of sewage disposal.
- (c) *Location of structures; lot widths and setbacks.*
 - (1) Minimum lot widths and building setbacks shall be established through approval of the preliminary subdivision plat. However, the following restrictions shall apply:
 - a. Principal buildings within the development, if separated, shall not be less than 20 feet apart.
 - b. Every dwelling unit shall have direct access to a street, court, walkway or other area dedicated to public use.

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- c. Health department requirements regarding lot sizes using on-site sewerage disposal shall be met.
 - (2) The front or rear face of a dwelling unit shall be not less than 50 feet from the front or rear face of another dwelling unit. The unattached side face of a single-family attached building shall be not less than 40 feet from the rear face of another such building or unit.
 - (3) No dwelling unit shall be situated so as to face the rear of another dwelling unit within the subdivision unless terrain differences or vegetation will provide effective visual separation.
 - (d) *Other lot and building standards.* All other lot and building standards contained in article IV and not modified under this section shall apply to open space subdivisions.
 - (e) *Conservation, open space and recreation.* Requirements regarding the protection of primary conservation areas in conservation easements, the provision of common open space and the provision of recreation amenities in open space subdivisions can be found under section 89-469.

(Ord. of 10-13-2020)

Sec. 89-466. Mixed use master planned developments.

The mixed use master planned development provides a development opportunity that mixes types of housing and nonresidential properties within the same development.

- (a) *Special approval required.* Because mixed use master planned developments allow housing types and nonresidential uses that may not otherwise be allowed in the zoning district, approval of a special use is required.. An application for a mixed-use master planned development shall follow the zoning process for special use approval as prescribed in Section 89-1316 with the following modifications:
 - (1) All such special use approval applications shall be accompanied by a zoning exhibit for review and approval by the planning and community development director. The zoning exhibit shall provide all information necessary to demonstrate that it achieves the criteria provided in section 89-466 (this section), as applicable.
 - (2) If the special use approval application is approved by the board of commissioners, then such zoning approval shall be conditioned to the applicant achieving development in substantial conformity with the zoning exhibit, including any modifications or conditions approved by the board of commissioners pursuant to its deliberations on the application.
 - (3) Zoning exhibit approval shall not constitute entitlement to permits.
 - (4) Each applicant for a mixed-use master planned development shall provide evidence of the unified, single ownership of the entire parcel, consistent with the provisions of section 89-466(g).
 - (5) In addition to meeting the requirements of section 89-1316, the zoning exhibit shall include the following information:
 - a. A location map showing the boundaries of the property and identifying the current zoning of the property, as well as zoning on adjacent properties.
 - b. A plan showing applicable details, to include lots, streets and right-of-ways, setback lines, dwelling sizes, off-street parking, on street parking, street trees, sidewalks, multiuse trails, stormwater management facility areas, floodplain and wetland boundaries, topography and open space.
 - c. Specifications, calculations and applicable percentages for common open space, density calculations, lot sizes, land use, gross and net acreage, dwelling units, and parking.
 - d. Color-rendered elevations of front, sides and rear of all typical units, including proposed building materials, building heights and any other structures.

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- e. Conceptual signage plan.
- (6) *Phasing plan.* A phasing plan shall be submitted with the concept plan, and approved by the planning and community development director, unless the entire development is to be completed at one time. Such phasing plan shall describe and illustrate in written and graphic format the incremental implementation of the mixed-use master planned development over a number of years, including the sequence, timing and responsibility for construction of each building, support facilities, infrastructure and utilities. Revision of the phasing plan is permitted and must be approved by the planning and community development director prior to each construction phase.
- (7) *Concept plan.* A concept plan must be submitted and approved by the planning and community development director after the special use approval process and prior to submittal of an application for a land disturbance permit. The purpose of the concept plan review is to ensure the soundness of the proposed development, compatibility with the surrounding area and compliance with zoning conditions. The concept plan shall be developed in substantial conformance with the zoning exhibit approved by the board of commissioners, along with any conditions added thereto by the board of commissioners.
- (8) *Building plans.* Prior to issuance of a building permit for any occupied structure to be located within a mixed-use master planned development, the builder shall provide architectural plans and elevations at a scale no smaller than $\frac{1}{8}$ "=1'-0" that demonstrate compliance with the zoning exhibit and any conditions added thereto by the board of commissioners.
- (9) *Other requirements.* The applicant shall adhere to all other applicable requirements of this Unified Development Code and other applicable requirements of Town of Carl. In any case where the standards and requirements of this section conflict with other provisions of the Town of Carl Code of Ordinances, the requirements of this section shall govern.
- (b) *Criteria for approval.*
- (1) Mixed use master planned developments (MUMPDs) are encouraged in appropriate locations throughout the county that allow the use of innovative techniques, such as traditional neighborhood design, resource conservation subdivisions, village concepts and mixed use development. Such master planned developments must provide compatible and unified development while allowing flexibility within the current zoning regulations.
- (2) All MUMPDs must propose innovative design, the protection and accommodation of important natural resources and open space. MUMPDs are reviewed individually to determine compatibility, suitability, and health, safety and welfare issues. Individual requirements relating to such developments become part of the concept plan through conditions of zoning.
- (3) *Review criteria.* The following is a list of criteria that will be used by the county to determine the suitability of a proposed MUMPD in addition to the standards for approval of a special use contained in the procedures and permits article of this Development Code:
- The uses proposed will not be detrimental to present and potential surrounding uses;
 - Exceptions from this Development Code are warranted by the design and amenities incorporated in the development plan;
 - Mixed use master planned development is in conformance with the general intent of this Development Code and the Town of Carl Comprehensive Plan; and
 - The MUMPD must be deemed by the board of commissioners to incorporate features of exceptional architectural, landscaping or site design prior to MUMPD approval. Such plans upon which this determination is made shall be incorporated into the MUMPD approval of the project.
- (b) *Development parameters.* The following general conditions apply to mixed use master planned developments (MUMPDs) according to the zoning district of the property:

- (1) The proportion and distribution of nonresidential to residential uses in a MUMPD is determined by the zoning category of the property. The zoning district also determines the maximum number of dwelling units and the type of commercial development that can be allowed in the MUMPD. These limitations and the distribution of residential density are shown on Table 5.1.

Table 5.3: Land Use Distribution in a Mixed Use Master Planned Development

Zoning District	Use Distribution (Percent of Total Site)	Percent of Total Site by Housing Type (and open space)	Maximum Density*
AG	No less than 90% residential and open space	Min. 90% single-family detached	Table 4.1 + 10%
	No more than 10% neighborhood commercial		Per Table 4.1
AR	No less than 90% residential and open space	Min. 80% single-family detached	
		Max. 10% duplex or townhouse subdivision	Table 4.1 + 10%
	No more than 10% neighborhood commercial		Per Table 4.1
R-2	No less than 90% residential and open space	Min. 40% single-family detached, OR ...	Table 4.1 + 10%
		Min. 40% Two-Family	Table 4.1 + 10%
		Max. 50% Townhouse subdivision, OR ...	Table 4.1 + 10%
		Max. 50% Townhouse Condo	Table 4.1 + 10%
	No more than 10% neighborhood commercial		Per Table 4.1
R-3	No less than 80% residential and open space	Min. 30% single-family detached, OR ...	Table 4.1 + 10%
		Min. 30% Two-Family	Table 4.1 + 10%
		Max. 50% Townhouse Subdivision, OR ...	Table 4.1 + 10%
		Max. 50% Townhouse Condo or Multi-Family	Table 4.1 + 10%
	No more than 20% community commercial		Per Table 4.1C-1,C-2,

C-3	No less than 30% residential and open space	Max. 30% single-family detached, OR ...	R-3 density + 10%
		Max. 30% Two-Family, OR ...	R-3 density + 10%
		Max. 30% Townhouse Subdivision, OR ...	R-3 density + 10%
		Max. 30% Townhouse Condo or Multi-Family development	R-3 density + 10%
	No more than 70% commercial uses allowed in the zoning district	Loft dwelling units may be included in the commercial buildings.	Per Table 4.1* Dwelling units per acre (du/a) for residential (including all open space) or floor area ratio (FAR) for each commercial site.

- (2) When "neighborhood commercial" is allowed, development of the commercial area shall be controlled by the C-1 district provisions, except as modified by this section.
 - (3) When "community commercial" is allowed, development of the commercial area shall be controlled by the C-2 district provisions, except as modified by this section.
 - (4) Commercial structures and uses are to be located and designed as a unified development where feasible. As an addition to the C-1 and C-2 district provisions, residential and commercial uses may either be located in freestanding buildings within a site, or combined together within the same building.
 - (5) All master planned developments must provide internal pedestrian access. The type of access such as sidewalks, bike paths, lanes and trails, will be established during the review period to determine the best way to serve a particular development.
- (d) *Maximum number of dwelling units.*
- (1) A mixed use master planned development shall not exceed the overall maximum density of dwelling units per acre allowed, plus ten percent. The maximum number of lots, townhouse units and multi-family units shall not exceed the maximum density allowed for the zoning district under Table 4.1 of article IV (including streets, open space and nonresidential areas) plus ten percent for each area designated on the concept plan. (For MUMPDs in the C-1, C-2 or C-3 zoning districts, the residential densities allowed in the R-3 zoning district for each type of use shall be used, plus ten percent.)
 - (2) Loft dwelling units in commercial buildings shall not be included in the development density calculations. The number of loft units allowed shall be established as part of the special use approval for the MUMPD.
- (e) *Minimum lot size.* The minimum lot size per dwelling unit shall be dependent on the source of water supply and method of sewage disposal and shall be established through the approval of the mixed use master planned development concept plan.

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- (f) *Buffer requirements.*
- (1) A permanent 50-foot buffer area shall be established around the perimeter of any MUMPD where it adjoins an agricultural or residential zoning district. Except for a fence along the property line, no structure of any type shall be permitted in the buffer area.
 - (2) Internal buffers as would otherwise be required by the buffers and tree conservation article of this Development Code between land use areas within a mixed use master planned development are waived, subject to conditions of special use approval for the master planned development.
- (g) *Ownership control.*
- (1) All of the land in a MUMPD initially shall be in single ownership by an individual, a partnership, tenants in common, a corporation or by some other legal entity.
 - (2) The use of common open space and open green space and other common areas shall be governed by an owner's association which shall provide for: all users to have equal access and right of use to all shared facilities; perpetual and continued maintenance of open and shared space; tax liability in the case of default; mandatory membership in the owner's association and its creation is required before any individual properties are sold; the method of assessment for dues and related costs; and where appropriate, party wall maintenance and restoration in the event of damage or destruction.
 - (3) Owner's associations, including homeowner's associations, covenants or similar private agreements shall comply with the provisions of section 89-470.
- (h) *Nonresidential development standards.* Restrictions within through-road corridors apply to all within a mixed use master planned development (MUMPD).
- (1) Through-road corridor defined. Land lying along and within 200 feet of the right-of-way of a public street or highway that adjoins or traverses a MUMPD and that provides for movement of through traffic (in contrast to internal local streets) shall constitute a through-road corridor.
 - (2) Any multi-family, commercial, public or community use property or portion of such property within the MUMPD that is located within a through-road corridor shall comply with the following special design standards:
 - a. *Building setbacks.* No principal or accessory building shall be located less than 50 feet from the right-of-way of a through road. A ten-foot front landscape strip in accordance with the street side screening requirements of the parking and loading article of this Development Code shall be provided.
 - b. *Development standards.*
 1. Any multi-family, commercial or institutional property or portion of such a property that is located within a through-road corridor shall provide at least 20 percent of its gross land area in landscaping. Landscape areas and treatments shall be identified on the site plan for the development, subject to approval by the county.
 2. No buildings with metal exterior facades will be permitted within the corridor, nor shall any metal facade buildings be visible from the corridor. Metal roofs, including mansard roofs, are not considered part of a facade.
 3. In addition to buffer requirements, when the back of a commercial or industrial development is across the street from property in a residential district outside of the mixed use master planned development, then a solid fence or hedge not less than six feet in height shall be installed and maintained by the developer to screen the back of the project from the residential property.
 4. Single-family and two-family lots within a through road corridor shall not have driveway access from the through road.

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- (i) *Lighting.* Streetlights and pedestrian lighting should be integrated into the site plan, where feasible or necessary, in accordance with the lighting standards in section 89-1604(j) and section 89-1606, Figure 7.
 - (j) *Other lot and building standards.* All other lot and building standards contained in article IV and not modified under this section shall apply to mixed use master planned developments.
 - (k) *Conservation, open space and recreation.* Requirements regarding the protection of primary conservation areas in conservation easements, the provision of common open space and private open space, and the provision of recreation amenities in mixed use master planned developments can be found under section 89-469.

(Ord. of 10-13-2020)

Sec. 89-467. Traditional neighborhood development.

Traditional neighborhood developments (TND) provide an opportunity for compact, walkable neighborhoods with a mix of uses and housing types.

- (a) *Purpose:*
 - (1) To allow for compact neighborhoods designed at a human scale.
 - (2) To encourage walkable, interconnected neighborhood street design.
 - (3) To provide a mix of uses, including residential, commercial, civic, and open space uses in close proximity to one another within the neighborhood.
 - (4) To provide a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes.
 - (5) To encourage neighborhood interaction, safety, and security through design.
- (b) *Special approval required.* Because traditional neighborhood developments allow housing types and nonresidential uses that may not otherwise be allowed in a zoning district, approval of a special use is required. An application for a traditional neighborhood development shall follow the zoning process for special use approval as prescribed in section 89-1316 with the following modifications:

All such special use approval applications shall be accompanied by a zoning exhibit for review and approval by the planning and community development director. The zoning exhibit shall provide all information necessary to demonstrate that it achieves the criteria provided in section 89-467 (this section) as applicable.

 - (1) If the special use approval application is approved by the board of commissioners, then such zoning approval shall be conditioned to the applicant achieving development in substantial conformity with the zoning exhibit, including any modifications or conditions approved by the board of commissioners pursuant to its deliberations on the application.
 - (2) Zoning exhibit approval shall not constitute entitlement to permits.
 - (3) In addition to meeting the requirements of section 89-1316, the zoning exhibit shall include the following information:
 - a. A location map showing the boundaries of the property and identifying the current zoning of the property, as well as zoning on adjacent properties.
 - b. A plan showing applicable details, to include lots, streets and right-of-ways, setback lines, dwelling sizes, off-street parking, on street parking, street trees, sidewalks, multiuse trails, stormwater management facility areas, floodplain and wetland boundaries, topography and open space.
 - c. Specifications, calculations and applicable percentages for common open space, density calculations, lot sizes, land use, gross and net acreage, dwelling units, and parking.

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- d. Color-rendered elevations of front, sides and rear of all typical units, including proposed building materials, building heights and any other structures.
 - e. Conceptual signage plan.
- (4) Each applicant for a traditional neighborhood development shall provide evidence of the unified, single ownership of the entire parcel, consistent with the provisions of section 89-467(e).
 - (5) *Phasing plan.* A phasing plan shall be submitted with the concept plan, and approved by the planning and community development director, unless the entire development is to be completed at one time. Such phasing plan shall describe and illustrate in written and graphic format the incremental implementation of the traditional neighborhood development over a number of years, including the sequence, timing and responsibility for construction of each building, support facilities, infrastructure and utilities. Revision of the phasing plan is permitted and must be approved by the planning and community development director prior to each construction phase.
 - (6) *Concept plan.* A concept plan must be submitted and approved by the planning and community development director after the special use approval process and prior to submittal of an application for a land disturbance permit. The purpose of the concept plan review is to ensure the soundness of the proposed development, compatibility with the surrounding area and compliance with zoning conditions. The concept plan shall be developed in substantial conformance with the zoning exhibit approved by the board of commissioners, along with any conditions added thereto by the board of commissioners.
 - (7) *Building plans.* Prior to issuance of a building permit for any occupied structure to be located within a traditional neighborhood development, the builder shall provide architectural plans and elevations at a scale no smaller than $\frac{1}{8}"=1'-0"$ that demonstrate compliance with the zoning exhibit and any conditions added thereto by the board of commissioners.
 - (8) *Other requirements.* The applicant shall adhere to all other applicable requirements of this Unified Development Code and other applicable requirements of Town of Carl. In any case where the standards and requirements of this section conflict with other provisions of the Town of Carl Code of Ordinances, the requirements of this section shall govern.
- (c) *Criteria for approval.*
 - (1) Traditional neighborhood developments are encouraged in appropriate locations throughout the county that allow the use of innovative techniques, such as traditional neighborhood design, resource conservation subdivisions, and village concepts. Such planned developments must provide compatible and unified development while allowing flexibility within the current zoning regulations.
 - (2) All traditional neighborhood developments should propose innovative design and the protection and accommodation of important natural resources and open space. TNDs are reviewed individually to determine compatibility, suitability, and health, safety and welfare issues. Individual requirements relating to such developments become part of the concept plan through conditions of zoning.
 - (3) *Review criteria.* The following is a list of criteria that will be used by the county to determine the suitability of a proposed TND in addition to the standards for approval of a special use contained in the procedures and permits article of this Development Code:
 - a. The uses proposed will not be detrimental to present and potential surrounding uses;
 - b. Exceptions from this Development Code are warranted by the design and amenities incorporated in the development plans;
 - c. The Traditional Neighborhood Development is in conformance with the general intent of this Development Code and the Town of Carl Comprehensive Plan; and

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- d. The traditional neighborhood development must be deemed by the board of commissioners to incorporate features of exceptional architectural, landscaping or site design prior to TND approval. Such plans upon which this determination is made shall be incorporated into the TND approval of the project.
- (d) *Development parameters.*
- (1) *Mix of uses.* In order to achieve the proximity necessary to make neighborhoods walkable, it is important to mix land uses. A Traditional Neighborhood Development should consist of a mix of residential uses, a community center, and open space as listed below:
- a. *Residential uses.* The following types can occur anywhere within the traditional neighborhood development. For infill development, the mix of residential uses may be satisfied by existing residential uses adjacent to the traditional neighborhood development.
1. Single-family detached dwellings;
 2. Single-family attached dwellings, including duplexes, townhouses, row houses;
 3. Multifamily dwellings, including senior housing.
- b. Community center, composed of a mix of commercial, residential, civic or institutional, and open space uses as identified below. The project dimensions should be organized so that residential blocks are within approximately ¼ mile from the community center. Higher density housing components are encouraged within the community center, including live/work units that combine a residence and resident's workplace.
1. Commercial uses appropriate in the community center should be small scale and pedestrian oriented. Individual commercial uses within the community center should not exceed 6,000 square feet in size but may be larger for specialty and bulk sales stores. Appropriate uses include:
 - i. Food services (neighborhood grocery stores, butcher shops, bakeries, restaurants not including drive-throughs, cafes, coffee shops, neighborhood bars or pubs).
 - ii. Retail uses (florists or nurseries; hardware stores; stationery stores; book stores; studios and shops of artists and artisans).
 - iii. Services (day care centers; music, dance or exercise studios; offices, including professional and medical offices; barber; hair salon; dry cleaning).
 - iv. Accommodations (bed and breakfast establishments, small hotels or inns).
 2. Civic or Institutional uses in the community center.
 - i. Municipal offices, fire stations, libraries, museums, community meeting facilities, and post.
 - ii. Places of worship.
 - iii. Schools and educational facilities.
 3. Open space uses in the community center.
 - i. Central square.
 - ii. Neighborhood park.
 - iii. Playground.
- (2) *Maximum number of dwelling units.* A traditional neighborhood development shall not exceed the overall maximum density of dwelling units per acre allowed, plus ten percent. The maximum

number of lots, townhouse units and multi-family units shall not exceed the maximum density allowed for the zoning district under Table 4.1 of Article IV (including streets, open space and nonresidential areas) plus ten percent for each area designated on the concept plan. (For TNDs in the C-1, C-2 or C-3 zoning districts, the residential densities allowed in the R-3 zoning district for each type of use shall be used, plus ten percent.)

- (3) *Lot and block standards.* In order to encourage walkable design and connectivity, short blocks arranged in a grid pattern are encouraged.
 - a. The street network shall form an interconnected grid pattern. Culs-de-sac shall be minimized and may only be allowed following review and approval based on site conditions such as topography, water features, or safety.
 - b. Street layouts should provide for development blocks that are generally in the range of 200—400 feet deep by 400—800 feet long. A variety of lot sizes should be provided that allow diverse housing choices.
 - c. Lot widths should create a relatively symmetrical street cross section that reinforces the public space of the street as a simple, unified public space.
- (4) *Building setbacks.*
 - a. *Building setback, front—Community center area.* Structures in the community center area have no minimum setback. Commercial and civic or institutional buildings should abut the sidewalks in the community center area.
 - b. *Building setback, front—Residential.* Single-family detached residences shall have a building setback in the front between [0 and 25] feet. Single-family attached residences and multifamily residences shall have a building setback in the front between [0 and 15] feet.
 - c. *Building setback, rear—Residential.* The principal building on lots devoted to single-family detached residences shall be setback no less than [30] feet from the rear lot line.
 - d. *Side setbacks.* Provision for zero lot-line single-family dwellings should be made, provided that a reciprocal access easement is recorded for both lots and townhouses or other attached dwellings, provided that all dwellings have pedestrian access to the rear yard through means other than the principal structure.
- (5) *Parking.*
 - a. The number of required off-street parking spaces may be reduced in equal number by the number of on-street parking spaces, or by a shared parking agreement.
 - b. All off-street parking shall be located to the side or rear of the principal buildings within TND District and screened from residential districts, Off-street parking in the front yard is not permitted.
 - c. The planning and community development director may grant an administrative variance to reduce by no more than 20 percent the number of required parking spaces for uses that are located along pedestrian walkways.
 - d. All uses that are required to provide off-street parking spaces for motorized vehicles also shall provide bicycle racks within 100 feet of the principal entrance of the building (out of public right-of-way) that it serves.
- (6) *Building orientation and facade.*
 - a. The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public street or courtyard.
 - b. The front facade of the principal building on any lot in a traditional neighborhood development shall face onto a public street.

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- c. The front facade shall not be oriented to face directly toward a parking lot.
 - d. Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements shall define the front entrance to all residences.
 - e. For commercial buildings, a minimum of 50 percent of the front facade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.
 - f. New structures on opposite sides of the same street should follow similar design guidelines. This provision shall not apply to buildings bordering civic uses.
- (e) *Ownership control.*
- (1) All of the land in a TND initially shall be in single ownership by an individual, a partnership, tenants in common, a corporation or by some other legal entity.
 - (2) The use of common open space and open green space and other common areas shall be governed by an owner's association which shall provide for: all users to have equal access and right of use to all shared facilities; perpetual and continued maintenance of open and shared space; tax liability in the case of default; mandatory membership in the owner's association and its creation is required before any individual properties are sold; the method of assessment for dues and related costs; and where appropriate, party wall maintenance and restoration in the event of damage or destruction.
 - (3) Owner's associations, including homeowner's associations, covenants or similar private agreements shall comply with the provisions of section 89-470.

(Ord. of 10-13-2020)

Sec. 89-468. Senior housing developments.

Senior housing developments provide a development opportunity for neighborhoods with specialized design and amenities oriented toward senior citizens.

- (a) *Purpose:*
- (1) To meet the need for senior housing.
 - (2) To allow senior citizens to live and remain in Town of Carl through different life cycle stages.
 - (3) To provide a range of housing choices that can enable seniors of various abilities and income levels to live without leaving established networks of nearby family and friends.
 - (4) To provide senior housing project design that meets the safety and physical access needs of residents.
 - (5) To provide senior housing with opportunities for social, recreational, and other services that contribute to the independence and well-being of seniors.
 - (6) To provide housing for seniors properly located near services, shopping, transportation, and support networks.
- (b) *Special approval required.* Because senior housing developments allow housing types and nonresidential uses that may not otherwise be allowed in a zoning district, approval of a special use is required. An application for a senior housing development shall follow the zoning process for special use approval as prescribed in section 89-1316 with the following modifications:

All such special use approval applications shall be accompanied by a zoning exhibit for review and approval by the planning and community development director. The zoning exhibit shall provide all information necessary to demonstrate that it achieves the criteria provided in section 89-468 (this section) as applicable.

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- (1) If the special use approval application is approved by the board of commissioners, then such zoning approval shall be conditioned to the applicant achieving development in substantial conformity with the zoning exhibit, including any modifications or conditions approved by the board of commissioners pursuant to its deliberations on the application.
 - (2) Zoning exhibit approval shall not constitute entitlement to permits.
 - (3) In addition to meeting the requirements of section 89-1316, the zoning exhibit shall include the following information:
 - a. A location map showing the boundaries of the property and identifying the current zoning of the property, as well as zoning on adjacent properties.
 - b. A plan showing applicable details, to include lots, streets and right-of-ways, setback lines, dwelling sizes, off-street parking, on street parking, street trees, sidewalks, multiuse trails, stormwater management facility areas, floodplain and wetland boundaries, topography and open space.
 - c. Specifications, calculations and applicable percentages for common open space, density calculations, lot sizes, land use, gross and net acreage, dwelling units, and parking.
 - d. Color-rendered elevations of front, sides and rear of all typical units, including proposed building materials, building heights and any other structures.
 - e. Conceptual signage plan.
 - (4) Each applicant for a senior housing development shall provide evidence of the unified, single ownership of the entire parcel, consistent with the provisions of section 89-468(g).
 - (5) *Phasing plan.* A phasing plan shall be submitted with the concept plan, and approved by the planning and community development director, unless the entire development is to be completed at one time. Such phasing plan shall describe and illustrate in written and graphic format the incremental implementation of the traditional neighborhood development over a number of years, including the sequence, timing and responsibility for construction of each building, support facilities, infrastructure and utilities. Revision of the phasing plan is permitted and must be approved by the planning and community development director prior to each construction phase.
 - (6) *Concept plan.* A concept plan must be submitted and approved by the planning and community development director after the special use approval process and prior to submittal of an application for a land disturbance permit. The purpose of the concept plan review is to ensure the soundness of the proposed development, compatibility with the surrounding area and compliance with zoning conditions. The concept plan shall be developed in substantial conformance with the zoning exhibit approved by the board of commissioners, along with any conditions added thereto by the board of commissioners.
 - (7) *Building plans.* Prior to issuance of a building permit for any occupied structure to be located within a traditional neighborhood development, the builder shall provide architectural plans and elevations at a scale no smaller than $\frac{1}{8}$ "=1'-0" that demonstrate compliance with the zoning exhibit and any conditions added thereto by the board of commissioners.
 - (8) *Other requirements.* The applicant shall adhere to all other applicable requirements of this Unified Development Code and other applicable requirements of Town of Carl. In any case where the standards and requirements of this section conflict with other provisions of the Town of Carl Code of Ordinances, the requirements of this section shall govern.
- (c) *Criteria for approval:* The following is a list of criteria that will be used by the county to determine the suitability of a proposed senior housing development in addition to the standards for approval of a special use contained in the procedures and permits article of this Development Code:
- (1) Whether the site includes appropriate amenities, such as recreational facilities, game rooms, meeting rooms, lounges and exercise rooms.

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- (2) Whether the site has reasonable transportation access to medical services, shopping, religious and cultural activities, recreational facilities, libraries, municipal buildings, and social services patronized by seniors.
 - (3) Whether the site is served by public water and public sanitary sewer facilities that are adequate to accommodate the additional demand placed upon them by the proposed development.
 - (4) Whether the public roads outside the project site are adequate to bear the additional traffic that will be generated by the adult living community and meet current engineering standards with respect to roadway width and alignment and have acceptable sight distances at the site entry/exit and at intersections in the vicinity of the site.
- (d) *Age restrictions.* Occupancy shall be limited to households which consist of:
- (1) One or more persons who are seniors aged 55 and over.
 - (2) A spouse of a qualified resident senior citizen.
 - (3) *Exception.* Notwithstanding the other provisions of this section, one unit may be occupied by a project superintendent or manager and his/her immediate family, provided that at least 80 percent of the units have at least one occupant who is aged 55 or over.
- (e) *Maximum number of dwelling units.*
- (1) A senior housing development shall not exceed the overall maximum density of dwelling units per acre allowed, plus ten percent. The maximum number of lots, townhouse units and multi-family units shall not exceed the maximum density allowed for the zoning district under Table 4.1 of Article IV (including streets, open space and nonresidential areas) plus ten percent for each area designated on the concept plan.
 - (2) For senior housing developments in the C-1, C-2 or C-3 zoning districts, the residential densities allowed in the R-3 zoning district for each type of use shall be used, plus ten percent.
- (f) *Mixed uses.* Senior housing districts may provide for a mix of uses on the first floor of multi-family buildings or within a senior housing district.
- (1) Non-residential land uses compatible with senior housing districts include:
 - a. Medical/health/dental office;
 - b. Pharmacy;
 - c. Café/restaurant;
 - d. Market/convenience store;
 - e. Salon/spa/barber shop.
 - (2) *Amenities.* Alternative amenities appropriate for seniors may be substituted for required residential amenities of comparable cost. Amenities and services appropriate for senior housing districts include:
 - a. Clubhouses with group dining facilities, meeting rooms, or computer rooms;
 - b. Pavilion buildings;
 - c. Passive recreational greenspace;
 - d. Walking trails constructed to ADA standards;
 - e. Gardens;
 - f. Wellness center;
 - g. Inter-faith chapel.

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- (3) *Building design standards.* All dwellings shall incorporate accessibility standards which shall include the following:
- a. A step-free feature to at least one entrance of the unit.
 - b. A 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. Reinforced bathroom walls to allow for future installation, if necessary, of grab bars.
- (g) *Ownership control.*
- (1) All of the land in a senior housing development initially shall be in single ownership by an individual, a partnership, tenants in common, a corporation or by some other legal entity.
 - (2) The use of common open space and open green space and other common areas shall be governed by an owner's association which shall provide for: all users to have equal access and right of use to all shared facilities; perpetual and continued maintenance of open and shared space; tax liability in the case of default; mandatory membership in the owner's association and its creation is required before any individual properties are sold; the method of assessment for dues and related costs; and where appropriate, party wall maintenance and restoration in the event of damage or destruction.
 - (3) Owner's associations, including homeowner's associations, covenants or similar private agreements shall comply with the provisions of section 89-470. In addition, senior housing developments must comply with the provisions of subsection (h) below.
- (h) *Additional requirements.*
- (1) The organization established for the management of the development shall comply with the U. S. Department of Housing and Urban Development (HUD) rules and regulations for verification of occupancy and shall maintain procedures for routinely determining the occupancy of each unit. Such procedures may be part of a normal leasing or purchasing agreement and must provide for regular updates as required by HUD.
 - a. *Deed restrictions.* Approval of a special use for a development consisting of senior housing shall be conditioned upon either the placement of restrictive covenants on the deeds or the developer/organization established for the management of the development, ensuring and enforcing compliance. These restrictions shall run in perpetuity with the land and in either case:
 1. Occupancy shall be limited to persons in accordance with age restrictions as noted in section above as well as state and federal housing guidelines, and
 2. No further development of the parcel including increasing the number of dwelling units or enlarging the permitted buildings is allowed without first applying for and receiving a revised special use approval.

(Ord. of 10-13-2020)

Sec. 89-469. Resource conservation, open space and recreation amenities.

- (a) *Natural resource or conservation easement required.*
- (1) All primary conservation areas in a conventional subdivision, open space subdivision or any type of planned development (mixed use master planned development, traditional neighborhood development, or senior housing development), that are required to be protected by the provisions of this Development Code, shall be permanently protected from further subdivision, development, and unauthorized use, by a natural resource or conservation easement.

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- (2) Land within a natural resource or conservation easement may be included within the lots in a subdivision, or ownership may be transferred to a homeowners' association or to a nonprofit conservation organization or land trust organized under Georgia law.
 - (3) See the environmental protection article of this Development Code regarding natural resource and conservation easements.
- (b) *Common open space.* In an open space subdivision or any type of planned development listed in subsection (a)(1) above, a minimum percent of the gross project site area shall be reserved for common open space and recreation, as follows:
- (1) At least 20 percent total site in an open space subdivision mixed use master planned development must be set aside as open space for conservation, preservation or passive recreational use, such as walking trails and picnicking. Except in the AG, AR and R-1 zoning district, the minimum required open space shall be exclusive of all areas classified in the environmental protection article of this Development Code as primary conservation areas; such areas may be included in the minimum open space in the AG, AR and R-1 zoning district.
 - (2) Areas classified as secondary conservation areas in the environmental protection article of this Development Code are to be given preference for inclusion in the minimum required open space.
 - (3) Land devoted to stormwater detention facilities may not be counted toward the minimum unless the facility is a permanent lake or pond and is designed and intended for recreational access and use by the occupants of the development.
 - (4) An additional ten percent in an open space subdivision or any type of planned development listed in subsection (a)(1) above, must be provided for common open space and may include active recreation areas for the proposed development, such as swimming pools, tennis courts, community facilities, etc.
 - (5) Required buffers on the perimeter of the property may be included in the minimum open space requirement but may account for no more than one-half of the overall minimum open space requirement.
 - (6) While common open space shall not be required to be contiguous, no individual portion of the minimum required open space shall be less than one acre in size, nor less than 50 feet wide in its narrowest dimension, except as follows:
 - a. The open space area, by the very nature of its designated boundaries, is less than 50 feet in width. Examples include strips of steep slopes and "fingers" of floodplains that extend up drainage swales.
 - b. Parkways between road travelways, which must be at least 26 feet in width in order to be counted as part of the minimum requirement.
 - c. Viewshed protection areas intended to screen the view of the subdivision development, if provided, must be at least 200 feet in width unless the topography of the land adequately screens the view of the buildings in the subdivision from the abutting roadway.
 - (7) No portion of the residential lots shall be credited toward the minimum open space requirement. No portion of any street right-of-way or public or private utility easement shall be credited toward the minimum open space requirements.
 - (8) The required common open space shall be platted at the same time that adjacent residential lots are platted, in whole or in phases.
- (c) *Private open space.* In any of the three types of planned developments, every single-family or two-family dwelling on a lot smaller than 10,000 square feet, and every townhouse dwelling shall have a minimum 400 square foot private yard or patio.
- (1) The private yard or patio shall be arranged for use by the occupants of the dwelling and located in the side or rear yard.

- (2) The private yard or patio must be enclosed by any combination of the following: a masonry wall, wood fence, trellis or lattice with a minimum height of six feet; or an evergreen hedge, shrubs or trees that will achieve a height of six feet within three years of planting under normal growing conditions.
- (d) *Recreation amenity.*
- (1) Every conventional subdivision, open space subdivision, or mixed use master planned development, traditional neighborhood development, or senior housing development having any single-family detached lots less than two acres in size and proposed to contain more than a total of 24 dwelling units of any type shall include a community recreation amenity to serve the development, based on the number of dwelling units in the development.
- (2) If the development is to include community recreational facilities, then Table 5.3 establishes minimum requirements.

Table 5.4: Recreation Amenities

	Number of Dwellings in the Development			
Amenity Required	25 to 99	100 to 249	250 or more	Standard
Active Play Area¹	Min. ½ acre total	Min. 1 acre total	Min. 2.3 acres total	Total area: 400 sf per dwelling unit (d/u).
Athletic Courts²	Min. 1 court	Min. 2 courts	Min. 3 courts	Minimum shown + 1 court per additional 100 d/u's (rounded). 3
Swimming Pool⁴		Min. 1,800 sf, 30 x 60	Min. 2,250 sf, 30 x 75	Total water surface area: Minimum shown + 9 sf per d/u >250, max. 4,500 sf (45 x 100).
Clubhouse⁵			Min. 2,500 sf	Total floor area: 10 sf per d/u; maximum 10,000 sf.
Gathering Area⁶	Min. ¼ acre total	Min. ½ acre total	Min. 1.2 acres total	Total area: 200 sf per dwelling unit (d/u).

¹ Children's play area including active play equipment. Multiple play areas are allowed, but none less than ½ acre in size.

² Any combination of tennis, basketball or volleyball courts.

³ For instance, 250—299 dwellings = 3 courts; 300—399 dwellings = 4 courts

⁴ Pools shall meet or exceed ANSI/NSPI-1 standards for Class B public pools.

⁵ Clubhouse may include such functions such as fitness area, workout studio, catering kitchen, or game room. In developments of more than 250 dwellings the space allocated to clubhouse may be divided amongst multiple facilities so long as each facility is a minimum of 1,500 sf.

⁶ Gathering area shall be an open, generally level space that is covered in turf that is suitable for large groups or free play. It may include paved or patio areas. No more than 50 percent of the area may be enclosed as a dog park.

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- (3) All amenities shall be completed and available for use prior to issuance of a certificate of occupancy on more than 50 percent of the dwellings in the development.
 - (4) The recreation amenity may be designed to serve the entire development or separate amenity areas may be provided for specific residential development areas. If multiple recreation amenity areas are provided, the total of all amenities shall be no less than the total required by Table 5.3 based on the entire development as a whole, distributed proportionally to each development area based on the number of dwelling units each amenity area serves.
 - (5) Such recreation amenity areas may not be developed within a primary resource area.

(Ord. of 10-13-2020)

Sec. 89-470. Owner's association.

- (a) *Homeowner's association; when required.* For any residential development containing common open space or other lands in common ownership, a homeowner's association which provides for building and grounds maintenance and repair, insurance and working capital shall be required.
 - (1) Membership in the homeowner's association must be mandatory for each property in the development.
 - (2) Such associations must also include homeowner's declaration and bylaws, including covenants, conditions and regulations applicable to each property in the development.
 - (3) The declaration and bylaws shall be enforced by the association or by an association management company designated by them, which shall have the power to compel the payment of membership dues and assessments.
 - (4) The homeowners' association shall be formed under the provisions of O.C.G.A. Title 44, Chapter 3, Article 6, which is known as the "Georgia Property Owners' Association Act" (Code 1981, §§ 44-3-220 et seq. enacted by Ga. L. 1994, p. 1879, § 1) and shall contain adequate provisions to qualify it as a "holder" under the Georgia Uniform Conservation Easement Act, if it is to act as a holder of a conservation easement.
 - (5) The documents creating the homeowner's association must provide that an adequate reserve fund for the association will exist at the time that control of the association transfers from the developer to the purchasers of homes in the development. The reserve fund must be equal to no less than one year's expenses reasonably expected for the minimum operations legally required of the association.
 - (6) The covenants, conditions and regulations shall, at a minimum, regulate and control the following:
 - a. Equal access and right of use to all shared facilities;
 - b. Perpetual and continued maintenance of open and shared space, specifically including stormwater detention facilities;
 - c. Tax liability in the case of default;
 - d. The method of assessment for dues and related costs;
 - e. Where appropriate, party wall maintenance and restoration in the event of damage or destruction;
 - f. Animals, including household pets;
 - g. Signs;
 - h. Exterior items such as fences, lawn ornaments, and landscape areas and buffers;
 - i. Building improvements;
 - j. Outside storage;
 - k. Overnight parking of vehicles;

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- l. Decorations and holiday lighting; and
 - m. Trash collection containers.
- (7) For subdivisions, the homeowner's association must be formed and incorporated at the same time the final plat for the subdivision or any portion of the subdivision is first recorded. A copy of the proposed homeowner's association documents is to be submitted with an application for final subdivision plat approval.
 - (8) The homeowners association shall be responsible for the management and maintenance of all common properties, facilities, and infrastructure associated with the subdivision.
- (b) *Owners' association.* For nonresidential development projects, an association of the property owners that is consistent with the requirements for a homeowners' association will serve in lieu of the requirements of this section.
 - (c) *Condominium association.* For condominium projects, incorporation of a condominium association consistent with state law will serve in lieu of the requirements of this section, provided that:
 - (1) Specific maintenance responsibilities for stormwater detention facilities are included; and
 - (2) The documents creating the condominium association must provide that an adequate reserve fund for the association will exist at the time that control of the association transfers from the developer to the purchasers of units in the development. The reserve fund must contain an amount equal to no less than one year of expenses reasonably expected for the minimum operations legally required of the association.

(Ord. of 10-13-2020)

Secs. 89-471—89-720. Reserved.

ARTICLE VI. PARKING AND LOADING REQUIREMENTS

Sec. 89-721. Purpose of article.

This article presents the minimum standards for vehicle parking for all land uses in the county (including design and construction standards), minimum standards for truck loading, and requirements for the provision of landscaping related to parking and loading areas.

(Ord. of 10-13-2020)

Sec. 89-722. Parking; when required.

Permanent parking spaces shall be provided in accordance with the requirements of this article whenever any of the following occurs:

- (a) At the time of the establishment of any use, or erection of any building.
- (b) At the time of occupancy of a building by a new use.
- (c) At the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area.

(Ord. of 10-13-2020)

Sec. 89-723. Parking plans required.

Parking plans are required as follows:

- (a) A parking plan for all but detached single-family and two-family residential uses shall be submitted to the planning and community development department with the building plans.
- (b) The proposed plan will be reviewed by the planning and community development department and the public works department to insure its conformance with all applicable provisions of this resolution and with the Town of Carl development regulations.
- (c) Occupancy or use of a building is prohibited until related parking facilities are completed in accordance with the approved plan, as indicated by the planning and community development department. The provision of the required spaces on a temporary basis on a hard-surface sub-base (sub-grade plus an asphalt first layer or bound crushed stone aggregate) shall satisfy this requirement.

(Ord. of 10-13-2020)

Sec. 89-724. Number of parking spaces required.

- (a) *Parking for residents, employees, customers and visitors.* Space for the parking of motor vehicles must be provided for every property that contains a principal use, for the safety and convenience of the people who live or work on the property, shop or do business on the property, or otherwise visit the property in the normal course of activity of the principal use.
 - (1) *Minimum number of parking spaces required.* The minimum number of parking spaces to be provided for residents, employees, customers and visitors for each type of land use shall be determined by the following Table 6.1, rounded up to the nearest whole parking space. Developments containing two or more of the uses listed on Table 6.1 shall provide the number of spaces required for each use (except as may be reduced under shared parking, below).
 - (2) *Maximum number of parking spaces allowed.*
 - a. *Nonresidential uses.* The maximum number of parking spaces allowed on a nonresidential property for employees, customers and visitors shall not exceed 120 percent of the minimum number of parking spaces required, as determined for the type of land use by the following Table 6.1.
 - b. *Residential uses.* The maximum number of outdoor spaces per dwelling unit, including those located within a carport, shall not exceed five. Additional spaces may be located within an enclosed garage.
 - (3) *Deviation from parking requirements.*
 - a. Notwithstanding the minimum and maximum requirements of paragraphs (1) and (2) of this subsection (a), the county recognizes that due to the particulars of any given development, the inflexible application of the parking standards set forth therein may result in a development either with inadequate parking space or parking space in excess of its needs. The former situation may lead to traffic congestion or parking violations on adjacent streets as well as unauthorized parking in nearby lots; the latter situation is inefficient. Therefore, the planning and community development director may administratively allow deviations from the minimum or maximum parking requirements of paragraphs (1) and (2) whenever they find that the requested deviation is justified by the described development and will not adversely impact traffic circulation or public health, safety and welfare.
 - b. The number of parking spaces required for a development shall be based upon the anticipated parking demand of individual uses based upon the operating characteristics of the individual use. The planning and community development director shall base their decision for such deviation on

site and operational plans submitted in support of the requested deviation and such other documents as the planning and community development director may reasonably determine are necessary to determine the number of parking spaces required for the development.

- c. Notwithstanding anything to the contrary herein, the planning and community development director shall not authorize a deviation to the number of parking spaces by below 75 percent of the minimum required spaces or above 25 percent of the maximum required spaces. Requests for greater deviations shall be treated as a hardship variance pursuant to the requirements of article XIII.

Table 6.1: Minimum Parking Spaces Required by Use

Use	Minimum Number of Parking Spaces	Required for Each:
RESIDENTIAL		
Single-Family Residence	2	Dwelling Unit
Two-Family Residence	2	Dwelling Unit
Multi-Family Residence:		
Efficiency apartment	1	Dwelling Unit
One-bedroom unit or larger	1.5	Dwelling Unit
Manufactured Home Park	2	Per Unit
Retirement Community	1	Dwelling Unit
Personal Care Homes, Fraternity or Sorority Houses	1	Each resident or bed
Bed and Breakfast, Rooming House, Boarding House	1	Room to be rented, plus
	2	Dwelling Unit
Hotel or Motel:		
Convention hotel, or a motel with a restaurant or lounge	1½	Room
Non-convention hotel or a motel with no restaurant	1	Room
COMMERCIAL		
Offices: general and professional offices, insurance and real estate offices	3½	1,000 sf 1 of GFA 2
Banks	4½	1,000 sf of GFA
Offices—Medical and Dental	5	1,000 sf of GFA
Funeral Home	5	Viewing Room

Day care Center	1	400 sf of GFA
Movie Theater	1	4 Seats
Service Station, Gas Station, Auto Repair Shop or Garage	3	Service bay, plus
	5	1,000 sf of retail space
Automobile, Truck, Recreation Vehicle, Manufactured Home or Utility Structure Sales	2	1,000 sf of indoor sales area, plus
	1	2,500 sf of outdoor display, plus
	3	Service bay
Custom Service Restaurant: 3		
Quality restaurant	16	1,000 sf of GFA
Family Restaurant	9½	1,000 sf of GFA
Fast Food Restaurant	14	1,000 sf of GFA
Bowling Center	4	Lane
Amusement Parlor, Recreational Attraction, Roller Skating or Ice Skating Rink	5	1,000 sf of GFA
Health Club or Fitness Center	4½	1,000 sf of GFA
Shopping Centers		
Less than 100,000 sf of GLA 4	4	1,000 sf of total GLA, plus
	3	100 movie theater seats, plus
	10	1,000 sf of food service area
100,000—199,999 sf of GLA	4	1,000 sf of total GLA, plus
	3	100 theater seats over 450, plus
	6	1,000 sf of food service area
200,000—399,999 sf of GLA	4	100 theater seats over 750
	3	1,000 sf of total GLA, plus
400,000—599,000 sf of GLA	4½	1,000 sf of total GLA, plus
	3	100 theater seats over 750
600,000 or more sf of GLA	5	1,000 sf of total GLA, plus
	3	100 theater seats over 750

Supermarket	4	1,000 sf of GFA
Furniture or Carpet Store	1	1,000 sf of GFA
Building Supplies, Brick or Lumber Yard	2	1,000 sf of indoor sales area, plus
	1	2,500 sf of outdoor display
Retail Sales or Service establishments not listed above	5	1,000 sf of GFA
INDUSTRIAL AND MANUFACTURING		
Manufacturing, Processing, Fabrication and Storage Operations	1	Employee for the two consecutive workshifts with the highest number of employees.
Wholesale Business	1	Employee for the workshift with the largest number of employees plus one (1) space per 2,500 sq. ft. of gross floor area.
Warehouse	1	Employee for the workshift with the highest number of employees, plus one (1) space per 15,000 sq. ft. of gross floor area.
INSTITUTIONAL AND OTHER		
Hospital	1.8	Bed
Auditoriums, churches, theatres, stadiums, and other places of assembly	1	4 seats, or
	1	12 feet of pew, or
	1	100 sf in the largest assembly room
College (instructional space)	10	Classroom
Technical College, Trade School	10	Classroom
Senior High Schools	6	Classroom
Elementary and Jr. High Schools	2	Classroom
Library or museum	2	1,000 sf of GFA
Civic Clubs, Museums, Fraternal Lodges, etc.	1	200 sf of GFA

¹ Square feet.

² Gross floor area—The total area of all floors, measured between the exterior walls of a building.

³ Defined as follows:

Restaurant, custom service: An establishment where food and drink are prepared to individual order, ordered and served at the table, and consumed primarily within the principal building or in established outdoor dining areas.

Restaurant, family: A custom service restaurant primarily oriented to sit-down service, occasionally with take-out service but no drive-in or drive-through facilities, and having an average turnover rate generally of less than one hour. Family restaurants are usually moderately priced and frequently belong to chains such as Denny's, Pizza Hut and Shoney's.

Restaurant, quality: A custom service restaurant primarily oriented to fine dining and often associated with a particular cuisine. Quality restaurants are characterized by table settings of better silverware, china, glassware and cloth tablecloths, and have average turnover rates generally of one hour or more.

- ⁴: Gross leasable area—The total area of all floors intended for occupancy and the exclusive use of tenants, specifically excluding public or common areas such as utility rooms, stairwells, enclosed malls and interior hallways.
- (b) *Parking for company-owned vehicles not included.* Every business that stores vehicles owned by the business on site overnight (such as a company fleet), or maintains a stock of vehicles as part of its business activities (such as a car sales lot, a salvage and wrecking yard, car rental agency, etc.), shall provide for adequate parking or storage for the vehicles such that no parking occurs in a public right-of-way or in an area that has not been improved as a parking lot or storage yard. Such parking spaces shall be in addition to those required for residents, employees, customers and visitors.
 - (c) *Maneuvering lanes not considered parking.* Areas designated for temporary occupancy of vehicles while maneuvering on a site, such as queuing lanes for a drive-in window, are not considered parking spaces.
 - (d) *Dedication to parking use.*
 - (1) Parking spaces provided to meet the minimum requirements of this article shall not be used for the sale, repair, dismantling or servicing of any vehicles, or for the sale, display or storage of equipment, goods, materials or supplies.
 - (2) Parking spaces provided to meet the minimum requirements of this article shall not be used to meet the minimum parking requirements of any other use, except as provided for shared parking, below.
 - (3) Parking spaces provided to meet the minimum requirements of this article shall not be reduced in number nor otherwise lose their functional ability to serve the land use for which they were required.
 - (e) *Handicap accessible parking spaces.*
 - (1) Handicapped spaces are to be provided as required by the federal Americans with Disabilities Act and the Georgia Accessibility Code for all multi-family and nonresidential uses; including but not limited to the requirements of this section.
 - (2) Handicap accessible spaces shall be provided in each parking lot in the following ratio to the total number of spaces otherwise required for the use under Table 6.2.
 - (3) Handicap accessible parking spaces shall be counted as part of the total number of parking spaces required under this article.
 - (4) Handicap accessible parking spaces shall have an adjacent aisle five feet wide, and one in every eight handicapped spaces shall be adjacent to an aisle eight feet wide and the space shall be signed "Van accessible". Handicapped parking space aisles shall be clearly demarcated by lines painted on or otherwise applied to the parking lot surface.

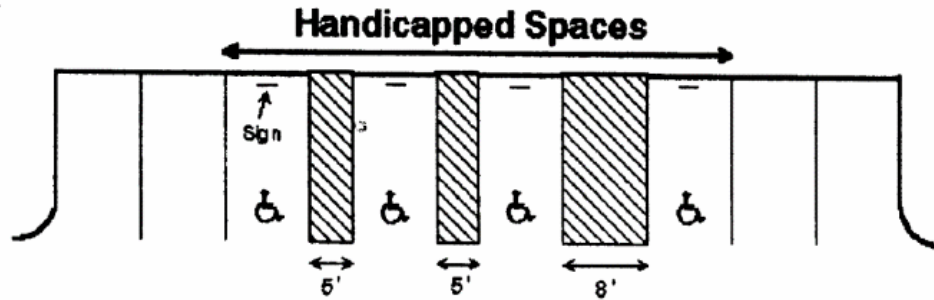


Figure 6.1 Handicapped Spaces

- (5) Handicap accessible parking spaces shall be located on a surface with a slope not exceeding one vertical foot in 50 horizontal feet (1:50).
- (6) Wheelchair ramps shall be provided in accordance with county specifications at locations appropriate to normal travel routes from the parking lot to the principal use.

Table 6.2: Handicap Accessible Spaces Required

Total Spaces Required for Use	Minimum Number of Handicap Spaces
1—25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501—1,000	2% of total
1,001 and over	20, plus 1 for each 100 over 1,000

Source: *Americans with Disabilities Act Accessibility Guidelines*.

- (f) *Open space set aside for reduced parking.* The site plan for a commercial or industrial use may, subject to approval by the planning and community development director, be designed to provide sufficient open space on the subject site to accommodate the additional parking spaces otherwise required by this section. Such open space shall be in addition to required yards, setbacks, driveways, private streets, loading and service areas and open space requirements. Sufficient open space shall be provided which, if converted to parking spaces, would provide off-street parking to meet the full requirements of this section at the time of application.

(Ord. of 10-13-2020)

Sec. 89-725. Proximity of parking spaces to use.

Location of parking spaces. All parking spaces required to meet the minimum standards of this article for residents, employees, customers or visitors shall be located in proximity to the use that the spaces serve, as follows:

Table 6.3: Location of Parking Spaces

Use	Parking Location
Single-Family or Two-Family Residence (including Manufactured Homes)	On the same lot occupied by the residence.
Townhouse Development	Each required parking space must be within 100 feet of an entrance to the dwelling unit that it serves, as measured along the most direct pedestrian route.
Other Multi-Family Developments (such as apartments) and congregate care facilities (such as nursing homes)	Each required parking space must be within 200 feet of an entrance to the building that it serves, as measured along the most direct pedestrian route.
Church, Hotel or Motel, Hospital	Each required parking space must be within 300 feet of an entrance to the building that it serves, as measured along the most direct pedestrian route.
Retail Sales Establishment or Office Building, other than a Shopping Center	Each required parking space must be within 300 feet of an entrance to the building or use that it serves, as measured along the most direct pedestrian route.
Shopping Center or Industrial Use.	Each required parking space must be within 400 feet of an entrance to the building or use that it serves, as measured along the most direct pedestrian route.
Any other use not specified above.	Each required parking space must be within 200 feet of an entrance to the building that it serves, as measured along the most direct pedestrian route.

(Ord. of 10-13-2020)

Sec. 89-726. Parking of certain vehicles.

- (a) In any residential district, it shall be unlawful to park wreckers, dump trucks, flat-bed trucks, tow trucks, mechanical earthmoving equipment or any commercial vehicle except that such vehicles used exclusively for an agricultural purpose on a parcel may be parked in an AG or AR district.
- (b) It shall be unlawful to park travel trailers, recreational vehicles, campers, motorized homes, boats, personal watercraft, wave runners, all-terrain vehicles or trailers of any type in the front yard, or in any other yard, except as hereinafter provided, in any residential district. In residential districts, travel trailers, recreational vehicles, campers, motorized homes, boats, personal watercraft, wave runners, all-terrain vehicles and trailers may only be parked or stored in an enclosed garage or carport or in rear or side yards, provided that they remain more than 20 feet from the rear property line and ten feet from the side property line.
- (c) No such vehicle shall be occupied for sleeping or as a residence, either permanently or temporarily, when so parked.

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- (d) Notwithstanding any other provision of this section, a school bus may be parked on property owned or occupied by the school bus operator provided that all of the following conditions are met:
- (1) *Zoning and minimum lot area.* The parcel must be a minimum of five acres in size and zoned agricultural (AG) or agricultural-residential (AR); provided, however, that the parking of school buses shall be prohibited on any parcel that is part of a platted residential subdivision, regardless of zoning classification and parcel size.
 - (2) *Access to the parcel shall be from a public street.* In order to protect the integrity of paved public streets, a minimum of ten feet of paved or concrete driveway or apron shall abut the paved public street at the property access point to be utilized by the school bus. The above requirement for a paved driveway or apron shall not apply if the parcel's direct access is from an unpaved public street.
 - (3) *Vehicle parking location.* The school bus shall be parked within the rear yard of the parcel, outside of all required setbacks and/or buffers.
 - (4) *Parking area surface.* Unless the school bus is otherwise parked or stored in an enclosed structure, the school bus shall be parked upon a concrete or gravel surface of sufficient size to accommodate all wheels of the school bus.
 - (5) *Limit of one vehicle.* No more than one school bus may be parked on a parcel as otherwise permitted by this subsection.

(Ord. of 10-13-2020)

Sec. 89-727. Off-site parking.

If required parking spaces are not located on the same lot as the particular use, building or establishment they are intended to serve, the following shall apply:

- (a) The parking spaces must be located on a property that has the same zoning classification as the property that the spaces serve, or a less restrictive zoning classification.
- (b) No required parking spaces may be located across any state or US highway from the use they are intended to serve unless a signaled cross-walk is provided.
- (c) An easement (or other recordable instrument satisfactory to the planning and community development director) dedicating the off-site parking to the property that the spaces serve shall be recorded with the clerk of the superior court and a copy provided to the planning and community development director. The document must be written to survive future changes in ownership in perpetuity, unless the agreement is dissolved with approval by the board of commissioners.
- (d) Off-site parking spaces shall be located in proximity to the use that the spaces serve, in accordance with the locational requirements of Table 6.3, above, or transportation services shall be provided, such as a shuttle bus.

(Ord. of 10-13-2020)

Sec. 89-728. Shared parking facilities.

The required parking space for a number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time, except as follows:

- (a) *Shared parking between day and night users.* One-half of the parking spaces required for churches, theaters or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.
- (b) *Mixed use developments.* Parking spaces may be shared by more than one use if the planning and community development director finds that the total number of spaces will be adequate at the peak hours

of the uses they serve. The ratios on Table 6.4 may be used in determining the time of day and the day of the week at which the maximum number of spaces will be needed by the uses served by the shared parking facility.

- (c) *Availability of shared spaces.* Parking spaces that are proposed to be shared among two or more uses must be clearly available to each use and not appear in any way to be serving a particular use, either through signage dedicating the spaces or through design techniques that would tend to orient use of the spaces to a particular business or building.
- (d) *Recordation of shared parking agreement.*
- (1) Shared parking arrangements must be committed to writing in an instrument acceptable to the planning and community development director and approved by the owners of each of the affected properties or uses.
 - (2) The instrument must be approved by the planning and community development director and shall be recorded with the clerk of the superior court. A copy of the recorded document must be supplied to the planning and community development department. The document must be written to survive future changes in ownership in perpetuity, unless the agreement is dissolved with approval by the board of commissioners.

Table 6.4: Percentage of Required Parking Spaces by Time Period

	Weekdays		Weekends		Nighttime
	6 am to 5 pm	5 pm to 1 am	6 am to 5 pm	5 pm to 1 am	1 am to 6 am
Office	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment/Recreation	40%	100%	80%	100%	10%
Church	10%	25%	100%	100%	10%

By way of example, the following illustrates shared parking calculations for a particular mixed-use development:

Example:

Spaces needed for uses in a mixed-use project, calculated individually:

	Factor	for	Spaces
Office	3.5/1,000	100,000 sf	350
Retail	5/1,000	100,000 sf	500
Hotel w/Restaurant	1.5/room	100 rooms	150
Family Restaurant	9.5/1,000	20,000 sf	190
Theater	1/4 seats	200 seats	50
Church	1/4 seats	400 seats	100
TOTAL if figured separately			1,340

Spaces Required applying the Peak Demand Percentages to the Example:

	Weekdays		Weekends		Nighttime
	6 am--5pm	5pm--1am	6 am--5pm	5pm--1am	1am--6am
Office	350	35	35	18	18
Retail	300	450	500	350	25
Hotel w/Restaurant	113	150	113	150	113
Family Restaurant	95	190	190	190	19
Theater	20	50	40	50	5
Church	50	50	100	100	10
TOTAL	928	925	978	858	189

Highest demand = 978 (instead of 1,340)

Figure 6.2 Parking calculations

(Ord. of 10-13-2020)

Sec. 89-729. Design requirements for off-street parking lots.

Except for single-family detached and two family residential uses (unless otherwise noted), the provisions of this section apply to all off-street parking spaces and parking areas, whether the parking meets or exceeds the number of spaces required to serve a particular use or the parking lot is operated as a principal use on a property and not dedicated to serving a particular use.

(a) *Orientation to street.*

- (1) All areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain access.
- (2) The distance from a parking area access drive to the intersection of two streets, and the distance between driveways at the street right-of-way between adjacent properties, shall not be less than 20 feet for a single-family or two-family dwelling and not less than 50 feet for all other uses. Distances must be measured from the back of the driveway curb at the right-of-way line (or from the edge of the driveway if curbs are not required).
- (3) The number of driveways that access a property from any one street, road or highway shall be limited as follows:
 - a. A permit to access a state road must be obtained from the Georgia Department of Transportation and submitted to the director of public works before the driveway access can be approved.

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- b. Along state or U.S. numbered highways, and along all other major collector and arterial thoroughfares, no more than one point of vehicular access from a property shall be permitted for each 300 feet of lot frontage, or fraction thereof.
 - c. Along all other streets or roads, no more than two points of vehicular access from a property to each abutting public road shall be permitted for each 400 feet of lot frontage, or fraction thereof; provided however, that lots with 150 feet of frontage or less shall have no more than one point of access to any one public street. The director of public works shall determine whether the points of access may be unrestricted or will have to be designed for right-in, right-out traffic flow.
- (b) *Off-street parking spaces.*
- (1) No parking spaces shall be accessible directly from an access driveway within the first 30 feet of the driveway back from the street right-of-way line.
 - (2) Every parking space shall provide a useable rectangular area at least nine feet wide by 20 feet long. Access aisles shall not encroach into this minimum rectangular area.
 - (3) Every parking space shall be clearly demarcated by lines painted on or otherwise applied to the parking lot surface.
- (c) *Access and circulation.*
- (1) Access aisles in parking lots must be at least 24 feet wide serving spaces that are perpendicular (90 degrees) to the access aisle, and provide for two-way traffic. Access aisles serving spaces that are oblique (slanted) to the access aisle shall be limited to one-way traffic, and shall have the following minimum widths: 18 feet wide serving spaces that are at a 60 degree angle to the aisle, and 13 feet wide serving spaces that are at a 45 degree angle to the aisle. (See the parking illustration, below.) Angles less than 45 degree to the access aisle are not allowed, except for parking spaces that are parallel to the access aisle.
 - (2) One-way traffic aisles must be clearly marked with directional arrows on the pavement at each intersection with another aisle.
 - (3) Ingress and egress to parking areas shall be by means of paved driveways from the adjoining street.
 - a. The minimum width of driveways for ingress and egress shall be the same as those specified above for aisles. Driveway width, for the purpose of this section, shall include only the pavement and not the curbs and gutters.
 - b. The slope of ingress and egress driveways at their connection to the adjoining street shall not exceed that allowed by county specifications for landings at residential street intersections.

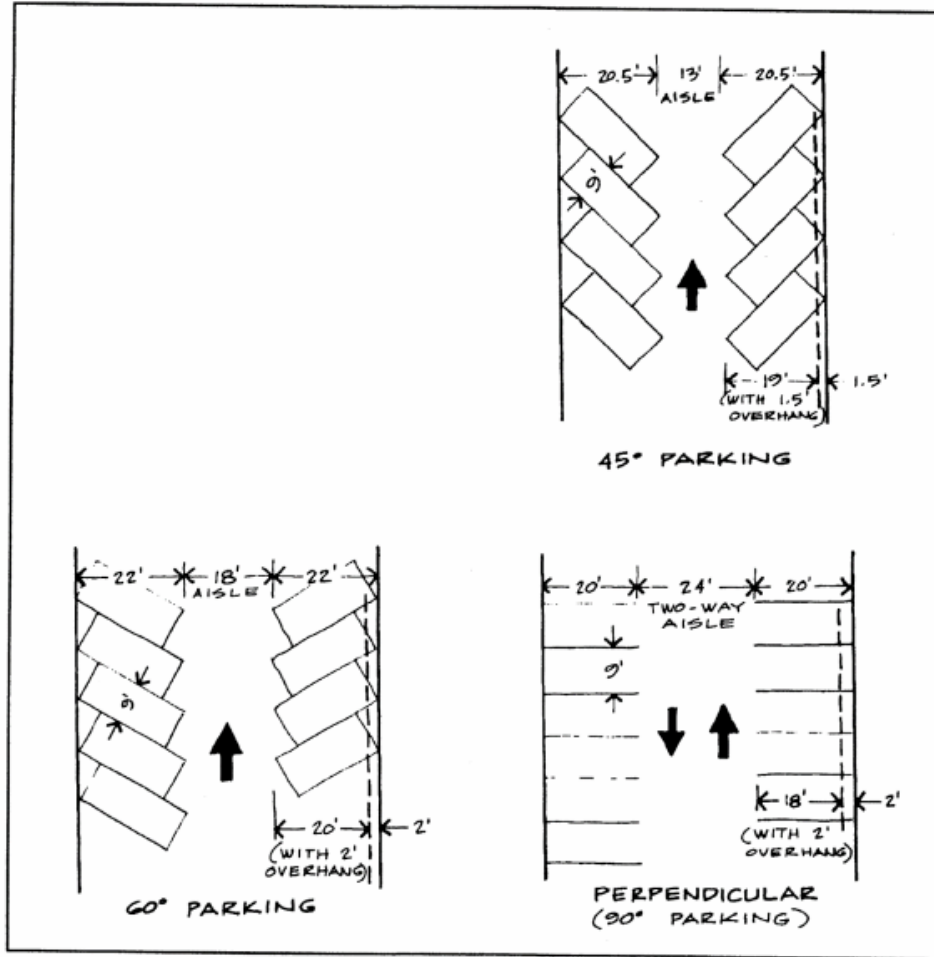


Figure 6.3 Parking illustration

(d) *Setback requirements; off-street parking lots.*

- (1) No parking shall be established in the minimum required front setback of any residential zoning district except for a single-family or two-family residential use, nor shall more than 35 percent of this required front yard be paved or used for parking under any circumstances.
- (2) Unenclosed off-street parking for single-family and two-family dwellings shall have no setback requirements.
- (3) Off-street parking for all other uses, including multi-family residential, commercial, industrial, and institutional uses, shall be setback from the front property line by at least ten feet. An additional ten-foot setback from any buffer required along a side or rear property line shall also be maintained.
- (4) The required setback area between the front property line and the parking area shall be used for landscaping and/or screening as required in section 89-735, below.

(e) *Lighting of parking areas.*

- (1) Adequate lighting shall be provided if the facilities are to be used at night. Any lights used to illuminate the parking area shall be arranged, located or screened to direct light away from any

adjoining residential use. "Shoe box" recessed lighting fixtures on poles, and motion-detector security lighting, shall be utilized for this purpose.

- (2) Lighting standards in and surrounding parking lots shall not conflict with tree locations, considering the height and breadth of the trees normally achieved at maturity and their root systems.

(Ord. of 10-13-2020)

Sec. 89-730. On-street parking standards.

- (a) *On-street parking allowed.* On-street parking may be used on Town of Carl maintained public streets if approved as a part of a special use application and shall be limited to local streets internal to townhouse developments, mixed use master planned developments, traditional neighborhood developments, and senior housing developments that provide pedestrian walkability within the project.
 - (1) On-street parking shall be shown on the zoning exhibit and the concept plan and is subject to planning and community development director and zoning review and approval prior to submission to the board of commissioners.
 - (2) On-street parking shall not be permitted for a single building on an individual parcel, but rather shall be permitted to serve multiple buildings or parcels within in a townhouse development, master planned development, traditional neighborhood development, and senior housing development. In addition, individual businesses shall not designate any one on-street parking space for exclusive use by their patrons.
- (b) *On-street parking space requirements.*
 - (1) Each on-street parking space shall be nine feet wide by 22 feet long as measured from the face of curb.
 - (2) On-street parking calculations shall be provided on the zoning exhibit and concept plan.
 - (3) Handicap parking shall comply with the ADA Standards, the Georgia State Law for Accessible Design and the Georgia Accessibility Code for Buildings and Facilities for all multi-family and non-residential uses.
 - (4) A maintenance agreement for on-street parking shall be authorized between the owner/developer and the county prior to development permit issuance.
 - (5) On-street parking shall be constructed to the street standards as established in this Development Code and maintained in accordance with County Standards and further maintained so as not to create any hazards with traffic flow on the adjacent street.
 - (6) A mandatory property owners association shall be established. The property owners association shall be responsible for the maintenance of any on-street parking in the development. A maintenance responsibility statement for on-street parking shall be placed on the approved plans and the covenants shall include a section that specifically states who is responsible for maintenance and what the maintenance standards are for on-street parking.
- (c) *On-street parking requirements specific to mixed use master planned developments, traditional neighborhood developments, and senior housing developments.*
 - (1) Up to 100 percent of the on-street parking spaces available within 700 feet of a use may be counted towards the minimum off-street parking requirements for commercial uses as shown on the zoning exhibit and concept plan.
 - (2) No more than 25 percent of the number of required off-street parking spaces may be provided by on-street parking.

(Ord. of 10-13-2020)

Sec. 89-731. Inter-parcel access.

- (a) *Internal access easements required.* Inter-parcel access shall be achieved by means of shared driveway easements between properties. The purpose of the easement is to facilitate movement of customers from business to business without generating additional turning movements on the public streets which best protects the interest of the public health, safety and welfare.
- (b) *Access easement provisions.* The easement shall permit automobile access from the adjoining property to driveways and parking areas intended for customer or tenant use; but parking spaces may be restricted to use by the owner's customers and tenants only.
 - (1) Inter-parcel vehicle access shall be required between automobile parking areas on all contiguous parcels within the nonresidential zoning districts and between all other contiguous nonresidential uses when the parking areas are or will be in reasonable proximity to one another.
 - (2) On all surface drives (i.e., inter-parcel streets that are not government owned or maintained), curb cuts may be located no closer than 20 feet from a property line.
 - (3) All access easements shall be no less than 28 feet in width and shall be wide enough to permit two-way vehicular traffic to and from the adjoining properties.
 - (4) Inter-parcel access shall not be allowed within 35 feet of the right-of-way of any public street or road.
- (c) *Relief.* Requirements of this section may only be waived by the director of public works when it is adequately demonstrated that the adverse impact of the required easements on use of the subject property would outweigh the reduced impact on public streets provided by reciprocal easements.

(Ord. of 10-13-2020)

Sec. 89-732. Improvement of parking areas.

- (a) *Surfacing and curbing.*
 - (1) All parking areas and all access drives except for single-family and two-family dwellings, and within the agricultural districts shall be improved with a permanent dust-free surface consisting of a minimum of a six-inch graded aggregate base overlaid with a minimum two-inch Type E or F asphalt surface, or an appropriate alternative porous paving surface as approved by the director of public works.
 - (2) The parking of any vehicle on any lot in any district on other than a surface treated and hardened to accommodate this vehicle is prohibited except as provided herein. In addition, parking vehicles in the front yard or in front of the principal building line in an R district shall be prohibited except on a hard-surfaced driveway or in a carport or garage.
 - (3) In the commercial and the industrial zoning districts, the above type of surface is required for customer, visitor, and employee automobile parking. In these zoning districts the following surface will be required in areas of loading docks and parking of commercial trucks and other commercial equipment:
 - a. A eight-inch graded aggregate base, overlaid with a two-inch Type B binder and a 1½-inch Type E or F asphalt surface; or,
 - b. A ten-inch graded aggregate base, overlaid with a 12-inch course of 3,000 P.S.I. concrete.
 - (4) Curb and gutter meeting county specifications shall be installed around the periphery of every parking lot and loading area, where required for drainage, and extend along both sides of every access drive between the parking lot or loading area and the street or another parking lot or loading area, as applicable.
 - (5) The minimum thickness specified above shall be evaluated for each application to determine adequacy for projected traffic.

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- (b) *Maintenance.* Parking areas shall be maintained in proper repair with a dust-free surface.
 - (c) *Drainage facilities.* For any use that will require a parking area of five spaces or more, or a loading area, to be newly constructed, added to, or altered in such a way as to affect drainage either on or off the site, stormwater drainage plans, including grading plans, shall be submitted to and approved by the director of public works, prior to the issuance of a building permit or occupational license.
 - (d) *Permit required.* Construction of a new parking lot or loading area, or expansion of an existing parking lot or loading area, requires issuance of a development permit in accordance with the procedures and permits article of this Development Code.
 - (e) *Time limit.* All required parking areas shall be ready for use, including the above surfacing requirement, before the occupancy of the use (in the case of a new building or addition) or within 45 days after the issuance of an occupational license (in the case of a change of occupancy in an existing building). An extension of time may be granted by the director of public works due to adverse weather conditions.

(Ord. of 10-13-2020)

Sec. 89-733. Truck loading.

- (a) *Off-street truck loading; where required.* Any business or industrial building, hospital, institution, or hotel, in any zoning district, shall provide adequate off-street facilities for the loading and unloading of business merchandise, supplies, goods or freight within or adjacent to the building as deemed appropriate by the owner or occupants of the property. Such loading facilities, if provided, shall not obstruct freedom of vehicular traffic or pedestrian movement on the public streets and sidewalks.
- (b) *Setback requirements; loading areas.*
 - (1) Off-street truck loading areas shall be setback from the front property line by at least ten feet. An additional ten-foot setback from any buffer required along a side or rear property line shall also be maintained.
 - (2) The required setback area between the front property line and the truck loading area shall be used for landscaping and/or screening as required in section 89-735 below.
- (c) *Truck loading on public streets.* The loading or unloading of business merchandise, supplies, goods or freight within a street right-of-way is prohibited in all zoning districts. Loading or unloading of furniture, equipment, or fixtures for the purpose of a home or business relocation may be allowed within a street right-of-way if:
 - (1) The street is classified as a "local" street as defined in this Development Code; and
 - (2) Vehicular and pedestrian access is not completely blocked on the street; or
 - (3) The sheriff's department otherwise grants approval based on a determination that adequate traffic safety measures are implemented during the period of loading or unloading.

(Ord. of 10-13-2020)

Sec. 89-734. Parking lot plantings.

Parking lot plantings shall comply with applicable standards in Article VIII.

(Ord. of 10-13-2020)

Sec. 89-735. Street-side screening of parking and loading areas.

- (a) *Generally.*

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- (1) Any off-street parking lot designed or intended to accommodate ten cars or more, and any area permanently set aside for loading or unloading of trucks or vans, which are visible from a street right-of-way, must provide a landscaped visual screen of the parking lot or loading area that meets the requirements of this section.
 - (2) The setback area required under subsection 89-729(d) for parking lots and subsection 89-733(b) for truck loading areas may be used for the screening required by this section.
- (b) *Visual screening required.*
- (1) Decorative visual screening that is 100 percent opaque shall be provided to a height of three feet above the elevation of the parking/loading area or the street, whichever is highest.
 - (2) If the parking/loading area is three feet or more below the street shoulder within ten feet of the street right-of-way line, no screening is required.
- (c) *Screening alternatives.* The decorative visual screening may be provided in any of the following ways:
- (1) *Planted only.* A hedge consisting of at least a single row of shrubs planted three feet on center that will spread into a continuous visual screen within two growing seasons. Shrubs must be at least 18 inches tall at the time of planting, and be certified by a registered landscape architect to be of a species that will normally exceed three feet in height at maturity and are suitable for the parking lot application. The hedge must be setback at least four feet from the street right-of-way line.

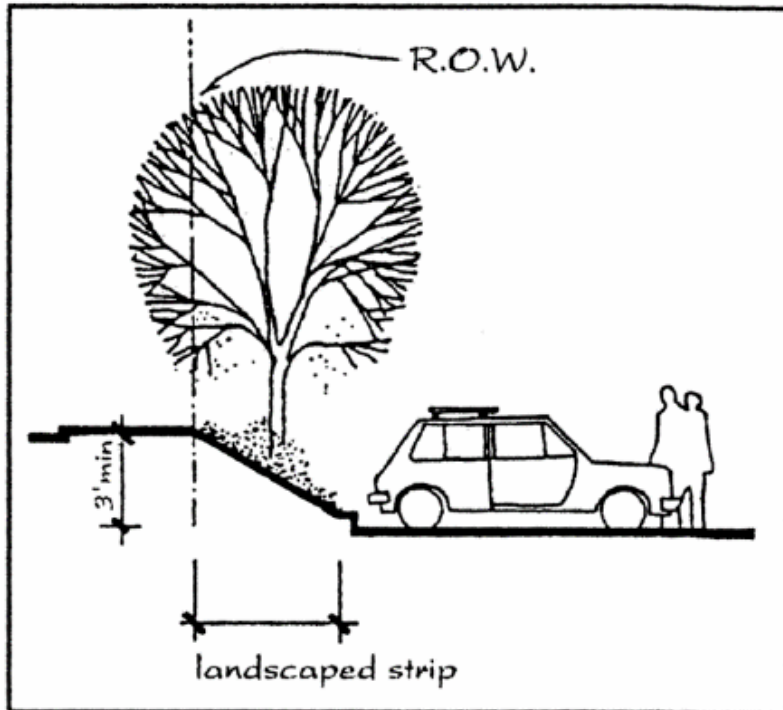


Figure 6.4 Screening (1)

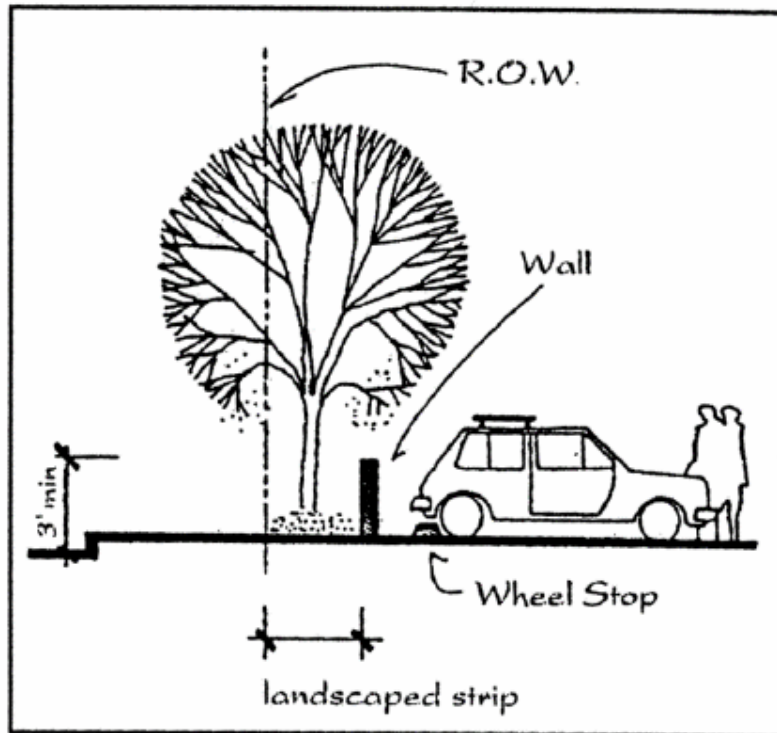


Figure 6.5 Screening (2)

- (2) *Earthen berm.* An earthen berm constructed to a height of three feet above the adjacent elevation of the street or parking/loading area, whichever is highest, shall not exceed a slope of 50 percent (one foot of vertical rise for every two feet of horizontal run) and shall have a crown of at least two feet. The berm shall be planted in ground covers and other plant materials to achieve a decorative effect to the reasonable satisfaction of the planning and community development director.
- (3) *Wall.* A wall of brick, stone or finished and textured concrete may be constructed to the required height and opacity, and landscaped with plant material to achieve a decorative effect to the reasonable satisfaction of the planning and community development director. The wall must be setback at least four feet from the street right-of-way line.
- (4) *Combination.* Any combination of hedge, berm or wall that effectively provides a visual screen of the parking lot or loading area to a height of three feet and achieves a decorative effect through appropriate use of landscaping and plant material.
- (d) *Obstructions to sight distance.* All landscaping and other screening devices placed along street rights-of-way and driveways must be designed and installed in a manner consistent with the requirements of this Development Code regarding vision clearance in sight triangles at street intersections with driveways and other streets.

(Ord. of 10-13-2020)

Secs. 89-736—89-780. Reserved.

ARTICLE VII. SIGN REGULATIONS

Sec. 89-781. Purpose of article.

This article regulates the number, location, size, placement, sign type, type of illumination and other features related to the appropriate time, place and manner for signs and sign structures to be displayed and constructed in the county.

(Ord. of 10-13-2020)

Sec. 89-782. Sign regulations; purpose and findings.

(a) *Basis for restrictions imposed.*

- (1) The commission has considered the aesthetic and safety reasons for limiting signage in the unincorporated areas of the county. The commission has determined that signs can detract from the aesthetic beauty of the county. Further, unregulated sign proliferation may contribute to a lowering of commercial and residential property values. Lastly, signs can be detrimental to the safety of motorists in the county. It is found by the commission that limiting the number, type, and dimension of signs in accordance with the following regulations will serve these substantial governmental and community interests.
- (2) The commission is well aware that signs are a means by which the county's residents, organizations, institutions, and businesses may convey constitutionally protected commercial and noncommercial messages. The following regulations provide an appropriate balance between the right to communicate via signs and the protection of the community interests stated above.

(b) *Regulation of signs.* No sign shall be placed or maintained on any property, building or other structure within Town of Carl except in conformity with these Sign Regulations.

(c) *Intent of sign regulations; free speech.* Notwithstanding any other restrictions in this article, any sign authorized under this article can contain any commercial or non-commercial message, other than messages containing nudity or obscenity as defined herein, or other than a sign that advertises an activity that is illegal under Georgia or federal laws.

(Ord. of 10-13-2020)

Sec. 89-783. Applicability.

(a) *Signs that are regulated.* The regulations and requirements of this article apply to all signs that are or are intended to be viewed from a public right-of-way or adjacent property, or that are intended to be viewed from outdoor areas of public property, except as otherwise exempt under this section.

(b) Displays not considered to be a sign and exempt signs.

- (1) Displays not considered to be a sign. The following are exempt from all restrictions and regulations imposed by this article:
 - a. Window displays of goods available on a site are not considered to be signs and re exempt from these sign regulations.
 - b. Brand names or logos on products, product containers, or product dispensers (such as but not limited to a soft drink machine or gasoline pump) that are an integral part of the product or the product's packaging are not considered to be signs and are exempt from these sign regulations.
 - c. A building design, color, or motif that is associated with a particular establishment or organization but which conveys no message is not considered to be a sign and is exempt from these sign regulations.

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- (2) Signs that are exempt from regulation. The following signs are exempt from all provisions of this article except those provisions addressing structural requirements:
- a. *Official signs.* Signs placed by or at the direction of a governmental body, governmental agency or public authority. Such signs are authorized within all rights-of-way or other properties controlled by such governmental body, agency, or authority; and at such other locations as a governmental body, governmental agency or public authority may direct.
 - b. *Property address signs.* Property addresses (including multi-family building or unit numbers) when displayed on a building or mailbox, for the purpose of identifying addresses for public safety responders and the general public. Such property address shall consist of lettering no larger than five inches in height on a building or three inches in height on a mailbox.
 - c. *Standard informational signs.* Standard informational signs as defined in section 89-10 of this Development Code and subject to the restrictions set forth in section 89-793 of this article.

(Ord. of 10-13-2020)

Sec. 89-784. Signs that are prohibited.

The following signs are prohibited entirely or to the extent noted:

- (a) *Private signs placed on public property.* Any sign posted or erected within a street right-of-way, including signs planed on street medians, sidewalks, curbs, utility poles and traffic signs, or posted or erected on any other public property, is not allowed, except for official governmental signs and property address signs on mailboxes (see exempt signs under section 89-783(b)).
- (b) *Animated sign.*
 - (1) Any sign (excluding an electronic changeable copy sign) that flashes, blinks, rotates, swings, or is animated in any way is not allowed. Signs containing reflective elements that sparkle in the sunlight or otherwise simulate illumination during daylight hours are not allowed.
 - (2) Electronic changeable copy signs are allowed only under the provisions of section 89-787.
- (c) *Attached and painted signs.*
 - (1) Signs that are painted on or attached to trees, fence posts, courtesy benches, trash cans, or rocks or other natural features, are not allowed.
 - (2) Signs that are directly painted on a wall or canopy are not allowed.
- (d) *Banners.* Banners are not allowed except to the extent they are used and qualify as standard informational signs pursuant to section 89-783 of this article. When allowed as standard informational signs, banners shall be allowed only as wall or window signage and shall be placed flush upon the wall or window to which it is attached. Banners shall not be hung as under-canopy signs, flown as flags or used as any other form of sign.
- (e) *Changeable copy signs.*
 - (1) Manual changeable copy signs are not allowed, except for:
 - (2) A changeable copy sign element incorporated into a principal freestanding sign located on property zoned to allow commercial and institutional uses; provided that the total sign face area of the changeable copy sign element shall not exceed 50 percent of the total sign face area allowed for the sign, per sign face.
 - (3) Electronic changeable copy signs are allowed under the provisions of section 78-787.
- (f) *Dilapidated signs.* Signs that are dilapidated or in such condition as to create a hazard, nuisance or to be unsafe or fail to comply with any provision of the building code of the county are not allowed.

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- (g) *Display of nudity.* Signs displaying nudity, as defined by the State of Georgia at O.C.G.A. § 32-6-75(b)(1), are not allowed.
 - (h) *Festoons.* Strings of ribbons, tinsel, small flags, pennants, streamers, pinwheels, or other devices or long narrow strips of fabric, plastic, or other pliable material designed to move in the wind, are not allowed, except as provided for temporary signage under this article.
 - (i) *Human directional sign.* A promotional sign held or worn by a human standing outside of a business to attract customers.
 - (j) *Inflatable signs.* A sign that is intended to be expanded by air or other gas for its proper display or support is not allowed.
 - (k) *Obscene signs.* Obscene signs, as defined by the State of Georgia at O.C.G.A. § 16-12-80(b), are not allowed.
 - (l) *(Obstructions.* Signs that obstruct a fire escape, required exit or window or door opening used as a means of ingress or egress or which interfere with any opening required for ventilation or which violate any Code of the county, are not allowed.
 - (m) *Portable signs.* A sign designed to be transported or easily relocated and not attached to the ground, such as but not limited to the following, is not allowed:
 - (1) A sign designed to be temporarily placed upon the ground and not otherwise affixed to it;
 - (2) A sign mounted on a trailer, with or without wheels;
 - (3) An A-frame sign, sandwich board, sidewalk or curb sign; or
 - (4) A vehicular sign.
 - (n) *Roof signs.* Roof signs, including signs painted or adhered on roofs, are not allowed. This prohibition does not apply to the fascia portion of a mansard roof, or to the face of a parapet wall, provided that the sign must not extend above the top of the mansard roof or parapet wall.
 - (o) *Signs imitating public warning or traffic devices.* Any sign that displays intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, and any sign that uses the words "stop," "danger," or other message or content in a manner that might mislead or confuse a driver, is not allowed. No red, green, or yellow illuminated sign shall be permitted within 300 feet of any traffic light.
 - (p) *Sound or smoke emitting signs.* A sign that emits or utilizes in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing, or a sign that emits smoke, vapor or odors, is not allowed.
 - (q) *Signs advertising illegal activity.* Signs that advertise an activity illegal under Georgia or federal law are not allowed.

(Ord. of 10-13-2020)

Sec. 89-785. General requirements applying to all signs.

- (a) *Conformance to Building Codes.*
 - (1) In addition to any sign permit required under this article, a building permit shall be obtained prior to installation or placement of any freestanding sign having a sign structure area greater than 15 square feet or any building sign having a sign face area greater than six square feet. All signs for which a building permit is required shall be constructed and maintained in conformance with all Building Code and Electrical Code requirements.
 - (2) Plans required for issuance of a building permit for a sign shall be certified as to conformance with all structural and wind-load resistive standards of the Building Code by a qualified structural engineer or be

- prepared using standard drawings prepared by a structural engineer or other qualified professional meeting or exceeding all requirements of the Building Code.
- (3) All signs involving internal lights or other electrical devices or circuits shall display a label certifying it as being approved by the Underwriter's Laboratories, Inc.
 - (4) All electrical service to a sign shall be in compliance with the Electrical Code.
 - (5) Clearance from all electrical power lines shall be in conformance with the requirements of the Electrical Code.
- (b) *Conformance to state law.* The following applies to any sign located or to be located within 660 feet of the nearest edge of the right-of-way of an interstate, U.S. or State numbered highway (or any other road designated as a "primary highway" by the State of Georgia and approved by the U.S. Department of Transportation), or located or to be located beyond 660 feet of such highway but visible and intended to be read from such highway:
- (1) Such sign shall comply with all requirements of the Georgia Outdoor Advertising Act, O.C.G.A. § 32-6-70 et seq.
 - (2) Such sign shall comply with all requirements of this article. Between the Georgia and Town of Carl regulations, such sign must comply with the most restrictive requirements with respect to each and every item of regulation.
- (c) *Sign maintenance.*
- (1) All signs, together with all their supports, braces, guys, and anchors shall be kept in good repair and, unless constructed of galvanized or noncorroding metal, shall be given a protective coating as necessary to maintain a clean appearance and safe condition.
 - (2) All signs shall be maintained in accordance with all county regulations, including any regulations concerning nuisances and vegetation.
- (d) *Ground clearance under signs.*

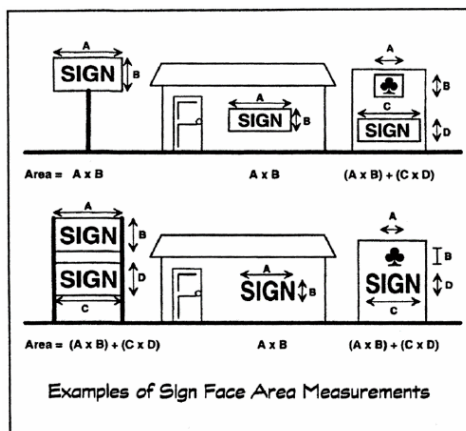


Figure 7.1. Examples of Sign Face Area Measurements

- (1) Projecting signs shall not project more than three feet beyond the face of the building. Projecting signs shall provide a minimum of eight feet of clearance from ground level to the bottom of the sign.
- (2) Under-canopy signs of greater than four square feet shall be rigidly mounted, and there shall be eight feet of clearance below the base of any rigidly mounted under-canopy sign. There shall be a minimum clearance of seven feet below the base of any non-rigidly mounted under-canopy sign.

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- (3) Awning, mansard and marquee signs shall be no less than eight feet above the ground when erected over pedestrian walkways at the lowest extremity of the sign.
- (e) *Visibility clearance area.*
- (1) No portion of a sign face, and no portion of a sign structure wider than 12 inches, between the heights of 2½ feet and 12 feet shall be located within 20 feet of the intersection of the right-of-way lines of streets, roads, highways or railroads, or within 20 feet of the intersection of a street right-of-way and either edge of a driveway.
- (2) No sign shall be erected or maintained where, by reason of its position, wording, illumination, size, shape or color, it may obstruct the view of oncoming vehicles or impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal or device.
- (Ord. of 10-13-2020)

Sec. 89-786. Measurement of sign area and height.

- (a) *Computation of sign area.* In order to determine compliance with the maximum allowable sign areas permitted under this article, the following shall establish how sign areas are measured. The terms "*sign area*" and "*sign face area*" are interchangeable and have the same meaning for the purpose of regulating maximum sign sizes.
- (1) *Sign face area.*
- a. The area of a sign face shall be computed as the area within the smallest rectangle enclosing the limits of a sign face, or the combination of the areas of all such rectangles delimiting each sign module, together with any frame or material, texture, or color forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed.
- b. For signs that have no identifiable frame or border, the smallest rectangle that includes all of the sign's words, letters, figures, symbols, logos, fixtures, colors, or other design elements intended to convey the sign's message shall establish the area of the sign's face.
- c. For signs applied to a kiosk or other cylindrical sign structure, the area of the sign face shall be computed as the largest rectangular area achieved from any one view of the sign. Measurements shall be made as a flat plane rectangle projected on the sign.
- d. The computation of the area of a sign face shall not include the structure, supports, or uprights on which the sign face is placed or any portions of a sign structure that are not intended to contain any message or idea and are purely structural or decorative in nature, other than those portions contained within the rectangle that delimits the sign face or a sign module.

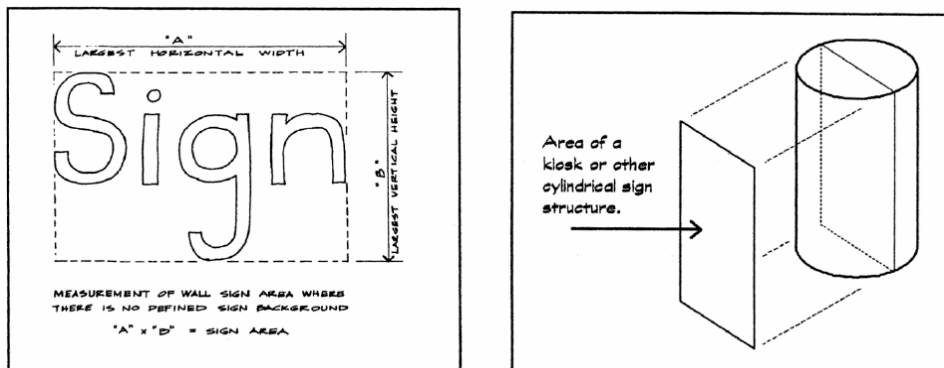


Figure 7.2. Sign Face Area Calculations

- e. *Manual changeable copy signs.* For any sign on which any of the words, letters, figures, symbols, logos, fixtures, colors, or other design elements are routinely changed or are intended to be changed from time to time the sign face area shall include the entire area within which any words, letters, figures, symbols, logos, fixtures, colors, or other design elements may be placed, together with any frame or material, texture, or color forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed.

(2) *Sign structure area.*

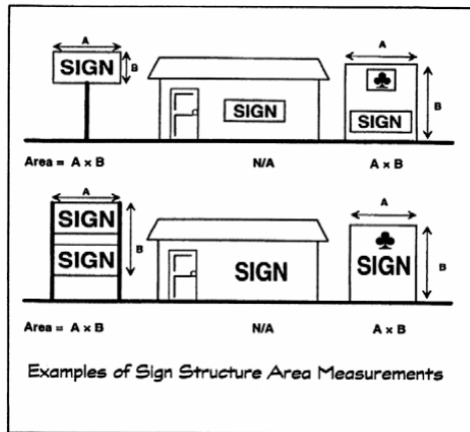


Figure 7.3. Examples of Sign Structure Area Measurements (2)

- a. The area of a sign structure shall be computed as the area within the smallest rectangle enclosing the limits of the surface of a sign whereon the sign face or sign modules may be placed, including all portions of a sign structure that provide a background for the sign face but are not intended to contain any message or idea and are purely structural or decorative in nature.
- b. For a kiosk or other cylindrical sign structure, the area of the sign structure shall be the largest measurement achieved from any view of the sign structure. Measurements shall be made as a flat plane rectangle projected on or bisecting the sign structure.
- c. Project entrance signs. For project entrance signs or other signs that are imposed, mounted or painted on a wall or other decorative structure, the sign structure area shall be computed as that portion of such wall or other decorative structure that is discernibly devoted to the support of the sign or, by its design or architectural treatment, intended to provide a background or frame for the sign.
- (3) *Treatment of open spaces.* Any open space contained within the limits of the rectangle delimiting the sign face, sign module, or sign structure shall be included in the computation of the area of such sign face, sign module, or sign structure.
- (4) *Multi-faced signs.*
- a. *Double-faced signs.* For double-faced signs, when the sign face surfaces are parallel (back-to-back), or where the smallest angle formed between the two faces is 60 degrees or less, the area of the sign shall be taken as the area on the largest side. For double-faced signs where the interior angle formed by the faces is more than 60 degrees, the area of the sign shall be the total area of all sides.
- b. *Signs with three or more faces.* For sign structures having only three faces and the interior angle formed between all of the faces is 60 degrees, the area of the sign shall be taken as the area on the largest side. For all other multi-faced signs with three or more sides, the area of the sign shall be the largest total of all faces that are joined by an interior angle of more than 60 degrees that can be viewed from any one direction.

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- (b) *Measurement of sign height.* The height of a sign shall be equal to the vertical distance from the average grade at the base of the sign, or from the crown of the roadway of the nearest street within 50 feet of any portion of the sign, to the highest point of any portion of the sign, whichever results in the greater sign height. Any earthen berm or elevated foundation constructed to support a sign, its signposts or other sign supports, shall be included in the height of the sign.

(Ord. of 10-13-2020)

Sec. 89-787. Electronic changeable copy signs.

Electronic changeable copy signs (previously referred to as automatic changeable copy signs, as defined in this Development Code, regardless of the technology employed, must conform to the following standards:

- (a) Electronic changeable copy signs are permitted only on commercial and industrial properties.
- (b) All electronic changeable copy signs viewable from a public street or sidewalk shall present only static displays (still pictures and printing). Such signs not viewable from a public street or sidewalk may display movies, animation or video containing motion.
- (c) Each static image shall be maintained for a duration of at least eight seconds. The change time between each static image shall be perceived as Instantaneous within the capability of the technology employed (generally about 1/10th of a second).
- (d) For signs viewable from a public street or sidewalk, no flashing, scrolling, or other variation in the static image that gives an illusion of movement or variation in light intensity during the display of a single image is allowed.
- (e) *LED signs.* In addition to all other requirements of this Section Article, LED signs (as defined in this Development Code must comply with the following:
 - (1) All such signs shall be "tri-color" signs or better, in which each pixel consists of a group of at least one red, green and blue LED or similar light emitting device.
 - (2) Maximum distances between pixels shall be as follows:
 - a. For building signs, no more than ten mm between pixels, measured center-to-center both horizontally and vertically.
 - b. For freestanding signs (including billboards as defined in this Development Code), no more than 16 mm between pixels, measured center-to-center both horizontally and vertically.
 - (3) All such signs shall be certified by a Nationally Recognized Testing Laboratory (NRTL) recognized by the US Occupational Safety & Health Administration (OSHA) in accordance with 29 C.F.R. 1910.7.
 - (4) Maximum brightness:
 - a. The sign must employ a light sensing device that adjusts the brightness as ambient light conditions change.
 - b. The sign shall not operate at a brightness level of more than 0.30 foot candles above ambient light levels measured at 100 feet from the sign (150 feet for sign faces greater than 100 square feet in area), as certified under paragraph (f) below.
 - (5) A fail safe device shall be installed that, in the event of a failure of the light sensing device, drops the brightness level to the lowest night-time level allowed, regardless of the time of day.
- (f) *Other electronic changeable copy signs.*
 - (1) Electronic changeable copy signs utilizing TV-type displays (LCD or Plasma, for instance) must comply with the following in addition to all other applicable requirements of this Section and Article:

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- a. Such signs shall be installed only as building signs.
 - b. Such signs shall have a minimum resolution of 1080p (High Definition) or equivalent.
 - c. At any time of the day or night, such signs shall not operate at a brightness level of more than 0.30 foot candles above ambient light levels measured at 100 feet from the sign (150 feet for sign faces greater than 100 square feet in area).
- (2) Electronic changeable copy signs utilizing incandescent bulbs are not allowed.
- (g) As part of an application for a sign permit, the sign owner must provide the county with a written statement from the installer that the sign will comply with the county's brightness requirements and all other requirements of this section, and shall certify to such compliance within 30 days after installation of the sign.
 - (h) Operation of an electronic changeable copy sign in violation of any provision of this section, including overriding the sign's light-sensing or fail-safe devices, may result in the disconnection of the electrical power supply to the sign at the owner's expense, under the procedures of this Development Code.

(Ord. of 10-13-2020)

Sec. 89-788. Permanent signs allowed by land use category.

The following Table 7.1 and Table 7.2 present the maximum number, size, height, and other restrictions relating to specific signage that are permitted by right in each land use category. Additional signage is permitted under section 89-789, section 89-790, section 89-791, section 89-792 and section 89-793 of this article.

- (a) *Principal freestanding sign—One use on property.* "Principal freestanding sign—One use on property" on Table 7.1 applies to a lot where there is only one use being made of the property, such as but not limited to one single-family or two-family dwelling, one multi-family development, or one business occupant. A predominantly agricultural property, with or without a residence on the property, is considered a single agricultural use. Properties that are vacant but zoned for a particular land use also fall under this category (see section 89-783(a) for specific definitions of land use categories).
- (b) *Principal freestanding sign—Planned center.* "Principal freestanding sign—Planned center" on Table 7.1 applies to a single commercial or industrial property that is designed or intended for occupancy by two or more principal businesses that are separately-owned and have no corporate relationship. A planned center may consist of several businesses in a single building or individual businesses in several buildings on the same lot. In contrast, see "shopping centers" under section 89-789 and "office parks" under section 89-790, below.
- (c) *Building signs.* For building signs permitted on Table 7.2, the following shall apply:
 - (1) For a single-occupant building, the maximum allowed area for a building sign on a wall shall be calculated on the basis of the length of said wall (or as a percentage of the wall area), including all windows and doors, as shown on Table 7.2.
 - (2) For multi-tenant buildings, the maximum allowed area for each building sign for each tenant shall be calculated on the basis of the length of the wall (or as a percentage of the wall area), including all windows and doors, of that portion of the structure occupied by the tenant.
 - (3) No wall sign, projecting sign, canopy sign or other building sign shall be located so that any part of the sign or its support extends above the top of the wall or canopy and no sign copy shall be located within five inches of the top of the sign.
 - (4) Under canopy signs shall extend perpendicular to the wall and shall be attached at a uniform height.

- (5) Projecting and under-canopy signs shall be limited to no more than one per tenant on a property, and each tenant shall have no more than one projecting sign or under-canopy sign, for each street that the tenant faces.
- (6) In no case shall a window sign obscure more than 25 percent of a window. Any neon window sign that is allowed shall be constant in its light emission, shall not be animated and shall not be so large or of a character to obscure vision into the premises from the outside.
- (d) *Planned developments.* For signs in a mixed use master planned development, traditional neighborhood development, or senior housing development, each property or individual development within the planned development shall conform to the sign regulations established as part of the zoning approval for the development. If no such regulations exist, each property or individual development within a master planned development shall conform to the provisions of this article in accordance with the land use category of said property or individual development.

Table 7.1: Permitted Freestanding Signs by Land Use Category

Land Use Category (See definitions)						
	Agricultural Property	Single- and Two-Family Residential	Multi Family Property	Commercial Property*	Industrial Property	Institutional Use
Principal Freestanding Sign—One Use on Property:						
Max. Number	1 per lot	1 per lot	N/A	1 per street frontage	1 per street frontage	2 per establishment
Maximum sign face or sign structure area	16 sf	9 sf		32 sf	32 sf	32 sf
Maximum height	10 feet	6 feet		15 feet	15 feet	15 feet
Maximum setback	70 feet	10 feet		10 feet	10 feet	10 feet
Principal Freestanding Sign—Planned Center:						
Max. Number	N/A	N/A	N/A	1 per street frontage	1 per street frontage	N/A
Maximum sign face or sign				32 sf	32 sf	

structure area**						
Maximum height				15 feet	15 feet	
Minimum setback				10 feet	10 feet	

* See also provisions relating to a shopping center or office park under section 89-790 or section 89-0791, respectively

** (a) Whichever is greater, except as otherwise provided for a shopping center or office park under section 89-790 or section 89-791, respectively.

(b) In a planned center, the area of a sign may be increased for the primary tenant and for up to two other tenants, provided that the total sign area for all tenants collectively does not exceed one square foot per lineal foot of total wall length.

Table 7.2: Permitted Building Signage by Land Use Category

Land Use Category (See definitions)						
	Agricultural Property	Single- and Two-Family Residential	Multi Family Property	Commercial Property	Industrial Property	Institutional Use
Wall, Awning, Under-Canopy, Projecting & Window Signs On A Building:						
Max. number of Wall, Awning or Projecting signs	1	1	1 per building	1 per tenant for each of the tenant's walls facing a street	1 per tenant for each of the tenants walls facing a street	1 per tenant for each of the tenants walls facing a street
Maximum sign face area for Wall, Awning or Projecting sign per wall	1 square foot	1 square foot	4 square feet	1 square foot of sign area for each 1 foot of wall length	Sign area not to exceed 2% of the area of the wall	1 square foot of sign area for each 1 foot of wall length
Additional Under-	Not Allowed	Not Allowed	Not Allowed	1 per tenant, up	1 per tenant, up	Not Allowed

Canopy Sign				to 4 square feet in area	to 4 square feet in area	
Additional Window Sign	Not Allowed	Not Allowed	Not Allowed	1 per tenant, up to 25% of the window area, or 1 square foot of sign area for each 1 foot of wall length whichever is the lesser*	Not Allowed	Not Allowed
Signs On A Free-Standing Canopy:						
Max. number of canopy signs	Not Allowed	Not Allowed	Not Allowed	1 per canopy face	1 per canopy face	Not Allowed
Maximum sign face area				1 square foot of sign for each 1 foot of wall length. 10% of the area of each canopy face	1 square foot of sign for each 1 foot of wall length. 15% of the area of each canopy face	
Maximum sign face area of largest sign				9 square feet	9 square feet	

* In a shopping center, the permitted window sign may be a neon sign, provided such sign does not exceed a maximum of 15 percent of the total window area or one square foot of sign area for each one foot of wall length of the premises, whichever is the lesser.

(Ord. of 10-13-2020)

Sec. 89-789. Shopping centers.

(a) *Freestanding signs in shopping centers.*

- (1) Principal freestanding signs are permitted in shopping centers in lieu of the restrictions on planned centers shown on Table 7.1, in accordance with the provisions of this section.
- (2) The maximum number of principal freestanding signs permitted in a shopping center is as follows:

Table 7.3. Number of Principal Freestanding Signs Allowed in a Shopping Center

Size of Center (square feet of gross leasable floor area)	Total Number of Signs per Street Frontage*
less than 50,000	1
50,000 to 150,000	2
Over 150,000 but not more than 200,000	3
Over 200,000	4

* One additional sign is allowed if a multi-screen cinema complex is located in the shopping center. See section 89-781(a).

- a. A freestanding sign meeting the specifications of this section is permitted for each out-parcel developed as an integral part of the shopping center.
 - b. Each freestanding sign in a shopping center shall identify the street number of the shopping center. The identification of the street number shall not be included within the square footage allotted for the copy area of the freestanding sign. Such numbers shall be a minimum of eight inches in height or such greater size as to be readable from the public street which affords the principal means of access to the shopping center. Street numbers shall be illuminated so as to be legible, readable and visible at night from the street, which affords the principal means of access to the shopping center. The street numbers shall be situated on the sign so as to be unobstructed by landscaping or other objects.
 - c. A changeable copy board as defined in this article shall not be permitted on a shopping center freestanding sign, except in conformance with section 89-785(e).
 - d. No shopping center freestanding sign shall be located within 20 feet of the public right-of-way of the street which affords the principal means of access to the shopping center. The sight distance of such sign shall conform to AASHTO standards, and evidence of such conformity shall be provided to the director of public works.
 - e. The height of a freestanding sign shall not exceed 20 feet.
 - f. The width of the sign face or its support shall not exceed the width of the freestanding sign structure.
- (3) The permitted area for each freestanding sign within a shopping center is as follows:

**Table 7.4. Maximum Area of a Principal Freestanding Sign
in a Shopping Center**

Height of Sign (feet)	Maximum Area of Sign Structure (square feet)	Maximum Sign Face Area (square feet)*
10 or less	420	78

More than 10 but not greater than 12	360	64
More than 12 but not greater than 15	300	50
More than 15 but not greater than 20	240	36

* The copy area of a freestanding sign shall not include the shopping center identification and the street number.

- (4) The owner or developer of a shopping center that exceeds 150,000 square feet may elect to forego one or more freestanding signs otherwise permitted under subsection 89-789(a)(2). For each sign that is foregone, the owner or developer may elect to increase the sign face area of one remaining sign up to 100 percent of the square footage that is otherwise permitted under subsection 89-789(a)(3). If there is more than one remaining sign, this percentage may be allocated among the remaining signs. In no event shall the sign face area of any remaining sign be increased by more than 100 percent. By way of illustration, if an owner of a shopping center exceeding 200,000 square feet elects to forego one of the four permitted signs, he might elect to increase the sign face area of one of the remaining signs by 100 percent, or he might elect to increase the sign face area of one remaining sign by 50 percent and the two other signs by 25 percent each, etc.
- (b) *Canopy and wall signs in shopping centers.* All building signs in a shopping center are allowed in accordance with the provisions of section 89-788(c).
- (c) *Rear entrance signs.*
 - (1) Rear entrance signs shall be required for each tenant within the shopping center for the purpose of identifying each tenant for county emergency service vehicles. The developer or owner of the shopping center shall be responsible to the county for proper rear entrance signage of tenants, including proper maintenance.
 - (2) Rear entrance identification signs shall be located on the tenant's rear door.
 - (3) The area of rear entrance identification signs shall not be less than 18 inches wide and 12 inches high, and the copy shall include the name of the shop and the street number. Lettering and numbering shall be at least two inches in height and shall be Helvetica medium style or an equivalent typeface.

(Ord. of 10-13-2020)

Sec. 89-790. Office parks.

- (a) *Office park principal freestanding signs.*
 - (1) Principal freestanding signs are permitted in office parks in lieu of the restrictions on planned centers shown on Table 7.1, in accordance with the provisions of this section.
 - (2) One principal freestanding sign in an office park is permitted for each street frontage.
 - (3) A changeable copy board shall not be allowed on a principal freestanding sign in an office park.
 - (4) No principal freestanding sign in an office park shall be located within 20 feet of a public right-of-way.
 - (5) The height of an office park identification shall not exceed 30 feet.
 - (6) The area of a principal freestanding sign in an office park shall be as follows:

Table 7.5: Maximum Area of a Principal Freestanding Sign in an Office Park

Frontage of property (feet)	Maximum Area of Sign Structure (square feet)	Maximum Sign Face Area (square feet)

Up to 500	75	40
501 to 1,000	100	50
1,001 to 1,500	150	.75
1,501 or more	200	100

- (b) *Building signs in an office park.* All building signs in an office park are allowed in accordance with the provisions of section 89-789(c).
- (c) *Rear, secondary or delivery entrance signs.* Rear secondary or delivery entrance signs shall be required at locations within an office park in proximity to the means of access to the rear, secondary or delivery areas of building within the office park so as to identify such entrances for public safety purposes. All such signs shall be either freestanding signs not exceeding ten feet in height or shall be wall signage, which shall be included within the total area allowed for building signage shown on Table 7.2.

(Ord. of 10-13-2020)

Sec. 89-791. Billboards.

- (a) *Billboard; defined.* A billboard is a freestanding sign that exceeds the sign area limitations established or otherwise approved for principal freestanding signs under section 89-788 of this article, and is not a principal freestanding sign authorized for a "shopping center" under section 89-789 or for an "office park" under section 89-790.
- (b) *Maximum number of billboards.*
- (1) The commission has considered the need for commercial and non-commercial speech through the medium of signs, in the unincorporated portions of the county. These interests must be weighed against the aesthetic and safety concerns that have been enumerated elsewhere in this article. After thorough consideration of these countervailing interests, the commission has developed the following regulations regarding the total number and structure of signs in the unincorporated portions of the county:
 - a. A total of 25 signs that are otherwise in conformance with the regulations found in this article shall be allowed in accordance with section 89-891(c), in the unincorporated portions of the county.
 - b. As a result of this section, once the number of signs within the unincorporated portions of the county reaches 25, no more permits for signs shall be issued.
 - (2) *Removal and replacement.*
 - a. The commission is aware that as the use of land changes, whether through condemnation, development, or redevelopment, certain billboard signs may need to be replaced or removed from the location where they were originally built. Whenever a billboard is removed, the owner of such removed sign shall be allowed to erect and operate a billboard at a permissible location as allowed by this section, if the owner makes application for such a permit within 12 months of the removal date. If the owner of a removed sign does not make application for another permit within 12 months, then other applications may be accepted for consideration by the building official.
 - b. Billboards that are not located at a permissible location as allowed by this section may not be replaced at the same location.
- (c) *Billboards; where allowed.*
- (1) A billboard shall only be allowed individually as a principal use on a property where no other principal use is located.
 - (2) The billboard must be located on a property that meets the following criteria:

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- a. The property must be zoned for commercial or industrial use.
 - b. The property must have at least 200 feet of frontage on Georgia Highway 316.
 - (3) The billboard must be placed within 660 feet of Georgia Highway 316.
 - (d) *Restrictions on billboards.*
 - (1) Distance requirements.
 - a. Each billboard shall be located not less than 1,000 feet from any other billboard and not less than 100 feet from a residential or agricultural zoning district.
 - b. No sign shall be located less than 1,000 feet from a national park, state park, local monument or church.
 - c. Distance measurement shall be made horizontally in all directions from the nearest edge of the sign face.
 - (2) *Size of signs.* Signs shall not exceed 90 feet in height nor be less than 15 feet above ground level. Sign faces shall not exceed 672 square feet or 48 feet in length, width, or height.
 - (3) *Sign faces.* No more than one single-faced or double-faced sign can be located on a single billboard sign structure. Only one sign module is allowed on a single-faced billboard sign structure, and only two sign modules are allowed on a double-faced billboard sign structure. The two sign modules forming a double-faced billboard must be parallel (back-to-back) to one another or form an interior angle no greater than 60 degrees, and the two sign modules may be separated from each other at their nearest point by no more than three feet.
 - (4) *Sign orientation.* Only one sign shall be allowed to face the same direction per location. This allows back-to-back or "V" formation signs but prohibits two signs (side by side or one above the other) facing the same direction.
 - (5) *Angle of the roadway.* Billboards shall be placed at no more than a 20-degree angle from the roadway.
 - (6) *Location on property.* All portions of the billboard must be located on a property in accordance with the front, side and rear yard setback requirements of the zoning district in which it is located.
 - (7) *D.O.T. regulations.* The billboard must comply with all requirements of the State of Georgia and the Georgia Outdoor Advertising Act (O.C.G.A. § 32-6-70 et seq.), as well as the provisions of this section, whichever are the most restrictive.
 - (8) *Abandonment requirements.* The owner shall not allow the billboard to be "abandoned" for greater than 60 days. If the billboard does not have a functioning purpose by the expiration of the 60-day time limit, the sign owner shall provide a public service announcement free of charge to the county.
 - (9) *Illumination of signs.*
 - a. The light from any illuminated sign shall not be of an intensity or brightness, which will interfere with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent properties.
 - b. No color lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
 - c. Neither direct, nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.

(Ord. of 10-13-2020)

Sec. 89-792. Other permanent signage allowed.

- (a) *Miscellaneous freestanding signs.* Freestanding signs in addition to those shown on Table 7.1 are allowed as accessory uses on a property occupied by any multi-family, commercial, industrial, or institutional use if each sign complies with all of the following:
- (1) Within the area between a street and the minimum front yard setback for principal buildings required for the zoning district, additional signs may be located within three feet of driveways that provide access into or from the property.
 - a. There shall be no more than two such signs per driveway and each such sign shall not exceed 17½ square feet in sign area nor be more than 2½ feet in height.
 - b. Entrance/exit signs may be supported by poles or columns, but in a shopping center or office park development the poles or columns must be covered with a skirt or solid base constructed of the same material and having the same color as the exterior of the shopping center structure.
 - c. No entrance/exit signs shall be located within five feet of the public right-of-way of any street.
 - d. Up to four signs may be part of the same sign structure, but all signs on a structure shall be of the same dimensions and shall be attached to each other.
 - (2) Miscellaneous freestanding signs located farther from the street than the minimum required front yard setback shall be allowed as follows:
 - a. One miscellaneous sign not to exceed 48 square feet in area nor more than eight feet in height may be located on the property for each principal building on the lot.
 - b. Other miscellaneous freestanding signs are allowed beyond the minimum front yard setback on a property developed for multi-family, commercial, industrial, or public or community use, provided that such signs shall have no more than four square feet in sign face area nor more than three feet in height (except signs that are required by law to be higher than three feet high, such as those marking a handicapped parking space).
- (b) *Recreational facility signs.*
- (1) Recreational facility signs shall be those signs erected on walls, fences, dugouts, press boxes, stadium stands, concession stands, ticket booths, benches and locker rooms at a public or private recreational facility.
 - (2) Such signs shall be allowed on any public or private property where the aforementioned recreational facility is permitted and located.
 - (3) Such individual signs shall not exceed eight feet in height and 32 square feet in area and must face inward to the recreational activity area.
 - (4) There shall be no limit on the number of signs per site provided that such sign faces are not visible from neighboring residential property or public rights-of-way.
- (c) *Flags.* Any cloth, paper, thin plastic, or similar material that is displayed by hanging or flying, is allowed as an accessory use on any property that is used in any land use category if it complies with all of the following:
- (1) No more than three flags may be displayed on a lot occupied by an agricultural use, a single-family or two-family residential use, or a multi-family residential use. No single flag shall be larger than 24 square feet in size, and the total area for all flags collectively shall not exceed 45 square feet.
 - (2) No more than three flags may be displayed on a lot occupied by a commercial, industrial or an institutional use, no single flag shall be larger than 40 square feet in size, and the total area for all flags collectively shall not exceed 72 square feet.
 - (3) Flags shall not be located on flagpoles that exceed the building height limitation of the zoning district for the property where the flag is displayed.

(Ord. of 10-13-2020)

Sec. 89-793. Standard informational signs.

- (a) The maximum aggregate sign face area for all standard informational signs shall be 18 square feet for each parcel and/or development.
- (b) Notwithstanding the maximum aggregate sign face area described in subparagraph (a) above, in addition to the standard informational signage allowed pursuant to this article, from the date of qualification of a candidate for a political election or a referendum question until the date of final determination on each ballot issue and candidate (the "election period"), each parcel and/or development may display an unlimited number of additional standard informational signs, provided that the sign face area of any additional standard informational sign erected during the election period pursuant to this subparagraph (b) shall not exceed six square feet.

(Ord. of 10-13-2020)

Sec. 89-794. Temporary signs.

- (a) *Temporary signs; allowed.*
 - (1) Certain signs are allowed through the issuance of a temporary sign permit. Such temporary signs shall not be restricted as to the message displayed on the sign but must comply with the provisions of this Section.
 - (2) Temporary signs must comply with all requirements of this article, including the prohibitions of section 89-785 and general requirements applying to all signs, except as modified by the provisions of this section.
 - (3) Fixed location: All temporary signs must be installed at a fixed location, either attached to the ground as a freestanding sign or attached to a building. Temporary signs shall not be attached to a vehicle or other movable, animated or portable device, or attached to, held by or displayed upon a person.
- (b) *Issuance of a temporary sign permit.*
 - (1) A temporary sign may not be displayed unless a permit is issued pursuant to section 89-796 unless otherwise exempt under this article.
 - (2) A temporary sign permit shall only be valid for a period of 30 days from the date of issuance, after which time the owner of the temporary sign or owner of the premises where such sign is located shall remove the sign from the premises.
 - (3) No more than one temporary sign permit may be issued to the same premises per quarter, not to exceed four temporary sign permits per one calendar year.
- (c) *Size of temporary signs.* Temporary signs are restricted to the following sign areas and sign heights:
 - (1) Single-family residential, townhouse condominium or manufactured home lot: Temporary signs located on such subdivided lots shall not exceed six square feet in sign face area and five feet in height.
 - (2) Residential or nonresidential subdivision or condominium development under construction: Signage within a residential or nonresidential subdivision or condominium development under construction shall not exceed 32 square feet in sign face area and eight feet in height.
 - (3) Multi-family, manufactured home park or nonresidential use property (as defined in this article).
 - (4) Temporary signs located on a multi-family, manufactured home park, or nonresidential use property shall not exceed 32 square feet in total sign face area and eight feet in height per sign.
- (d) *Location of temporary signs.*

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- (1) All temporary signs shall be located as follows:
 - a. At least ten feet from any street right-of-way line, back of street curb or edge of street pavement, whichever is farthest from the street.
 - b. At least ten feet from any side or rear property line and the pavement edge of a driveway.
 - c. Temporary signs located within 30 feet of an intersection of two streets or a driveway and a street shall be no more than 3 feet in height.
 - (2) Temporary signs are not allowed to be placed within or over a public street right-of-way or private street easement.
 - (3) A temporary sign must be a freestanding sign or a building sign (as defined in this Article), and shall not be affixed to any tree, utility pole or official traffic sign or structure.

A temporary sign shall be erected and maintained only with the permission of the owner of the property upon which the sign is located.

(e) *Construction and lighting standards of temporary signs.*

- (1) Construction standards for signs requiring building permits. A temporary sign for which issuance of a building permit is required by the Building Code shall meet the same engineering design and materials standards as for permanent signs as required by the Building Code.
- (2) Construction standards for signs not requiring building permits.
 - a. Nonpermanent but water-resistant construction materials may be used, such as but not limited to poster board, foam core board or illustration board.
 - b. The words, letters, figures, symbols, logos, fixtures, colors or other design elements that convey the sign's message shall be permanently applied to the sign's face.
- (3) Electronic and manual changeable copy signs shall not be allowed.

(f) *Lighting.*

- (1) Temporary signs shall not be illuminated.

(Ord. of 10-13-2020)

Sec. 89-795. Sign permits.

- (a) *Sign permits; when required.* In addition to a building permit as may be required under the Building Code, a sign permit shall be obtained from the building official prior to installation, relocation, expansion, construction or structural alteration of any sign regulated under this article, except for those signs specifically exempted under 89-795(b), below.
- (b) *Sign permits; exemptions.* The following do not require issuance of a sign permit. These exemptions apply only to the requirement of a permit and do not relieve the owner of the sign from compliance with all other requirements of this article for the particular sign.
 - (1) A sign permit will not be required under the following conditions:
 - a. Replacing or altering the words, letters, figures, symbols, logos, fixtures, colors, or other design elements that compose a sign's message, in whole or in part, shall not require a sign permit unless a structural change is made.
 - b. Painting, repairing, cleaning, or maintaining a sign shall not require a sign permit unless a structural change is made.
 - (2) A sign permit will not be required for the following listed signs:
 - a. Any sign that is otherwise exempt from regulation under 89-784(b) of this article.

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- b. A principal freestanding sign as provided in section 89-788(a).
 - c. A temporary standard informational sign as provided in section 89-793.
- (c) *Multi-tenant nonresidential projects.*
- (1) A master sign plan is required for any multi-tenant nonresidential development, such as a planned center, shopping center or office park, before any signs for the development or the development's tenants may be placed on the property.
 - (2) The master sign plan shall govern the placement and design of all signs within the development as to their location, number, materials, size, letter style, and color.
 - (3) A master sign plan shall include the following:
 - a. An itemized list and a keyed site plan at a suitable scale showing the location of all existing and proposed signs to be located on the property and all existing signs proposed to be removed.
 - b. The master sign plan shall consist of such drawings and specifications as may be required to clearly illustrate the location, materials, size, letter style, and color of all and every sign to be placed as freestanding and building signs within the development.
 - c. Master sign plans shall illustrate all proposed signs in sufficient detail so as to provide knowledgeable review and design specificity. Master sign plans shall show, describe or illustrate all signs proposed to be located on a lot and the buildings and structures therein, whether existing or new, and whether permitted by right or additional.
 - d. Signs that are otherwise exempt under this article need not be shown on the master sign plan.
 - (4) Process for approval of master sign plan. The master sign plan is to be submitted to the building official. The master sign plan shall be approved upon a finding by the building official that:
 - a. The planning and community development director has determined that the plan adequately provides that signs of a similar type and function within the development have a consistency of size, lettering style, color scheme, and construction materials so as to present a unified design concept while respecting the differences between tenant types and occupancies; and
 - b. The building official has determined that the signs proposed in the master sign plan comply with the requirements of this article in all respects, or a special exception shall have been approved pursuant to section 89-795.
 - (5) The requirements of the approved master sign plan shall be recorded by the owner in the office of the clerk to the superior court prior to issuance of a certificate of occupancy or connection to permanent power for the development, and shall be included in any sale, lease, or other transfer of right of occupancy affecting any part of the development.
 - (6) All tenants of the development, whether an owner, lessee, subtenant, purchaser, or other occupant, shall comply with the approved master sign plan.
- (d) *Permits.* Applications for sign permits shall be made available by the building official. The building official is hereby authorized to produce an application form, the form and other requirements for which may be updated whenever the director deems it necessary. Any applicant for a sign permit shall provide the following information:
- (1) The street address of the property upon which the subject sign is to be located and the proposed location of subject sign on subject property. In the absence of a street address, a method of location acceptable to the inspector shall be used.
 - (2) The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located.
 - (3) Written consent of the owner or his agent, granting permission for the placement of maintenance of subject sign.
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- (4) The value of the sign.
 - (5) The square foot area and height of each sign.
 - (6) The building official may require a sketch or print drawn to scale showing the pertinent information such as wind pressure requirements and display materials in accordance with the county building code. The building official may require additional information on such print or sketch to insure compliance with this article.
 - a. The sketch shall set forth the location of the sign, the size of the sign, the wind pressure the sign can withstand, and the distance of the sign from the road.
 - b. The sign shall be required to be certified to withstand winds of at least 70—75 miles per hour of wind pressure before a permit will be issued.
 - (7) Name, address, telephone number and business license number of the sign contractor, if applicable.
 - (8) For temporary signs, the application shall include:
 - a. A list of the temporary signs to be placed on the property.
 - b. A description of the temporary signs to be placed on the property.
 - c. For flags, banners, streamers and other festoons, written and graphic evidence of compliance with all requirements of this Article.
 - (9) The application fee, as may be established by the board of commissioners from time to time.
- (e) *Approval of sign permit.*
- (1) Once a complete application for a sign permit has been received, the director shall act to grant or deny each application for a sign permit within ten business days. All complete applications for signs, which are certified to be constructed in conformance with this article, shall be granted.
 - (2) If the director fails to act on a complete application within ten days of receipt, it shall be deemed approved, subject to the requirements and provisions of this article.
- (f) *Expiration date.* A sign permit shall become null and void if the sign for which the permit was issued has not been completed within six months after the date of issuance.
- (g) *Labels required on signs.* With each permit the building official shall issue a sticker bearing the same number as the permit with which it is issued. It shall be the duty of the permittee or his agent to affix such sticker to the sign in the lower right hand area so it will be easily seen. The absence of a proper sticker shall be prima facie evidence that the same has been done or is being erected or operated in violation of the provisions of this article.
- (h) *Nonconforming signs.*
- (1) Any sign that was in existence at the time of the effective date of this Development Code and was legal pursuant to the county's previous sign regulations at the time it was built, shall be regulated under the provisions of the general article of this Development Code relating to nonconforming signs. The structure, dimensions, and location of any such sign shall not be changed without first complying with this article.
 - (2) No conforming sign shall be erected on the same parcel of land as an existing nonconforming sign until the nonconforming sign has been removed or made to conform to the provisions of the article.
- (i) *Maintenance.* All signs must be maintained in a state of good repair. When the director or other authorized county official believes that a sign is dangerous or is otherwise in a state of disrepair they shall contact the owner of the sign in writing and request that the problem be repaired or corrected. If the owner has not appealed the official's determination to the board of appeals or corrected the problem(s) within ten days of the date of the written notice, the county shall arrange for removal of any such sign and bill the owner for all costs of such removal, in accordance with the administration and enforcement article of this Development Code relating to the removal of illegal signs.

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- (j) *Bond, public liability insurance required.* It shall be unlawful for any person to engage in the business of erecting or maintaining signs within the county unless and until such entity has obtained a county business license and certificate of insurance from an insurance company authorized to do business in the state evidencing that the entity has in effect public liability and property damage insurance in the sum of \$25,000.00 for property damage for any one claim and public liability insurance in the amount not less than \$100,000.00 for injuries, including accidental death to one person. The certificate of insurance shall state that the insurance carrier will notify the county 30 days in advance of any termination and/or restriction of the coverage.

(Ord. of 10-13-2020)

Sec. 89-796. Appeals.

- (a) *Denial of permit.* If an applicant for a sign permit has been denied a permit by the building official, the applicant may appeal this decision by filing a written request with the planning and community development director under the provisions of the appeals article of this Development Code. Such appeal will be heard by the board of appeals at the earliest appropriate meeting, but in no case more than 60 days after the date of the filing of the written request for appeal.
- (b) *Modifications to sign restrictions.* The restrictions placed on signs by this article, including the number, size, height, illumination and location on a property or relative to other signs, may be modified as a special exception variance granted under the procedures of the appeals article of this Development Code.
- (1) Signs that are prohibited under this article may not be approved as a special exception variance.
 - (2) Master sign plan required. In addition to the requirements and standards for a special exception variance in the appeals article, a request for approval of a special exception variance related to signs must be supported by a master sign plan that meets the requirements of subsection 89-795(c)(3).
 - (3) Upon approval, the master sign plan shall supersede any conflicting restrictions and regulations of this article for the property to which it pertains.

(Ord. of 10-13-2020)

Secs. 89-797—89-845. Reserved.

ARTICLE VIII. BUFFERS, TREE CONSERVATION, AND LANDSCAPING

DIVISION 1. GENERALLY

Sec. 89-846. Purpose of article.

The purpose of this chapter is to provide requirements for the landscaping and buffering of developments and for the protection of existing trees in all zoning districts, in order to enrich the urbanized and natural environment of Town of Carl by:

- (a) Providing for the separation of incompatible types of land use.
- (b) To require landscaping and the preservation and replacement of trees in certain areas within the county in order to ensure the continued health of its citizens through improved air and water quality.
- (c) To provide developers and others active in the county with the appropriate guidance to better ensure proper tree preservation and replacement in the course of the land development process in the county.
- (d) To preserve property values in the county by maintaining a safe, aesthetically pleasing environment.

- (e) To prevent clear-cutting and mass grading of land that results in the loss of mature trees, and to ensure appropriate replanting when tree loss does occur.
- (f) To reduce soil erosion in the county by planting trees and other vegetation so as to aid in prevention of soil loss through stormwater runoff and flooding and to promote stormwater infiltration.
- (g) To reduce noise and glare on adjacent properties from properties that has been extensively developed.
- (h) To conserve energy by cooling surrounding air temperatures through the existence of adequate shade trees.

(Ord. of 10-13-2020)

Secs. 89-847—89-860. Reserved.

DIVISION 2. ZONING BUFFERS BETWEEN INCOMPATIBLE LAND USES

Sec. 89-861. Zoning buffers; where required.

A zoning buffer shall be required between any multi-family or nonresidential development project along a side or rear lot line that abuts a less intense land use, as follows:

Table 8.1: Zoning buffer requirements.

Adjacent uses or zoning districts:	A zoning buffer is required along a side or rear lot line of the uses below when adjacent to one of the uses or zoning districts in the left column.		
	Townhouse or Multi-Family	Office, Commercial, or Light Industrial	Heavy Industrial
Agricultural District	25 Feet	25 Feet	100 Feet
1- or 2-Family Residential	25 Feet	50 Feet	100 Feet
Townhouse or Multi-Family		50 Feet	100 Feet
Office, Commercial, or Light Industrial			25 Feet

- (a) A zoning buffer must be provided between any multi-family use (townhouses, apartments or mobile home park) and any agricultural zoning district or single-family or two-family use or zoning district;
- (b) A zoning buffer must be provided between any office or commercial use and any agricultural zoning district or any single-family, two-family or multi-family use or zoning district; and
- (c) A zoning buffer must be provided between any industrial use and any agricultural zoning district; any single-family, two-family, multi-family use or zoning district; or any office or commercial use or zoning district.

(Ord. of 10-13-2020)

Sec. 89-862. Zoning buffers; when required.

Zoning buffers are required to be created at the time of construction of any new development.

Sec. 89-863. Zoning buffer design standards.

- (a) *General.* Zoning buffer areas shall contain no driveways, parking areas, patios, or any other structures or accessory uses except for a fence, wall, utility or earthen berm constructed to provide the visual screening required to meet the standards of this Development Code. Underground utilities may be permitted to cross a zoning buffer if the screening standards of this Development Code will be subsequently achieved. Vehicular access through a zoning buffer may be allowed only as a condition of rezoning, special use or any type of master planned development approval by the board of commissioners, as follows:
 - (1) Approximately perpendicular to the greater distance of the zoning buffer area and for drainage improvements required by the county based upon competent engineering studies which show these improvements to be necessary, upon approval of the planning and community development director planning and community development director or the board of commissioner's.
 - (2) Except as provided above, the natural topography of the land shall be preserved and natural growth shall not be disturbed beyond that which is necessary to prevent a nuisance, or to thin this natural growth where too dense for normal growth, or to remove diseased, misshapen or dangerous and decayed timbers. However, a slope easement may be cleared and graded where required to prevent soil erosion upon approval of the planning and community development director; this easement may cover no more than 20 percent of the required zoning buffer area, and shall be immediately replanted upon completion of easement improvements.
- (b) *Width of zoning buffer.*
 - (1) Zoning buffers required along any lot line shall be no less than the minimum required width as shown in Table 8.1.
 - (2) When a proposed development adjoins an existing development but the full width of the required zoning buffer does not exist, the new development shall provide a zoning buffer of adequate width to meet the full width required in Table 8.1 when considered in combination with any existing zoning buffer on the property of the adjoining development.
- (c) *Minimum required screening.* Minimum required screening shall consist of a natural zoning buffer utilizing existing vegetation or a structural zoning buffer, whichever provides an opaque visual screen to a height of six feet, or any combination of existing and replanted vegetation which can reasonably be expected to create an opaque visual screen six feet high within two growing seasons.
- (d) *Natural zoning buffers.* Natural zoning buffers may contain deciduous or perennial vegetation but shall contain evergreen shrubs and trees suitable to local growing conditions that will provide an opaque visual screen during all seasons of the year.
- (e) *Structural zoning buffers.* Structural zoning buffers shall meet the following criteria:
 - (1) Structural zoning buffers shall be vegetated throughout the minimum area required for the zoning buffer around any fences or walls and upon any earthen berms, which may include grass, ground covers, shrubs, and trees.
 - (2) All earthen berms shall have a maximum side slope of 50 percent (one foot of vertical rise to two feet of horizontal run). Earthen berms shall not be constructed within the drip line of any existing trees that will remain on the property.
 - (3) Trees shall be located or planted within any structural zoning buffer at a density of no less than one overstory tree for each 40 feet of zoning buffer length or portion thereof or one understory tree for each 20 feet. Overstory and understory trees may be combined using the appropriate density distance for each. New deciduous trees shall have a caliper of no less than two inches upon planting, and new evergreens shall be at least five feet tall when planted. Trees may be clustered for decorative effect following professional landscaping standards for spacing, location, and design.

- (4) Fences and freestanding walls shall present a finished and decorative appearance to the abutting property and shall meet location requirements for fences and walls in section 89-407.
- (5) Fences used in zoning buffers must be made of rot-resistant material or protected from deterioration with waterproofing material.
- (6) The accompanying Figure 21 provides examples of natural and structural zoning buffers. Other solutions meeting the minimum requirements of this section are also acceptable.

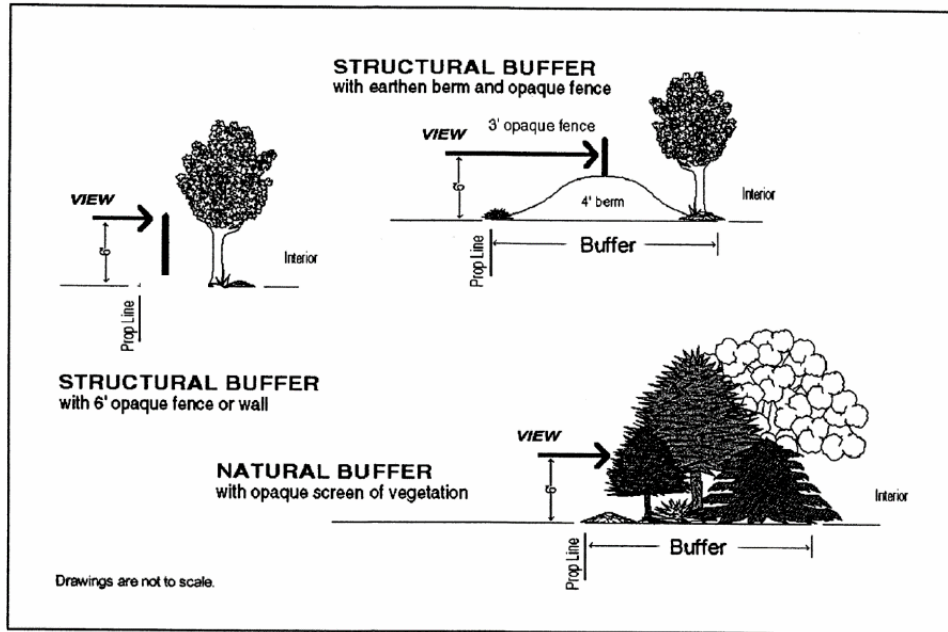


Figure 8.1. Examples of zoning buffers

Sec. 89-864. Maintenance of zoning buffers.

Every zoning buffer required by this article shall be maintained by the owner of the property where the zoning buffer is located, so as to provide an opaque visual screen to a height of six feet on a continuous, year-round basis.

Sec. 89-865. Zoning buffer modifications.

- (a) *Automatic reduction in zoning buffer width.* If a structural zoning buffer is provided that creates an opaque screen to a height of no less than eight feet instead of six, the zoning buffer may be reduced to a width of no less than 75 percent of the zoning buffer width otherwise required. If the structural zoning buffer achieves a height of 12 feet or more, the zoning buffer width may be reduced to 50 percent of the width otherwise required.
- (b) *Location of zoning buffers.* Zoning buffers may be relocated on the site to best achieve the screening required.
- (c) *Waiver for unnecessary zoning buffers.* The board of commissioners may waive a zoning buffer requirement or reduce its extent to a temporarily appropriate level of screening if the comprehensive plan anticipates future development on the adjoining property in a land use category such that a zoning buffer would not be required by this Development Code once the adjoining property is rezoned or developed.

Secs. 89-866—89-890. Reserved.

DIVISION 3. TREE CONSERVATION

Sec. 89-891. Purpose and intent.

- (a) The purpose and intent of this division is to:
 - (1) Provide standards for the protection of trees as part of the land development and building construction process within Town of Carl;
 - (2) Provide a healthy living environment and make the county an attractive place to live and work;
 - (3) Maintain control of stormwater runoff, noise, glare, and soil erosion; and
 - (4) Preserve, protect, and promote the general health, welfare, and safety of the public.

Sec. 89-892. Applicability.

- (a) Exemptions from tree conservation requirements. The tree conservation requirements shall not apply to the following:
 - (1) Individual homeowners. The exemption does not include an exemption from requirements for protective buffers along streams, creeks, and reservoirs.
 - (2) The following situations within all residential districts shall also be exempted:
 - a. Where the addition to a principal structure will constitute structural and exterior changes to the home.
 - b. Where the construction of an accessory structure(s) and/or uses including, but not limited to, swimming pools and tennis courts, is permitted, including an accessory residential living facility (a.k.a. guest quarters).
 - c. The removal of diseased, deceased, infested or dying trees, or living pine trees or other trees which may pose a danger to an existing or proposed home, or other structure.
 - (3) Public utility companies and government agencies conducting operations on public and utility rights-of-way and easements or on sites for electric power substations and similar facilities, which operations are for the purpose of assuring uninterrupted utility and governmental services and unobstructed passage on public streets.
 - (4) Agricultural activities.
 - a. Property in use for agricultural tree harvesting (as defined by this Development Code) or other agricultural activities (as defined by this Development Code), provided that the timber harvesting notice requirements of this Development Code and the requirements of state law and regulations regarding tree harvesting are met.
 - b. If a property is systematically thinned of trees or is clear-cut for any purpose other than a bona fide agricultural use, or the timber is harvested without complying with the requirements of this Development Code and state law, a preliminary plat or project site plan for development of the property may not be approved for a period of five years. This restriction may only be waived by the board of commissioners by majority vote. Such waiver may be based on a valid excuse for the clear-cutting, or on remedial action such as the replanting of trees.

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- (b) Nothing in this section shall be construed to allow the removal of any tree or vegetation in a required stream buffer, watershed buffer, buffer adjacent to waters of the state, or other undisturbed or planted buffer located for protection of natural resources, except where such removal has been specifically authorized as set forth in this UDC.

(Ord. of 10-13-2020)

Sec. 89-893. Requirements in all zoning districts.

- (a) *Clear cutting of any lot in a residential subdivision is prohibited, except as noted below.* On such lots, land area shall be cleared only as is necessary for purposes of the proper development of said lot. Clearing shall be limited to the specific development and an area not to exceed ten feet from the specific development, including areas for:
- (1) The placement of the individual home;
 - (2) The placement of driveways and sidewalks;
 - (3) The placement of utilities and detention ponds;
 - (4) The placement of septic systems;
 - (5) The placement of roads;
 - (6) The placement of decks and patios; and
 - (7) Proper drainage as required by the county.

(Ord. of 10-13-2020)

Sec. 89-894. Protection of trees during construction.

Methods and standards for tree protection shall be required as follows:

- (a) Trees identified to be preserved and/or planted+ and being counted as credit for meeting the requirements of section article VIII, division 3, shall have a valid, recognizable method of tree-protection (tree-save) marking or delineation installed at the critical root zones.
- (b) No person engaged in the construction of any structure(s) or improvement(s) shall encroach on a designated tree-save/critical root zone area with heavy machinery or the storage of heavy building materials.
- (c) During construction, a tree save area must be designated around any trees that are to remain at the end of construction. Desirable trees should be identified and a physical barrier set up around the tree or group of trees. This barrier can consist of a four-foot high orange safety fence, wide plastic caution tape, a simple fence made of lumber, or other appropriate methods that can identify the noninvasive drip line area.
- (d) The barrier should be placed beyond the drip zone (critical root zone) and should prevent the stockpiling of soil or building materials, dumping cleaning solvents, or parking vehicles or equipment within this barricaded area.

(Ord. of 10-13-2020)

DIVISION 4. LANDSCAPING AND TREE REPLACEMENT

Sec. 89-895. Applicability and provision of landscape plans.

- (a) In order to demonstrate compliance with the requirements of this chapter, a landscaping plan shall be submitted with applications for development approval for all development subject to these standards. The requirements and procedures for submittal, review, and approval of all applications are set forth in article XII. The requirements of article VIII, division 3 shall apply to all properties to be developed, or redeveloped within the county, except as may specifically be exempted below:
 - (1) The construction of single-family detached dwellings and in subdivisions of no more than five lots.
 - (2) Industrial development is exempt from certain standards in this division, where indicated in the sections of this division.
 - (3) Applications for accessory uses, accessory structures, or temporary uses.
 - (4) Public utility companies and government agencies.
- (b) A landscape plan shall include sufficient information to determine whether the proposed landscape improvements are in conformity with the requirements of Article VIII, including the following:
 - (1) Identification of size and species of all trees that will be retained upon the site.
 - (2) Location of tree protection area fencing.
 - (3) Location and species of trees and other landscaping to be planted.

(Ord. of 10-13-2020)

Sec. 89-896. Maintenance requirements.

All landscaped areas shall be maintained to ensure that plant materials are healthy and thrive.

- (a) Any diseased or dead plant materials shall be replaced as soon as reasonably possible based on the growing season, but not later than six months following identification of the need for replacement.
- (b) Necessary trimming and maintenance shall be performed to maintain the health of the plant materials, to provide an aesthetically pleasing appearance, and to assure that the landscaped and buffer areas serve the intended purpose.

(Ord. of 10-13-2020)

Sec. 89-897. Landscape standards for nonresidential development.

- (a) Required landscaped areas, including general landscaping, parking lot landscaping, perimeter landscaping, and buffer areas shall not be disturbed by grading, property improvements, or construction activities, except where necessary to prevent a nuisance, or to thin natural growth which is too dense to permit normal growth, or to remove diseased, misshapen, or dangerous and decayed timbers.
- (b) A minimum of 12 percent of the total buildable area in any parcel shall be devoted to landscaping.
- (c) Buffers required in article VIII, division 2 shall not be counted towards the 12 percent landscaping area requirement.
 - (1) *Exemptions.* Industrial development is exempt from this requirement and can count required buffers towards the landscaping requirement, when applicable.
- (d) Trees of at least six inch DBH preserved within buffers or setbacks may be counted towards tree planting requirements in Table 8.1.

- (e) Landscaped areas may utilize existing natural vegetation in an undisturbed state provided that the existing vegetation is appropriate for inclusion.
- (f) The site design standards for landscaping are provided in Table 8.2 below.
- (g) A minimum of 50 percent of trees planted shall be large trees as listed in section 89-900(b)(1)a.

Table 8.2: Site Design Standards for Nonresidential Landscaping

Location of Landscaping*:	Number of Plants:
Front yard setback	1 tree and 5 shrubs per 40 linear feet of frontage. Full coverage of pervious areas
Side yard setback	1 tree and 5 shrubs per 25 linear feet lot depth. Full coverage of pervious areas
Rear yard setback	1 tree and 5 shrubs per 25 linear feet lot width. Full coverage of pervious areas

* Trees and landscaping may be clustered or grouped in order to enhance aesthetics.

(Ord. of 10-13-2020)

Sec. 89-898. Residential landscape standards.

- (a) Prior to the issuance of a building permit, any parcel of land for which a building permit has been requested shall have preserved or planted trees, meeting the following standards:
 - (1) The minimum DBH is two and one-half (2½) inches.
 - (2) A minimum of 75 percent of planted trees shall be hardwoods.
 - (3) All recorded lots within a subdivision shall have planted or preserved the required number of trees according to the zoning district, as set forth in subsection (b) below. Agricultural Residential (AR) properties are exempt from these requirements.
 - (4) Existing trees counted towards residential landscaping requirements shall be at least six inches DBH.
- (b) Residential tree plantings must comply with requirements in Table 8.3.
- (c) *Subdivision entrances.* For each subdivision entrance sign located on private property, there shall be a minimum of one large tree, or two medium or small trees, and five shrubs.

Table 8.3: Tree Planting Requirements by Residential Zoning District

Zoning District	Number of Trees Planted or Preserved	
	First acre	Each additional 0.3 acre
R-1, Master Planned Subdivisions	6	1
R-2, R3 (Single Family, Duplex), MH	4 trees per parcel	
R3 (Townhouse, Condominium, or Apartment)	8 trees per 2 acre site	

(Ord. of 10-13-2020)

Sec. 89-899. Landscape requirements for parking lots.

- (a) *Perimeter landscaping for parking lots.* A minimum of a ten-foot wide strip of land, located between the property line and a parking lot shall be landscaped. Width of sidewalks shall not be included within the ten-foot wide front setback perimeter landscape area.
- (b) *Interior landscaping.*
 - (1) Industrial development shall be exempt from interior landscaping requirements in section 89-874(b).
 - (2) Parking lots with 20 or more parking spaces shall provide interior landscaping.
 - (3) Interior planting areas may be located in tree islands, at the end of parking bays, or between rows of parking spaces. Tree islands shall be a minimum of ten feet wide and 150 square feet.
 - (4) There shall be one tree required for each ten parking spaces.
 - (5) New trees shall have a caliper of no less than two and one-half inches upon planting and shall be maintained in good condition. Trees must be removed as a result of disease, damage or death, and must be replaced.
 - (6) Vehicle stops or curbing shall be used to ensure that vehicles do not overhang required landscaped areas.

(Ord. of 10-13-2020)

Sec. 89-900. Landscape material and planting standards.

- (a) Trees and landscape materials selected for planting must be free from trunk or root injury, pests, disease, nutritional disorders or root defects, and must be of good vigor in order to assure a reasonable expectation of survivability. Whenever appropriate, all landscaped areas shall utilize existing natural vegetation in an undisturbed state.
- (b) *Species.* Species selected as replacement trees shall be selected from the list of appropriate trees provided below. A mix of trees with no more than 25 percent of one genus is acceptable for meeting replanting requirements. Landscaping materials must be ecologically compatible with the site where they are to be planted, and a mix of shrubs with no more than 25 percent of one genus is acceptable for meeting landscaping requirements.

Appropriate tree and shrub species are included in the following tables:

Table 8.4: Large trees

Average spacing: 40 feet on center	
Nuttall Oak	Princeton Elm
American Beech	Red Leaf Maple
American Yellowwood	Red Maple
Bald Cypress (Shawnee Brave)	Scarlet Oak
Basswood	Short Leaf Pine
Black Gum	Shumard Oak
Chinese Elm (Allee, Athena, Drake, Bosque)	Slippery Elm
Eastern Red Cedar	Southern Magnolia

Gingko (President, Autumn Gold)	Southern Red Oak
Hickories	Sugar Maple
Laurel Oak	Sugarberry
Longleaf Pine	Sycamore
Northern Red Oak	Tulip Poplar
Nuttall Oak	Virginia Pine
Overcup Oak	Water Oak
Persimmon	Willow Oak
Post Oak	Zelkova (Green Vase or Village Green)

Table 8.5: Medium and small trees

Average spacing: 25 feet on center:	
Amur Maple	Mountain Ash
Arizona Cypress	Mountain Silverbell
Big-leaf Magnolia	Parsley Hawthorn
Carolina Silverbell	Pawpaw
Cherry Laurel	Redmond Linden
Chinese Fringe Tree	Sassafras
Cockspur Hawthorn	Saucer Magnolia (Butterflies)
Crabapple	Serviceberry
Crape Myrtle	Sourwood
Eastern Red Cedar	Southern Sugar Maple
Eastern Redbud	Star Magnolia
Flowering Dogwood	Sweetbay Magnolia
Fosters Holly	Texas Redbud (Cercis reniformis)
Georgia Oak	Umbrella Magnolia
Golden Rain Tree	Virginia Pine
Green Hawthorn	Washington Hawthorn 'Princeton Sentry'
Hophornbeam	Wax Myrtle

Ironwood	Weeping Cherry
Japanese Black Pine	Yaupon Holly
Japanese Dogwood	Yellowwood
Japanese Maple	Yoshino Cherry
Kousa Dogwood	Zelkova (Wires)
Kwansan Cherry	

Table 8.6: Shrubs

American Beautyberry	Littlehip Hawthorne
American Bladdernut	Maple-leaf Viburnum
American Devilwood	Mayhaw
American Holly	Mugo Pine
American Snowbell	Nandina
American Strawberry Bush	Nellie R. Stevens Holly
Arborvitae	NineBark
Arrowwood	Northern Bayberry
Azalea	Oakleaf Hydrangea
Blackhaw Viburnum	Oregonholly Grape
Buckeye	Osmanthus
Buckwheat Tree	Pittosporum
Burford Holly	Possumhaw
Buttonbush	Red Chokeberry
Chickasaw and Hog Plum	Red Tip
Chinese Witchhazel	Savannah Holly
Cleyera	Silky Dogwood
Devil's Walkingstick	Smooth or Winged Sumac
Drooping Leucothoe	Sparkleberry
Dwarf Burford Holly	Spice Bush
Dwarf Chinese Holly	Spirea (all varieties)
Dwarf Nandina	Strawberry Bush

Dwarf Yaupon Holly	Swamphaw Viburnum
Eastern Red Cedar	Sweet Pepperbush
Elderberry	Tag Alder
Euonymus	Thorny Eleagnus
Flowering Jasmine	Viburnum
Forsythia	Warty Barberry
Hazelnut	Wax Myrtle
Hetz Juniper	Weigela
Hoptree\Wafer-Ash	Wild Hydrangea
Itea, Virginia Sweetspire	Winter Honeysuckle
Japan Yew	Winter Jasmine
Japanese Flowering Quince	Winterberry
Japanese Holly	Witchhazel
Juniper	Yellow-Root
Leatherleaf Vinburnum	

- (b) Tree planting standards.
- (1) A planting area of 150 square feet shall be required for each large tree.
 - (2) A planting area of 100 square feet shall be required for each small tree.
 - (3) All planting strips shall have a minimum width of five feet.
 - (4) Trees shall be planted to avoid septic tanks and drain fields.
 - (5) The hole shall be a minimum of two times the width of the root ball with sloped sides. The depth of the hole should be no deeper than the height between the bottom of the root ball and the trunk flare.
 - (6) Once the tree is placed in the hole, all strapping plus the upper half of burlap and wire basket must be removed from the top of the root ball.
- (c) Required comments and standards for transplanting shall be in keeping with those established in the International Society of Arboriculture publications, "Tree and Shrub Transplanting Manual", "The Practical Science of Planting Trees", or similar publication. Reference the American Association of Nurserymen publication American Standard for Nursery Stock (ANSI Z60, -2014) for plant material quality specifications. The location of plant materials shall be such that developers incorporate landscaping design that enhances the aesthetics of the property in keeping with the planned use.

(Ord. of 10-13-2020)

Sec. 89-901. Alternative compliance.

- (a) *Overview.* The intent of the tree conservation provisions of this Development Code is to ensure that an adequate amount of trees are preserved or planted on all developed sites. Occasionally, this intent cannot be

met because a project site will not bear the required number of trees. To provide a viable alternative for such cases, the developer may be allowed to plant trees at his own expense on an alternate property in lieu of over-planting the development site.

(b) *Alternate tree plantings.*

- (1) The county must review and approve all requests for alternative compliance. In no instance shall 100 percent of the required tree units be met through alternative compliance. As many trees as can reasonably be expected to survive must be planted on the development site.
- (2) Public properties, such as school sites, parks, fire stations and other publicly owned sites, will be given priority for alternate tree plantings.
- (3) Tree planting on alternate compliance properties shall be done simultaneously with the planting of trees on the development site such that inspections and final approval for the project will include trees planted on the alternate property.
- (4) The land disturbance permit for the development site will only be issued after the county has approved the alternate compliance request and the property designated to receive the alternate plantings.

(Ord. of 10-13-2020)

Secs. 89-902—89-950. Reserved.

ARTICLE IX. ENVIRONMENTAL PROTECTION

DIVISION 1. GENERALLY

Sec. 89-951. Purpose of article.

This article sets out the minimum requirements and standards for the protection of the natural environment within the county, including restrictions on the use of land near certain rivers and streams, within water supply watersheds, within groundwater recharge areas susceptible to pollution, and in wetlands in order to:

- (a) Protect the drinking water quality of the rivers, streams, reservoirs and aquifers that supply water to the residents of the jurisdiction and the state;
- (b) Protect the natural habitat of animal and plant life relative to water resources; and
- (c) Protect valuable water-related and other natural resources, to help control erosion and river sedimentation, for contribution to drought management, and to help absorb floodwaters.

(Ord. of 10-13-2020)

Secs. 89-952—89-965. Reserved.

DIVISION 2. RIVER AND STREAM CORRIDOR PROTECTION

Sec. 89-966. Adopted.

The provisions of this division are adopted pursuant to the rules for Environmental Planning Criteria of the Georgia Department of Natural Resources (Chapter 391-3.16), adopted by DNR under O.C.G.A. § 12-2-8, the

Metropolitan River Protection Act (O.C.G.A. §§ 12-5-440 et seq.), and the Georgia Erosion and Sedimentation Act of 1975, as amended (O.C.G.A. §§ 12-7-1 et seq.).

(Ord. of 10-13-2020)

Sec. 89-967. Water supply watershed management plan.

This division is adopted in contemplation of the preparation of a water supply watershed management plan and hereby incorporates such water supply watershed management plan upon its completion and acceptance by appropriate federal, state and county officials as necessary or appropriate.

(Ord. of 10-13-2020)

Sec. 89-968. Protected rivers and streams; defined.

(a) *Protected rivers and regulated streams.*

- (1) "River corridors" are established in the comprehensive plan.
- (2) A "protected state river" is any perennial river or watercourse that has an average annual flow of at least 400 cubic feet per second. Protected rivers have been identified by the Georgia Department of Natural Resources (DNR) and within the comprehensive plan, and include the Apalachee, Mulberry and Middle Oconee Rivers.
- (3) Primary, secondary and first order trout streams, as designated by DNR.
- (4) All other perennial streams and state waters, other than "protected rivers" or "trout streams."

(b) *Criteria for regulated streams.* All watercourses that appear as a solid or broken line on the U.S.G.S. Quadrangle Maps shall be regulated streams. Other natural watercourses may be classified as regulated streams if they possess one or more of the following characteristics, as determined by the planning and community development director based on data analysis and/or field review:

- (1) Evidence of significant water flow along the channel or bed of the watercourse, characterized by one or more of the following: hydraulically sorted sediments; wrested vegetation and vegetative litter due to normal stream flow; and loosely rooted vegetation caused by the action of moving water.
- (2) Evidence of hydric soils, hydrophytic vegetation, or wetlands in or around the channel or bed of the watercourse.

(Ord. of 10-13-2020)

Sec. 89-969. River corridors; restrictions.

(a) *Development permit required.* All persons desiring to undertake a permitted activity within a river corridor as mapped in the comprehensive plan, must first obtain a permit from Town of Carl. Permit applications are to be filed according to procedures outlined within this Development Code.

- (1) Permits shall be issued only if the activity is in compliance with county regulations and other applicable state, federal, and local regulations.
- (2) The county shall impose conditions on any permit necessary to ensure that any adverse impacts upon the functions and values of the river corridor are prevented or kept to a minimum.
- (3) Permits shall be valid for six months. If the activity has not been completed but substantial progress has been made, one six-month extension to the permit may be granted by the Planning and Community Development Department.

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- (4) Permits may be revoked for failure to comply with regulatory guidelines, including conditions attached to the permit.
 - (b) *Appeals.* A variance may be approved if such approval is not contrary to the public interest and where because of a special characteristic of the property and the activity, a literal enforcement of provisions of this Development Code will, in an individual case, result in unnecessary hardship. Appeal procedures are detailed under the appeals article of this Development Code.
 - (c) *Existing industrial and commercial land uses.* Industrial and commercial land uses existing prior to the effective date of this Development Code are exempt from the protection criteria of this Development Code, except as specifically prohibited under this article, provided that:
 - (1) The use of the river corridor does not impair the drinking quality of the river water; and
 - (2) The activity within the river corridor meets all state and federal environmental rules and regulations.
- (Ord. of 10-13-2020)

Sec. 89-970. Protected rivers and streams; restrictions.

- (a) *Protected state rivers.* A natural vegetative stream buffer is established along the banks of the Apalachee, Mulberry and Middle Oconee Rivers, as follows:
 - (1) The stream buffer shall include all lands within 100 feet of protected state rivers, inclusive of any islands, as measured horizontally from the uppermost part of the riverbank. The area between the top of the banks and the edge of the river shall be included within the stream buffer.
 - (2) The following activities are prohibited:
 - a. Septic tanks and drainfields;
 - b. Hazardous waste, solid waste landfills, or construction and demolition (C&D) landfills;
 - c. Commercial or industrial uses that involve handling hazardous materials other than wastes;
 - d. Handling areas for the receiving and storage of hazardous waste; and
 - e. Surface mining activities.
 - (3) No land may be used, and no vegetation shall be disturbed, within the stream buffer by building construction, development activity, septic tanks or septic tank drainfields, the handling of hazardous wastes, or for any other purpose except for the following permitted uses:
 - a. A land use existing prior to the adoption of this Development Code.
 - b. A single-family dwelling, provided that:
 - 1. The dwelling is located on a lot having an area of at least five acres, not including any area that lies between the riverbanks.
 - 2. Only one dwelling is located on the lot.
 - 3. No septic tank or septic tank drainfield may be located within the stream buffer.
 - c. Timber production and harvesting, subject to the following conditions:
 - 1. Forestry activity shall be consistent with best management practices established by the Georgia Forestry Commission.
 - 2. Forestry activity shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended.
 - d. Wildlife and fisheries management activities consistent with the purposes of O.C.G.A. § 12-2-8 (as amended).

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- e. Public road and utility crossings meeting all requirements of the Georgia Soil Erosion and Sedimentation Control Act.
 - f. Public wastewater treatment and natural water quality treatment or purification.
 - g. Recreational usage consistent either with the maintenance of a natural vegetative stream buffer or with river-dependent recreation, such as a boat ramp.
 - h. Agricultural production and management, subject to the following conditions:
 - 1. Agricultural activity shall be consistent with best management practices established by the Georgia Soil and Water Conservation Commission.
 - 2. Agricultural activity shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act.
 - 3. Agricultural activity shall be consistent with all state and federal laws and all regulations promulgated by the Georgia Department of Agriculture.
 - i. Utilities, other than public water or sewerage facilities, provided that:
 - 1. The utilities shall be located as far from the riverbank as reasonably possible.
 - 2. Installation and maintenance of the utilities shall be such as to protect the integrity of the stream buffer as well as is reasonably possible.
 - 3. Utilities shall not impair the drinking quality of the river water.
 - j. Other uses permitted by DNR under Section 404 of the Clean Water Act that are also allowed by the property's zoning classification.
- (b) *Trout streams.* The following shall apply to all streams designated as "trout waters" by the DNR, unless a greater width is otherwise required by other provisions of this article:
- (1) Except for single-family detached dwelling construction (see subsection (b)(2)), land-disturbing activities shall not be conducted within 100 horizontal feet, as measured from the point where vegetation has been wrested by normal stream flow or wave action, of the banks of any state waters classified as "trout streams" by the DNR unless a variance for such activity is granted by the EPD director, except:
 - a. Where a roadway drainage structure must be constructed; and
 - b. Adequate erosion control measures are incorporated in the project plans and specifications, and are implemented.
 - (2) For single-family detached dwelling construction, there shall be a stream buffer established between the residence and any state waters classified as "trout streams" by DNR. In any such stream buffer, no land-disturbing activity shall be allowed 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, as follows:
 - a. For primary trout waters, the stream buffer shall be at least 50 horizontal feet, and no variance to a smaller stream buffer shall be granted.
 - b. For secondary trout waters, the stream buffer shall be at least 50 horizontal feet, but the EPD director may grant variances to no less than 25 feet.
 - c. 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 stream buffer shall be at least 25 horizontal feet, and no variance to a smaller stream buffer shall be granted.
- (c) *Other protected streams and state waters.* For all regulated streams and other state waters other than the Apalachee, Mulberry and Middle Oconee Rivers, the following shall apply:

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- (1) *Watershed protection areas.* All perennial streams within watershed protection areas must comply with the natural stream buffer and setback requirements established for streams in each watershed. (See Division 3 of this article.)
 - (2) *Other streams and waters.* For regulated streams and other state waters for which there are no stream buffers or setback restrictions otherwise established by this article, there shall be no land disturbing activities within a 25-foot wide stream buffer extending outward from both of the stream banks as measured from the point where vegetation has been wrested by normal stream flow or wave action, other than drainage structures and roads allowed under a development permit.
 - (d) *Recordation of restrictions.* Restrictions shall be noted on the plats and deeds of included properties to maintain any designated natural stream buffer area, undisturbed area or construction setback required by this article.
- (Ord. of 10-13-2020)

Sec. 89-971. Stream buffers.

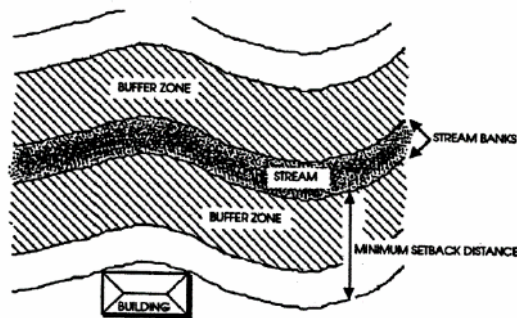
Unless more restrictive requirements under this Development Code apply, all perennial streams and other state waters shall be provided with a natural vegetative stream buffer as follows:

- (a) *Minimum width of stream buffer.*
 - (1) The minimum stream buffer width must be provided along any protected state river or trout stream as required under subsections 89-970(a) and (b), respectively;
 - (2) The minimum stream buffer width must be provided along any protected stream within any water supply watershed and around any water supply reservoir, as required under sections 89-998 through 89-1000 in this article.
 - (3) For all other perennial streams and state waters, the stream buffer is to be established under subsection 89-970(c)(2).
- (b) *Minimum setback for land disturbance.* All clearing, earth moving, construction and ground disturbance must remain at least 50 feet from the edge of any stream buffer within a water quality critical area. Exceptions include bike and footpaths constructed of permeable material, gravity sanitary sewers, and road crossings perpendicular to streams. The installation of storm sewers will also be allowed. The area that is within this restricted construction area is to be left natural or developed as a trail with a minimum of disturbance to the natural habitat.
- (c) *Protection of stream buffers.*
 - (1) No land disturbing activities shall be conducted within a stream buffer and a stream buffer shall remain in its natural, undisturbed state of vegetation until all land disturbing activities on the construction site are completed. Land disturbing activities may only be allowed as follows:
 - a. Where the EPD director determines to allow a variance that is at least as protective of natural resources and the environment; or
 - b. Where otherwise allowed by the EPD director pursuant to O.C.G.A. § 12-2-8; or
 - c. Where a drainage structure or a roadway structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented; provided, however, that stream buffers of at least 50 feet established pursuant to O.C.G.A. 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 EPD director.
 - (2) A stream buffer is to be included within a conservation or natural resources easement that meets the requirements of this article.

- (3) All stream buffer areas shall be maintained with appropriate indigenous plant species for the maintenance of groundcover and limitation of erosion. Undisturbed natural vegetation is the preferred, optimum state of a stream buffer. In the alternate, careful reestablishment of indigenous vegetation and ground cover is encouraged.
- (4) Once the final stabilization of the site is achieved, a stream buffer may be thinned or trimmed of vegetation, consistent with the terms of any applicable conservation or natural resources easement, 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.
- (5) Any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a stream buffer at any time, consistent with the terms of any applicable conservation or natural resources easement, 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.

Stream Corridor

Stream Corridors consist of a natural undisturbed stream buffer, measured from the top of the stream bank, and in Water Quality Critical Areas an additional setback area in which impervious surfaces and septic tanks and their drainfields are not allowed.



Source: Ga. Department of Community Affairs

Figure 9.1 - Stream Corridor

Table 9.1. Stream Buffers and Setbacks

Summary of River and Stream Corridor and Water Supply Watershed Requirements

	Stream Corridor Total ¹	Stream Buffer ¹	Setback from Stream Buffer ²
Protected State Rivers			
Apalachee, Middle Oconee and Mulberry Rivers			
Within Water Quality Critical Area 3	150 feet	100 feet	50 feet

Remainder of River	100 feet	100 feet	None
Trout Streams			
The following apply unless greater widths are required for water supply protection, below:			
For Single-Family Dwellings:			
First Order Trout Streams	25 feet	25 feet	None
Other Primary Trout Streams	50 feet	50 feet	None
Other Secondary Trout Waters	50 feet	50 feet	None
For All Other Uses	100 feet	100 feet	None
Large Water Supply Watersheds			
Apalachee River, Middle Oconee River and the Mulberry River Watersheds			
Water Quality Critical Area 3	150 feet	100 feet	50 feet
Remainder of Watershed	25 feet	25 feet	None
Small Water Supply Watersheds			
Cedar Creek, Laurel Lane Reservoir, Fort Yargo Lake, Barber's Creek and Bear Creek Watersheds			
Water Quality Critical Area 3	150 feet	100 feet	50 feet
Remainder of Watershed	100 feet	50 feet	50 feet
Water Supply Reservoirs	150 feet	150 feet	None
Other Streams not in Water Supply Watersheds	25 feet	25 feet	None

¹ Measured outwardly from and perpendicular to the top of each bank of the stream or reservoir.

² Measured outwardly from and perpendicular to the edge of stream buffer.

³ Within seven-mile radius of water supply intake or bank of water supply reservoir.

(Ord. of 10-13-2020)

Secs. 89-972—89-994. Reserved.

DIVISION 3. WATER SUPPLY WATERSHEDS

Sec. 89-995. Adopted.

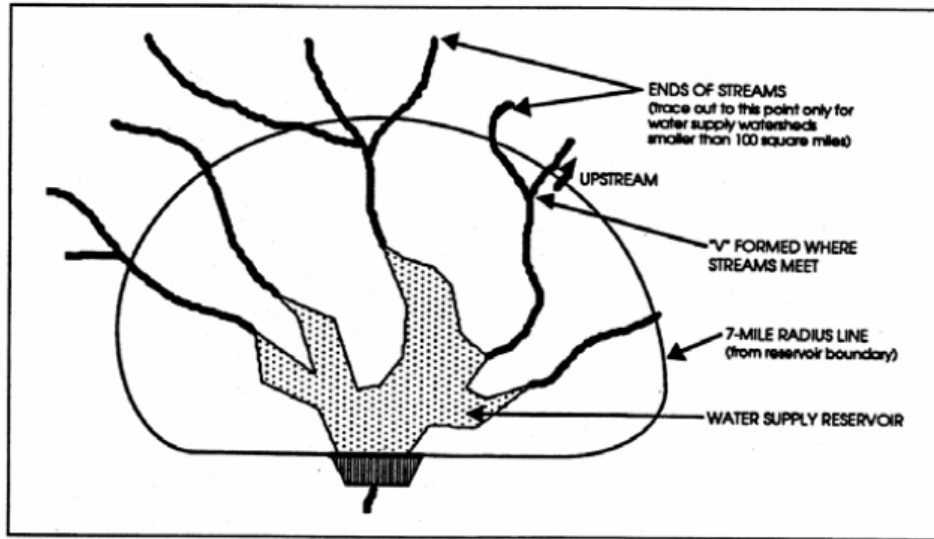
The provisions of this division are adopted pursuant to the rules for Environmental Planning Criteria of the Georgia Department of Natural Resources, adopted by DNR under O.C.G.A. § 12-2-8.

(Ord. of 10-13-2020)

Sec. 89-996. Establishment of water supply watersheds.

- (a) *River Basin, along the Apalachee River.* There are three large watersheds having over 100 square miles of drainage above a water supply intake, and five small water supply watersheds having less than 100 square miles of drainage above a water supply intake within Town of Carl.
 - (1) *Large water supply watersheds; established.* Large water supply watersheds are hereby designated and shall comprise the land that drains into the Apalachee River Watershed, the Middle Oconee River Watershed and the Mulberry River Watershed. The Town of Winder has a primary public water intake on the Mulberry River.
 - (2) *Small water supply watersheds; established.* Small water supply watersheds located within the jurisdiction of the county include: Cedar Creek, Laurel Lane Reservoir, Fort Yargo Lake, Barber's Creek and Bear Creek.
- (b) *Protected watersheds; boundaries.* All lands within water supply watersheds are designated as watershed protection areas, and include all land that drains to the stream bank from the ridgeline of each watershed. The boundary of the water supply watersheds is defined by the ridgeline of the watershed or by the political boundaries of the county, where those boundaries occur within the watershed.
 - (1) *Water quality critical area.* The water quality critical area shall comprise all lands within seven miles upstream from a public water supply reservoir boundary and all lands located within a seven-mile radius of a public water supply intake, whether or not the intake or reservoir is located within Town of Carl. See Figure 9.2.
 - (2) *Limited development area.* The limited development area is established for the remaining part of the watershed protection area outside the water quality critical area.

The Water Quality Critical Area extends 7 miles upstream from the boundary of a public water supply reservoir or, if no reservoir, 7 miles upstream from a public water supply intake.



Source: Ga. Department of Community Affairs

Figure 9.2 - Water Quality Critical Area

(Ord. of 10-13-2020)

Sec. 89-997. Water supply watersheds; restrictions in general.

(a) *Protected watershed areas; exemptions.*

- (1) *Silvicultural.* Notwithstanding any other provision of this division, forestry practices, in accordance with a forest management plan that incorporates best management practices (BMPs) approved by the Georgia Forestry Commission, shall be permissible within watershed protection areas.
- (2) *Agriculture.* Notwithstanding any other provisions of this division, the continued cultivation of agricultural crops and the occasional pasturing of livestock shall be permissible within watershed protection areas, provided that the best management practices (BMPs) of the Georgia Department of Agriculture are followed.

(b) *Development permit required.* Within a water supply watershed, no land disturbing activity, construction or other development, other than certain exempted activities identified in this article, may be conducted without a permit from Town of Carl, and any development or activities must be in full compliance with the terms of this article and other applicable regulations. All activities that are not permissible as of right or as special permit uses shall be prohibited.

(c) *Site plan required.* Applications for a development permit within a water supply watershed shall include a site plan in accordance with the permits and procedures section of this Development Code. Except for the exemptions listed in this section, all forms of development within the water supply watershed shall be required to have a site plan prepared and approved according to this Development Code before any building permits or other development-related permits may be issued or any land disturbing activity may take place.

(d) *Restrictions in stream corridors; all watersheds.*

- (1) *Street runoff and drainage.* New streets that cross perennial streams within the water supply watershed areas shall be designed in such a way as to avoid direct runoff from the paved surface into the streams they cross. Such design features shall be shown on the site plan.

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- (2) *Septic tanks and drainfields.* Septic tanks and septic tank drainfields are prohibited in the setback and buffer areas of all stream corridors within water supply watershed areas.
 - (3) *Utilities.* Utilities that cannot be feasibly located outside the stream buffer or setback area must be located as far from the stream bank as reasonably possible. Such utilities must be installed and maintained to protect the integrity of the stream buffer and setback areas as best as reasonably possible and must not impair the quality of the drinking water in the stream.

(Ord. of 10-13-2020)

Sec. 89-998. Large water supply watersheds; restrictions.

The following limitations shall apply to all perennial streams within a large water supply watershed, in addition to the limitations on land use proscribed by the underlying zoning district:

- (a) *Stream corridor setbacks; large water supply watersheds.*
 - (1) For all perennial streams within the water quality critical area, no impervious surface shall be constructed within a 150-foot setback area on both sides of the streams as measured from the stream banks.
 - (2) For all perennial streams within the limited development area of a water supply watershed, there is no additional impervious surface setback required beyond the stream buffer itself.
- (b) *Stream buffers; large water supply watersheds.*
 - (1) For all perennial streams within the water quality critical area, an undisturbed vegetative stream buffer shall be maintained for a distance of 100 feet on both sides of the stream as measured from the stream banks, unless a greater distance is required specifically by this Development Code.
 - (2) For all perennial streams within the limited development area, an undisturbed vegetative stream buffer shall be maintained for a distance of 25 feet on both sides of the stream as measured from the stream banks, unless a greater distance is required specifically by this Development Code.
- (c) *Land use restrictions; large water supply watersheds.*
 - (1) Any new facility that handles hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and amounts of 10,000 pounds or more on any one day, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by DNR.
 - (2) Agricultural application of animal waste. The application of animal waste on land must be accomplished in accordance with the agricultural best management practices of the Georgia Department of Agriculture.

(Ord. of 10-13-2020)

Sec. 89-999. Small water supply watersheds; restrictions.

- (a) *Impervious surface area restricted.* The impervious surface area, including all public and private structures, utilities or facilities, of the entire watershed protection area shall be limited to 25 percent. The board of commissioners must approve any individual development that will result in more impervious surface than 25 percent of the total area of the property as a special use. See the procedures and permits article of this Development Code for approval of special uses.
 - (1) Utilities within protected stream corridors.
- (b) *Stream corridor setbacks; small water supply watersheds.*

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- (1) For all perennial streams within the water quality critical area, no impervious surface shall be constructed within a 150-foot setback area on both sides of the stream as measured from the stream banks.
 - (2) For all perennial streams within the limited development area, no impervious surface shall be constructed within a 100-foot setback area on both sides of the stream as measured from the stream banks.
- (c) *Stream buffers; small water supply watersheds.*
- (1) For all perennial streams within the water quality critical area, an undisturbed vegetative stream buffer shall be maintained for a distance of 100 feet on both sides of the stream as measured from the stream banks, unless a greater distance is required specifically by this Development Code.
 - (2) (For all perennial streams within the limited development area, an undisturbed vegetative stream buffer shall be maintained for a distance of 50 feet on both sides of the stream as measured from the stream banks, unless a greater distance is required specifically by this Development Code.
- (d) *Land use restrictions; small water supply watersheds.*
- (1) New hazardous waste treatment or disposal facilities are prohibited.
 - (2) New sanitary landfills, if permitted by DNR, shall have synthetic liners and leachate collection systems.
 - (3) Any new facility that handles hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and in amounts of 10,000 pounds or more on any one day, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by DNR.

(Ord. of 10-13-2020)

Sec. 89-1000. Reservoir protection.

A natural stream buffer shall be established and maintained within 150 feet of the banks of any public water supply reservoir boundary within any protected watershed area. Vegetation, land disturbance and land uses shall be controlled by the provisions of the applicable reservoir management plan, as approved by the Georgia Department of Natural Resources (DNR).

(Ord. of 10-13-2020)

Secs. 89-1001—89-1020. Reserved.

DIVISION 4. GROUNDWATER RECHARGE AREA PROTECTION

Sec. 89-1021. Protected groundwater recharge areas; defined.

Groundwater recharge areas are defined as "significant recharge areas" by the State of Georgia and are protected relative to their susceptibility to pollution.

- (a) *Significant recharge areas.* Significant recharge areas are defined by the Georgia Department of Natural Resources (DNR) using criteria developed by them, and have been mapped on DNR's Hydrologic Atlas 18 (1989 Edition, or as may be amended by DNR from time to time).
- (b) *Pollution susceptibility category.* Categories of relative vulnerability of an aquifer to pollution (classified as higher, average or lower) are defined by the DNR using criteria developed by them, and have been mapped on DNR's Hydrologic Atlas 20 (as may be amended by DNR from time to time) along with the most significant recharge areas.

(Ord. of 10-13-2020)

Sec. 89-1022. Protected groundwater recharge area restrictions; in general.

Within any significant recharge area, as defined and delineated by the DNR, the following shall apply:

- (a) New hazardous waste treatment or disposal facilities are prohibited.
- (b) No land disposal of hazardous waste shall be permitted within any most significant groundwater recharge area.
- (c) New sanitary landfills, if permitted by DNR and the zoning district, shall have synthetic liners and leachate collection systems.
- (d) Any new facility that involves the treatment, storage or disposal of hazardous waste, if permitted by DNR and the zoning district, shall perform such operations on an impermeable surface having a spill and leak collection system.
- (e) Any new facility that handles hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and in amounts of 10,000 pounds or more on any one day, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by DNR.
- (f) A new above-ground chemical or petroleum storage tank must have secondary containment of 110 percent of the volume of the tank or 110 percent of the volume of the largest tank in a cluster of tanks. This requirement does not apply to:
 - (1) Any tank having a maximum capacity of less than 650 gallons; and
 - (2) Any tank used for agricultural purposes, provided it complies with all federal requirements.

(Ord. of 10-13-2020)

Sec. 89-1023. Protected groundwater recharge area restrictions; by classification.

Most of unincorporated Town of Carl's water supply, and a portion of Auburn's comes from groundwater. Significant groundwater recharge areas are located in Carl and Auburn, in the unincorporated areas north and south of Highway 29 between Auburn and Winder, and along the Gwinnett County line in western Barrow.

- (a) All significant groundwater recharge areas within Town of Carl are classified by DNR as having "lower" pollution susceptibility.
- (b) Within a significant recharge area classified as having "lower" susceptibility to pollution, the following applies:
 - (1) New agricultural waste impoundment sites larger than 50 acre-feet must be lined. The liner must be constructed of compacted clay having a thickness of one foot and a vertical hydraulic conductivity of less than 5×10^{-7} cm/sec or other criteria established by the U.S. Soil Conservation Service.
 - (2) A new home* served by a septic tank/drain field system must be approved by the county health department and must have a lot that is at least 110 percent of the minimum lot size required by Table MT-1 of the Department of Public Health's "Manual for On-Site Sewage Management Systems," or the minimum lot size otherwise required by the county health department or zoning classification of the property, whichever is greater.
 - (3) A multi-family residential dwelling, all other non-single-family dwellings, a commercial structure and a new manufactured home park served by a septic tank/drain field system must be approved by the county health department and must have a lot or space that is at least 110 percent of the minimum lot or space size required by Table MT-2 of the Department of Public Health's "Manual

for On-Site Sewage Management Systems," or the minimum lot size otherwise required by the county health department or zoning classification of the property, whichever is greater.

* A single-family dwelling, including: stick-built home, manufactured home or modular home.

(Ord. of 10-13-2020)

Secs. 89-1024—89-1045. Reserved.

DIVISION 5. WETLANDS PROTECTION

Sec. 89-1046. Adopted.

The provisions of this division are adopted pursuant to the Rules for Environmental Planning Criteria of the Georgia Department of Natural Resources, adopted by DNR under O.C.G.A. § 12-2-8.

(Ord. of 10-13-2020)

Sec. 89-1047. Protected wetlands; defined.

- (a) *Wetlands*: 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.
- (b) *Protected wetlands*: Those wetlands identified on the National Wetlands Inventory Maps prepared by the U.S. Fish and Wildlife Service, or otherwise approved by the U.S. Army Corps of Engineers based on competent studies prepared by a registered and qualified professional engineer.
 - (1) Any new wetland area constructed as a best management practice for stormwater control is also considered a protected wetland once construction is complete.

(Ord. of 10-13-2020)

Sec. 89-1048. Wetlands map adopted.

The National Wetlands Inventory (NWI) Map prepared by the U.S. Fish and Wildlife Service covering the county is hereby adopted and incorporated herein by reference as the official map of protected wetlands in the county. The NWI Map does not necessarily represent the boundaries of jurisdictional wetlands within the county and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended. Any local government action under these regulations does not relieve the landowner from federal or state permitting requirements.

(Ord. of 10-13-2020)

Sec. 89-1049. Protected wetlands; allowed land uses.

Land uses that may be allowed in a protected wetland if otherwise permitted by the zoning district and by the Section 404 Permit include:

- (a) Timber production and harvesting;
- (b) Wildlife and fisheries management;
- (c) Camping, hiking, hunting and fishing recreation activities;

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- (d) Public wastewater treatment and natural water quality treatment or purification facilities; and
 - (e) Other uses permitted under Section 404 of the Federal Clean Water Act.

(Ord. of 10-13-2020)

Sec. 89-1050. Protected wetlands, restrictions.

- (a) Within any protected wetlands area, the following shall apply:
 - (1) *Buffer required.* A 25-foot wide strip of natural indigenous vegetation adjacent and parallel to the edge of a protected wetland shall be established to preserve and improve the quality of water within the protected wetland.
 - (2) *Prohibited land uses.*
 - a. Hazardous or toxic waste receiving, treatment or disposal facilities are prohibited.
 - b. Sanitary landfills are prohibited.
 - (3) *Permit required for alteration.* Alteration or degradation of a protected wetland requires prior approval of a development permit and approval by the U.S. Army Corps of Engineers under Section 404 of the Federal Clean Water Act, if applicable. Wetlands not falling under the jurisdiction of the corps shall be subject to county permitting only. See the permits and procedures article of this Development Code regarding approval of a development permit.

(Ord. of 10-13-2020)

Sec. 89-1051. Wetlands certification.

Wetlands Certification

The design professional whose seal appears hereon certifies the following: (1) the National Wetlands Inventory Map has been consulted; (2) I have visited the site to identify wetlands; (3) the plan sheet to which this Certification is affixed

☐ DOES ☐ DOES NOT

Indicate wetlands as shown on the National Wetlands Inventory map or identified by me; and (4) if wetlands are indicated the landowner or developer has been advised that land disturbance of protected wetlands shall not occur unless the appropriate Section 404 Permit or Letter of Permission has been obtained.

Figure 9.3 - Wetlands Certification Area

Design professionals shall indicate protected wetlands on plans required for a land disturbance permit application. The design professional that prepared the required plans accompanying the permit application shall add a statement to the appropriate plan sheets indicating whether or not wetlands are located on the property. At a minimum, the statement shall be placed on the grading plan; the erosion and sedimentation control plan; and the stormwater management site plan. The wetlands certification shall reflect the design professional's personal investigation regarding the existence of wetlands on the property, and shall read as shown in Figure 9.3, with the appropriate box checked.

(Ord. of 10-13-2020)

Sec. 89-1052. Permitting requirements.**(a) Requirement for local permit.**

- (1) No land disturbing activity will be permitted within protected wetlands without written permission in the form of a local development permit from the county.
- (2) If the area proposed for development is located within 50 feet of a wetlands boundary, as determined using the National Wetlands Inventory Map, no land disturbance permit will be issued by the county until a Section 404 Permit or letter of permission is issued by the U.S. Army Corps of Engineers if the wetlands area falls under Corps jurisdiction.
- (3) Issuance of a development permit is contingent on full compliance with the terms of this article and other applicable regulations.
- (4) All activities that are not allowed in this Development Code shall be prohibited without prior issuance of a development permit.

(b) Section 404 Permits; when required.

- (1) If the area proposed for development is located within 50 feet of a protected wetland boundary, as determined from the NWI Map, a U.S. Army Corps of Engineers determination shall also be required.
- (2) If the Corps determines that jurisdictional wetlands are present on the proposed development site and that a Section 404 Permit or letter of permission is required, a development permit will be issued only following issuance of the Section 404 Permit or letter of permission.

(c) Conservation easement required. Any protected wetlands area that will be retained in any subdivision or development project is to be included within a conservation or natural resources easement that meets the requirements of this article.

(Ord. of 10-13-2020)

Secs. 89-1053—89-1069. Reserved.***DIVISION 6. NATURAL RESOURCE CONSERVATION AREAS*****Sec. 89-1070. Purposes of natural resource conservation.**

The purposes of this division, among others, are as follows:

- (a) To recognize the current development rights of property owners established through zoning;
- (b) To conserve open land, including those areas containing unique and sensitive natural features such as stream buffers, floodplains, and wetlands, by setting them aside from development;
- (c) To support the continued viability of agricultural activities in the county, including crop production, dairying and managed forestry;
- (d) To reduce erosion and sedimentation by the retention of existing vegetation and to encourage minimization of development on steep slopes;
- (e) To enhance water quality of streams and waterways, and to protect valuable groundwater resources;
- (f) To encourage conservation of scenic views and elements of the county's rural character, and to minimize perceived density by minimizing views of new development from existing roads; and
- (g) To provide notification to property owners of natural resources that must be protected on their property.

Sec. 89-1071. Designation of conservation areas.

(a) *Primary conservation areas.* Primary conservation areas are defined as follows:

- (1) *River and stream channels.* These areas are defined as the area between the top of bank and the opposite top of bank of any river, stream or other body of water classified as "state waters".
- (2) *Required river and stream buffers.* Natural vegetative stream buffers along the banks of all protected state rivers and perennial streams and other state waters, as required by this article (except for activities that are exempt from the soil erosion and sedimentation control provisions of the Land Development Activities Article of this Development Code).
- (3) *Wildlife habitats of threatened or endangered species.* The animal and plant species listed on Table 9.2 have been identified by the federal and/or the state governments as threatened or endangered species in Town of Carl.
- (4) *Protected wetlands.* Wetlands are illustrated generally on the National Wetlands Inventory Maps published by the U.S. Fish and Wildlife Service, and as otherwise delineated by the U.S. Corps of Engineers.

Table 9.2: Threatened or Endangered Species Identified in Town of Carl

Common Name	Biological Name	Habitat
ANIMALS		
Altamaha shiner	<i>Cyprinella xanura</i>	Upper Altamaha River drainage of north Georgia; Inhabit small tributaries and rivers. Most often found in small pools with rocky to sandy substrates.
Bald eagle	<i>Haliaeetus leucocephalus</i>	Inland waterways and estuarine areas in Georgia.
PLANTS		
Granite rock stonecrop	<i>Sedum pusillum</i>	Granite outcrops among mosses in partial shade under red cedar trees.

Source: U.S. Fish and Wildlife Service.

- (5) *Buffer areas around wetlands and habitats of endangered species.* Additional lands in their natural state provided around designated wetlands and critical wildlife habitats as protective buffers are recognized as primary conservation areas. To qualify, a wetland buffer must extend at least 25 feet from the wetland, and a buffer around a wildlife habitat must be at least 100 feet deep.
 - (6) *100-year floodplain.* All areas within the 100-year floodplain but lying outside any wetland or other designated primary conservation area fall under this category. The boundaries of the 100-year floodplain are designated as the "flood hazard area" on maps prepared by the Federal Emergency Management Agency (FEMA), and must be confirmed as to their specific location by the design professional.
- (b) *Secondary conservation areas.* Secondary conservation areas are areas that are encouraged (but not required) to be protected. These include:
- (1) *Areas greater than 5,000 square feet of steep slopes over 25 percent.* Slopes greater than 25 percent can be identified from the topographic data required for the preliminary plat or site plan for a development. Areas comprising 5,000 contiguous square feet or less are not considered secondary conservation areas.

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- (2) *Areas greater than 40,000 square feet with slopes of 15 percent to 25 percent.* Slopes between 15 percent and 25 percent can be identified from the topographic data required for the preliminary plat or site plan for a development. Areas comprising 40,000 contiguous square feet or less are not considered secondary conservation areas.
 - (3) *Soils with exposed bedrock or rock outcroppings greater than 40,000 sf.* Areas with exposed bedrock or rock outcroppings must be identified through observation on each site. Areas comprising 40,000 contiguous square feet or less are not considered secondary conservation areas.
 - (4) *Mature timber stands or significant trees.* Forests and timberlands that have mature stands of trees qualify for conservation consideration. Individual trees that have significance through their size, age, species or historic value may be designated as a secondary conservation area to the extent of the tree's dripline. See Article VIII, Buffers and Tree Conservation.
 - (5) *Registered historic or archeological assets.* Sites or areas registered with the state or the National Register of Historic Places qualify under this category since preservation is desirable but not mandated by law. Information regarding all such sites is available from the Georgia Office of Historic Preservation.
 - (6) *Viewshed protection areas.* These areas may be set aside either to screen the view of the development from abutting roadways or to protect existing scenic views into the development site of rural heritage features. Examples of rural heritage features include the following:

Table 9.3: Rural Heritage Features

Groves of mature trees	Hedgerows	Rock outcroppings
Cultivated fields	Ponds	Woods
Pastures	Bridges	Fence Lines
Rolling hills	Farm buildings	Curves in rural roads

If intended to screen the subdivision development, the viewshed buffer must be adequately vegetated with trees and understory growth to provide an opaque screening effect. If intended to preserve a scenic view, the viewshed protection area must provide an adequate width or orientation in order to preserve the view.

- (7) *Village greens, parkways.* These areas create neighborhood assets by providing open space and passive recreation close to the homes in a subdivision. A village green is an open space area surrounded by streets and/or building lots on at least three sides, and intended for common neighborhood use. A parkway is a narrow strip of open space surrounded by streets on all sides, intended as a landscaped element or passive recreation area for the neighborhood.
- (8) *Passive recreational areas.* Common open space areas solely designated and improved for passive recreational activities, such as picnicking, walking, relaxation and repose, may be treated as secondary conservation areas. Active recreation areas, including but not limited to golf courses, swimming pools, sports fields and courts, and community buildings and grounds are not considered secondary conservation areas.

(Ord. of 10-13-2020)

Sec. 89-1072. Allowed uses in natural conservation areas.

The following requirements apply only to land set aside for conservation in fulfillment of the provisions of this article:

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- (a) *Undisturbed areas.* Certain areas identified as primary or secondary conservation areas shall remain in their natural, undisturbed state. Such undisturbed areas include river and stream channels, stream buffers, viewshed buffers, critical wildlife habitats and buffers, wetlands and wetland buffers, and mature timber stands (except for managed forestry activities, including harvesting).
- (b) *Allowed uses in other conservation areas.* The following uses are allowed in natural resource conservation areas to the extent that they are compatible with the protection and preservation of areas required by law but not otherwise required to remain undisturbed, and are allowed uses under the site's zoning classification:
- (1) Conservation of open land in its natural state (for example, woodland, open field, or managed meadow).
 - (2) Agricultural and horticultural uses, including raising crops, pasturelands and dairy operations, along with associated buildings (including residences) that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine or poultry.
 - (3) Pastureland for horses used solely for recreational purposes. Equestrian facility buildings and grounds shall be permitted but may not be located in any primary conservation area.
 - (4) Silviculture, in keeping with established standards for selective harvesting and sustained yield forestry, and best management practices endorsed by the Georgia Forestry Commission.

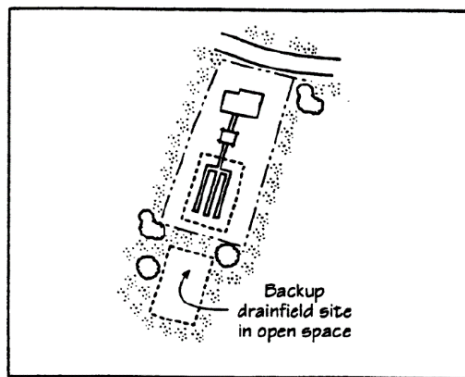


Figure 9.4 - Backup Drainfield

- (5) Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, multi-purpose sports fields, and similar low-impact recreational uses specifically excluding motorized off-road vehicles, rifle ranges, golf courses, sports courts, community recreation buildings and grounds, swimming pools, and other active recreation uses.
- (6) Pathways and trails, and passive recreation activities such as fishing, picnicking, and nature interpretation.
- (7) Water supply, sewage disposal system reserve fields and stormwater detention areas designed, landscaped, and available for use as an integral part of the conservation area. The septic tank and drain field required for on-site sewage disposal must be located on the lot of the house it serves. Areas within a conservation area used for water supply, backup drainfields or stormwater detention must be located outside of any primary conservation area and must be established by easements between the appropriate parties and recognized in the conservation easement covering the area.
- (8) Easements for drainage, access, power, natural gas, sewer or water lines, or other public purposes, as approved by the public works director and in keeping with conservation of the areas they traverse.

(Ord. of 10-13-2020)

Secs. 89-1073—89-1090. Reserved.

DIVISION 7. CONSERVATION AND NATURAL RESOURCES EASEMENTS

Sec. 89-1091. Conservation or natural resources easements; required.

- (a) *Primary conservation areas.* All stream buffers required by this article, all protected wetlands, and all other primary conservation areas that are required to be protected by the provisions of this article, shall be permanently protected from further subdivision, development, and unauthorized use as follows:
 - (1) By a natural resources easement in a conventional subdivision; or
 - (2) By a conservation easement in an open space subdivision or a master planned development.
- (b) *Secondary conservation areas.* Lands in secondary conservation areas that are designated by the developer for protection shall be included within a natural resources or conservation easement.
- (c) *Ownership of land in conservation and natural resources easements.* Land within conservation and natural resources easements may be included within the lots in a subdivision, or ownership may be transferred to a homeowners' association or to a nonprofit conservation organization or land trust organized under Georgia law.

(Ord. of 10-13-2020)

Sec. 89-1092. Natural resources easements.

- (a) *Natural resources easements; approval.* The natural resources easement, when required, shall be shown on the final subdivision plat and recorded with the clerk of the superior court at the same time as the final plat.
- (b) *Natural resources easements; guidelines.* The following guidelines are required to be incorporated into any natural resources easement in a form acceptable to the county attorney:
 - (1) The easement specifically and clearly identifies the boundaries of the property subject to the easement through reference to the easement area shown on the final subdivision plat;
 - (2) The easement contains restrictions as to what the owner may do with the property and specifically delineates what may not be done with the property. Limitations shall be consistent with the type of area protected and the applicable requirements of this Development Code to such areas, and may include but shall not be confined to prohibitions against subdivision, earthmoving, dumping, signs, utility lines, construction, changes to existing structures, and uses made of the property;
 - (3) The easement provides for the right of the county to inspect the property to assure observance of restrictions and also provides for enforcement procedures; and
 - (4) The easement contains provisions governing its amendment, including provisions that the easement shall not be altered or terminated except with the express written permission of the county.

(Ord. of 10-13-2020)

Sec. 89-1093. Conservation easements.

- (a) *Conservation easements; approval.* The conservation easement, when required, shall be approved by the board of commissioners and shall either be:

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- (1) Cosigned on behalf of the board of commissioners and donated to a private nonprofit conservation organization or land trust;
 - (2) Cosigned on behalf of the board of commissioners and donated to a nonprofit homeowners association; or
 - (3) Donated to Town of Carl at the option of and if accepted by the board of commissioners.
- (b) *Conservation easements; guidelines.* The conservation easement shall be created subject to the provisions of O.C.G.A. Article 1 of Chapter 10 of Title 44 which is known as the Georgia Uniform Conservation Easement Act. (Code 1981, § 44-10-1, et seq. enacted by Ga. L. 1992, p. 2227, § 1.) The following guidelines are required to be incorporated into any conservation easement in a form acceptable to the county attorney:
- (1) The easement recognizes and describes in a statement of purpose the special qualities of the property subject to the easement. Conditions within the tract subject to the conservation easement may be shown by map and/or photograph;
 - (2) The easement clearly identifies the owner of the property subject to the easement, the holder of the easement, and cosigner, and the responsibilities of the property owner, easement holder, and cosigner;
 - (3) The easement specifically and clearly identifies the boundaries of the property subject to the easement, either by metes and bounds legal description or survey plat;
 - (4) The easement contains restrictions as to what the owner may do with the property and specifically delineates what may not be done with the property. Limitations shall be consistent with the type of area protected and the applicable requirements of this Development Code to such areas, and may include but shall not be confined to prohibitions against subdivision, earthmoving, dumping, signs, utility lines, construction, changes to existing structures, and uses made of the property;
 - (5) The easement provides for the right of the easement holder and cosigner to inspect the property to assure observance of restrictions and also provides for enforcement procedures;
 - (6) The easement provides for the maintenance of the open space;
 - (7) The easement provides for either enforcement rights or third party enforcement rights, vested in the homeowners' association or the land trust, as the case may be, and in Town of Carl; and
 - (8) The easement contains provisions governing its amendment, including provisions that the easement shall not be altered or terminated except with the express written permission of all entities having either a property right or enforcement right in the easement.

(Ord. of 10-13-2020)

Sec. 89-1094. Temporary emergency permit.

- (a) A temporary emergency permit can be issued by the county under this article for the following reasons:
 - (1) Maintenance or repair of roads or structures.
 - (2) Maintenance or repair of lawfully located roads or structures and of facilities used in the service of the public to provide transportation and utilities, provided that such roads, structures or facilities are not materially changed or enlarged and written notice prior to the commencement of work has been given to the Planning and Community Development Department, and provided that the work is conducted using best management practices to ensure that flow and circulation patterns, chemicals and biological characteristics of the area are not impaired and that any adverse effect of the aquatic environment will be minimized.
 - (3) Temporary water-level stabilization measures associated with ongoing silvicultural operations, provided that they are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected.

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- (4) Limited ditching, tilling, dredging, excavating or filling done solely for the purpose of maintaining or repairing existing drainage systems necessary for the cultivation of agricultural crops, provided that the maintenance or repair activity does not result in the impairment, alternation or loss of wetlands not previously subject to agricultural and silvicultural use under the terms and provisions of this article.
 - (5) Limited excavation and filling necessary for the repair and maintenance of piers, walkways, nature trails, observation decks, wildlife management shelters, boathouses or other similar water-related structures, provided that they are built on pilings to allow unobstructed flow of water and preserve the natural contour of the area.

(Ord. of 10-13-2020)

Sec. 89-1095—89-1174. Reserved.

ARTICLE X. PROJECT DESIGN STANDARDS

Sec. 89-1175. Purpose of article.

This article sets out the minimum requirements and standards for construction of subdivisions and other land development projects, including general principles of design and layout and requirements for such public facilities as streets and utilities.

While building officials examine land development project plans for compliance with the technical codes and all other pertinent laws or ordinances, the owner shall ultimately remain responsible for the design of the project. Notwithstanding the building official's role in accepting and approving submissions specified in this ordinance, the owner is not entitled to rely on approval from the county of any documents as evidence that the plans are all internally consistent or compliant with applicable health and safety codes and standards. Nothing herein is intended to create an actionable duty on the part of the building officials.

(Ord. of 10-13-2020)

Sec. 89-1176. Standards incorporated by reference.

- (a) The Standard Design Specifications of Town of Carl, also referred to in this Development Code as "standard details", as adopted by the board of commissioners and as may be amended from time to time are incorporated into this Development Code as though set forth within the body of this Development Code. In the case of a conflict between the standard design specifications and the text of this Development Code, the text of this Development Code shall control.
 - (1) *Traffic signs and street striping.* The installation of all traffic control signs and street striping shall be governed by the standards contained in the "Manual on Uniform Traffic Control Devices", latest edition, published by the Federal Highway Administration of the U.S. Department of Transportation.
 - (2) *Georgia DOT standard specifications.* Unless otherwise specially set forth in this Development Code or the Standard Design Specifications of Town of Carl, all of the materials, methods of construction, and workmanship for the work covered in reference to street construction and storm drainage construction shall conform to the latest standard specifications of the Georgia Department of Transportation.
 - (3) *AASHTO design standards.* Design criteria and standards not specifically set forth herein shall conform to the latest edition of the AASHTO Policy on Geometric Design of Highways and Streets.
 - (4) *Stormwater management.* The design, construction, operation and maintenance of the stormwater system, including stormwater detention facilities and all conveyances whether piped or open, shall conform to the provisions of the current edition of the "Georgia Stormwater Management Manual."

(Ord. of 10-13-2020)

Sec. 89-1177. Interpretation of standards.

In the interpretation and application of the provisions of these standards, the following shall govern:

- (a) *Governing standards.* Whenever a provision of these standards or any provision in any law, ordinance, resolution, rule, or regulation of any kind contains any restrictions covering any of the same subject matter, the standards that are more restrictive or impose higher standards or requirements shall govern.
- (b) *Prior acceptance of construction plans.* Town of Carl shall not modify or alter any development plans that have been filed with and accepted by the county prior to the effective date of this Development Code. This exception shall be subject to the conditions and limitations under which said plans were accepted by the county.

(Ord. of 10-13-2020)

Sec. 89-1178. Design exceptions and field changes.

- (a) *Request for design exception.* When unique conditions and circumstances exist on a project, the developer's engineer may submit a request for design exception in a format provided by the director of public works. Design exceptions request should be identified as early as possible during the design process. The director of public works is the approval authority for design exceptions.
- (b) *Field changes.* Minor changes in construction plans caused by field conditions shall be made at the direction of the director of public works with the cost of such changes to be paid by the developer. All changes are to be documented as revisions to the approved development plans and correctly shown on the as-built surveys. Discrepancies between the as-built surveys and the approved development plans may result in delays in approving final plats or certificates of occupancy.

(Ord. of 10-13-2020)

Sec. 89-1179. General design standards.

- (a) *Suitability of the land.*
 - (1) Land physically unsuitable for subdivision or development because of flooding, poor drainage, topographic, geologic or other such features that may endanger health, life or property, aggravate erosion, increase flood hazard, or necessitate excessive expenditures of public funds for supply and maintenance of services shall not be approved for subdivision or development unless adequate methods are formulated by the developer for solving the problems. Such land shall be set aside for such uses as shall not involve such a danger.
 - (2) Land within a proposed subdivision or development that is unsuitable for development shall be incorporated into common open space areas or into the buildable lots as excess land. Lots that do not comply with the requirements of this Development Code are prohibited.
- (b) *Conservation.*
 - (1) Development shall be planned, designed, constructed and maintained to avoid substantial probabilities of:
 - a. Accelerated erosion.
 - b. Pollution, contamination, or siltation of lakes, rivers streams, and other water bodies.
 - c. Damage to vegetation.

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- d. Injury to wildlife and fish habitats.
 - (2) Development shall be planned, designed, constructed and maintained to provide open space and to create a man-made environment for human use or occupancy compatible and harmonious with the natural environment and specific consideration shall be given to the preservation of natural topography, to preservation of existing vegetation, to retention of major land forms and to preservation of important vistas.
 - (c) *Conformance to the comprehensive plan and other adopted plans.* In addition to the requirements established herein, all subdivisions and individual development projects shall comply with the following laws, rules and regulations:
 - (1) All proposed subdivisions and individual development projects shall conform to the comprehensive plan and development policies in effect at the time of submission to the Planning and Community Development Department.
 - (2) All highways, major thoroughfares, streets and other transportation facilities shall be platted by the developer in the location and to the dimension indicated on the comprehensive plan or the transportation plan, whichever is the most recently adopted or amended.
 - (3) When features of the comprehensive plan or other plans adopted by the board of commissioners (such as schools or other public building sites, parks or other land for public uses) are located in whole or in part in a subdivision, such features shall be either dedicated or reserved by the subdivider for acquisition within a reasonable time by the appropriate public agency.
 - a. Whenever a plat or site plan proposes the dedication of land to public use that the planning and community development director finds not required or suitable for such public use, the planning and community development director shall refuse to approve the plat or site plan. The director's opinion may be appealed to the board of commissioners.
 - b. Whenever a plat or site plan proposes the dedication of land to public use that the board of commissioners finds to be not required or suitable for such public use, the board of commissioners shall refuse to accept the dedication.
 - (4) In subdivisions or developments related to or affecting any state or U.S. numbered highway, the Planning and Community Development Department shall require the approval of the Georgia Department of Transportation.
 - (5) Any and all rules of the county health department, the USDA Natural Resource Conservation Service (formerly the Soil Conservation Service), and all other appropriate state and federal agencies.
 - (d) *Name of subdivision or development project.* The name of each subdivision or development project must have the approval of the Planning and Community Development Department. The name shall not duplicate nor closely approximate the name of an existing subdivision or development project in Town of Carl or any of its cities.
 - (1) *Street names.*
 - a. Proposed streets obviously in alignment with other existing and named streets shall bear the names of the existing streets. In no case shall the name for a proposed street duplicate existing street names in Town of Carl or any of its cities, irrespective of the use of a suffix such as: street, avenue, boulevard, road, pike, drive, way, place, court or other derivatives. In the same development, the root name may reoccur four times.
 - b. Root names shall consist of no more than 20 characters including spaces and punctuation marks.
 - (2) *Approval of street names for new subdivisions.* All new subdivision streets must have proposed street names viewed and approved. New street names must be shown on the final plat and recorded as such. To obtain approval of a proposed street name, you must submit a list of names to the GIS department before steps are taken to receive a development permit or before using on any plats or documents. Names will be reviewed against established criteria. If acceptable, they will be placed on a "reserved list". If

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- disapproved, you will be given an explanation of the disapproval. Street names will be verified on both preliminary and final plats to make sure that no changes have taken place. Once the final plat is recorded, street names become permanent and are so noted on all records.
- (3) *Approval of subdivision names for new subdivision.* As with new street names, new subdivision names must also be reviewed and approved. Names must be submitted to GIS before steps are taken to acquire a development permit or before using on any plat or document. Names will be reviewed against established criteria and if acceptable, will be placed on a "reserved list". Once the final plat is recorded, subdivision names become permanent and are so noted on all records.
- (4) Street addresses.
- a. All developments, commercial or residential, must be assigned a street address after the issuing of a septic permit and building permit. This gives confirmation that the lot is buildable.
 - b. All new subdivisions are assigned addresses right before final plat approval. Environmental health signature is required on the plat before addresses are issued. Submit two copies of the plat to the GIS department for assignment of addresses.
- (e) *Alleys.* Alleys shall only be allowed as an intrinsic element of a particular development design, such as providing access to rear-entry garages in a subdivision, and must be approved as part of the project approval process contained in the Procedures and Permits Article of this Development Code.
- (f) *Blocks.*
- (1) *Design guidelines.* The lengths, widths, and shapes of blocks shall be determined with regard to:
 - a. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - b. Zoning requirements as to lot size and dimensions.
 - c. Needs for convenient access, circulation, control and safety of street traffic.
 - d. Limitations and opportunities of topography.
 - (2) *Length.*
 - a. Unless otherwise approved by the planning and community development director under unusual circumstances, block lengths shall not exceed 1,200 feet nor be less than 400 feet in length.
 - b. In blocks greater than 1,200 feet in length, the planning and community development director may require one or more public easements of not less than 20 feet in width to extend entirely across the block for pedestrian crosswalks, fire protection or utilities.
 - c. Width: Blocks shall be wide enough to allow two rows of lots, except as follows:
 1. Where reverse frontage lots on major thoroughfares are provided, or where abutting upon limited access highways or railroads;
 2. When prevented by topographic conditions or size of the property;
 3. Lots along the periphery of the subdivision; or
 4. Other situations make this requirement impractical, in which case the planning and community development director may approve a single row of lots.
 - (3) *Nonresidential blocks.* Blocks for other than residential use shall be of such length and width as may be suitable for the prospective use, including adequate provision for off-street parking and service.
- (g) *Lots.* The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated and meet all the area and dimensional requirements of this Development Code for the zoning district in which the lots are located.

- (1) *Adequate building sites.* Each lot shall contain a site large enough for a normal building that will meet all building setback requirements as set forth in this Development Code and not be subject to flood or periodic inundation
- (2) *Arrangement.* Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines (including culs-de-sac).
- (3) *Corner lots.* Corner lots shall be sufficiently large to permit the location of buildings so as to conform to the front building setback lines on both streets.
- (4) *Through (double-frontage) lots.*
 - a. Except where specifically required to provide reverse frontage separation from a county road or a state or U.S. numbered highway, or to overcome specific disadvantages of topography and orientation of property, through lots (i.e., "double-frontage" lots) are to be avoided.
 - b. A no-access easement of at least 25 feet in width, shall be provided along U.S. or state numbered highways and 10 feet in width along all other county roads. Said easement shall contain a planting screen of trees and shrubs, decorative fencing or other landscape treatment as outlined in this Development Code.
- (5) *Lot depth restrictions.* Lots in any minor subdivision or major subdivision that front exclusively on, or gain their access from, an existing county road shall have a lot depth no greater than five times the lot frontage. This provision does not apply to any lot that is larger than 25 acres in size.
- (6) *Placement of lots.* All lots of a new development shall face the interior streets of the development, except where expressly allowed by this Development Code, such as minor subdivisions.
- (7) *Grading of lots.*
 - a. Maximum graded earthen slope shall not be steeper than 2½:1.
 - b. Walls providing grade separation greater than two feet in height shall be designed by a registered design professional and subject to inspection by the building inspector.
 - c. When a development incorporates step walls, then a registered design professional shall design wall system.

Table 10.1: Slope Height

Slope	Maximum Height
2.5:1	5 feet
3:1	6 feet
4:1	No limit

- (h) *Areas reserved for future development.* If any portion of a tract is reserved for future subdivision development, the minimum lot width and frontage of the reserved area may be reduced to the width required for a future street to serve such area.
 - (1) Such a reserved area must be labeled "reserved for future development" on the final subdivision plat, and the portion of the lot where a street will be built must be labeled "future street".
 - (2) Such a reserved area will not be eligible for issuance of a building permit unless the lot meets all requirements of this Development Code, including minimum lot width and frontage requirements of the applicable zoning district.
- (i) *Plats straddling political boundaries.* Whenever access to a subdivision is required across land in another governmental jurisdiction, the planning and community development director may request assurance from the

county attorney, and/or the other county agency that access is legally established, and that the access road is adequately improved. In general, lot lines shall be laid out so as to not cross jurisdictional boundary lines.

(Ord. of 10-13-2020)

Sec. 89-1180. Required improvements.

- (a) *Minor subdivisions.* By definition, a minor subdivision does not involve the construction of major public improvements, such as new streets or stormwater detention. However, the following improvements are required in order to adequately serve the lots and protect the safe operation of the existing road:
- (1) Right-of-way shall be dedicated along the property's frontage from the centerline of the existing road equal to one-half of the minimum requirement for the classification of the road, as established in this article.
 - (2) The potential location of a driveway connection serving each lot and meeting the requirements of these development regulations shall be indicated on the final subdivision plat.
 - (3) The stormwater carrying capacity of the road, whether in an existing ditch or gutter, shall not be compromised. If the stormwater characteristics of the existing road are inadequate to accommodate the new lots, the director of public works may require improvement of the roadway ditch as appropriate.
 - (4) Survey monumentation shall be provided in accordance with section 89-1181.
 - (5) A natural resource easement is to be provided along any perennial stream or water impoundment in accordance with the requirements for greenways under the Environmental Protection Article of this Development Code.
- (b) *Major subdivisions, multi-family and nonresidential developments.* The following improvements shall be provided by the developer or at the developer's expense in every major subdivision or individual multi-family or nonresidential development in accordance with the requirements and standards contained in this article.
- (1) Survey monumentation in accordance with section 89-1181.
 - (2) Dedication of easements as set forth under section 89-1182.
 - (3) Streets providing access to such a development and to all lots in such a subdivision, including the extension of streets required to provide access to adjoining properties, in accordance with section 89-1183.
 - a. Streets contained wholly within such a subdivision shall be improved to the full standards contained in this article. Existing streets that adjoin such a development shall be improved to the minimum standards from the centerline of the street along the development's frontage.
 - b. Curb and gutter where required along all roadways.
 - c. Dedicated right-of-way along existing streets.
 - (4) Street name signs, stop bars, striping and traffic control signs as approved by the county shall be paid for by the developer and installed by the Town of Carl Road Department in accordance with section 89-1184.
 - (5) Street lights, if desired, in accordance with section 89-1185.
 - (6) Driveway access to each lot under the provisions of section 89-1186.
 - (7) Deceleration and turn lanes, if required under section 89-1187.
 - (8) Sidewalks, if required under subsection 89-1187(b)(7).
 - (9) Stormwater drainage and detention facilities in accordance with section 89-1190.
 - (10) Public or private water supply as required under section 89-1192.

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- (11) Public or private sanitary waste disposal as required under section 89-1193.
- (c) *Improvement guarantees.* At the option of Town of Carl, the developer may be required to provide to the county financial security to guarantee the installation of project improvements required in this article. The developer's financial guarantee shall be as provided for in section 89-1252(e). The guarantee shall be in an amount sufficient to secure the full costs, as determined by the Town of Carl Director of Public Works, of the construction cost of the improvements, based on the most recent edition of Georgia Department of Transportation "Item Means Summary" or other comparable standardized cost estimation procedure.
- (d) *Guarantee in lieu of completed improvements.* No final subdivision plat shall be approved by the county until one of the following conditions has been met:
- (1) All required improvements have been constructed or funded in a satisfactory manner and approved by the director of public works; or
 - (2) The public works director has received a guarantee, as provided for in section 89-1252(e), in the amount of 150 percent of the estimated cost of installation of the required improvements, and has approved an executed contract as appropriate for installation of the improvements by a qualified contractor.
 - a. The improvements funded through the guarantee shall include final pavement topping for streets, grassing of street shoulders, landscaping, sidewalks, street and parking lot striping, and all other improvements required by this Development Code.
 - b. The executed contract shall call for completion of the grassing, landscaping and striping improvements within nine months of approval of the final subdivision plat, and for completion of final street topping and sidewalks prior to the end of the maintenance surety period. See the maintenance surety provisions of Land Development Activities, article 11 of this Development Code regarding the maintenance surety period.

(Ord. of 10-13-2020)

Sec. 89-1181. Survey monuments.

- (a) All property surveys shall be marked at corners and other pertinent points of reference in the field with monuments as required under this section, and meeting requirements of the Georgia law regarding the recordation of maps and plats (O.C.G.A. § 15-6-67) and additional requirements of the procedures and permits article of this Development Code regarding final plats. Horizontal control shall be based on the Georgia State Plane, and vertical control shall be based on the North American Vertical Datum (NAVD) (formerly known as the National Geodetic Vertical Datum (NGVD)).
- (1) *Exterior development boundaries.*
 - a. An iron pipe or ½-inch iron pin at least 24 inches long shall be placed at all corners of the exterior boundaries of the subdivision or development project being developed and shall be driven no less than one inch above the finished grade.
 - b. Existing permanent monuments that, in the professional opinion of a registered land surveyor, are of sufficiently durable construction shall be marked and maintained.
 - (2) *Lot and street corners.*
 - a. All other street or lot corners shall be marked with an iron pipe or ½-inch iron pin at least 24 inches long and driven flush or no more than one inch above the finished grade.
 - b. All such monuments shall be properly set in the ground and shall be approved by a registered land surveyor prior to the time of final plat approval.

(Ord. of 10-13-2020)

Sec. 89-1182. Easements.

(a) *Utility easements.*

- (1) Utility easements for private utilities shall be avoided except in cases where no other satisfactory arrangements can be provided for the installation of private utilities.
- (2) Whenever it is necessary or desirable to locate a public utility line outside of the street right-of-way, the line shall be located in an easement dedicated to the county (or other appropriate public entity) for such purpose. Easements for water and sanitary sewers shall be a minimum of 20 feet wide, and may be required to be wider depending on the depth of cut to maintain a 1:1 open cut slope. When warranted, temporary construction easements widths shall be as required by the county.
- (3) Easements for sanitary sewers may be required by the director of public works for future extension of lines, whether or not the subdivision or development is currently proposed to be served by public sewer.

(b) *Pedestrian easements.* Pedestrian easements, not less than ten feet wide, may be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

(c) *Drainage and access easements.*

- (1) Publicly dedicated drainage easements for improved ditches, pipe construction, and detention facilities shall be cleared, opened, and stabilized at the time of development to control surface water runoff. Runoff slopes and side slopes shall be specified by the developer's engineer according to good engineering practices.
 - (2) Publicly dedicated drainage easements shall be provided where a development is traversed by or contains a watercourse, impoundment, detention pond, floodplain, natural stream or channel. It shall conform substantially to the flooding limits of the 100-year storm along such natural drainage feature, but shall not be less than 20 feet in width.
 - (3) A publicly dedicated drainage easement is to be provided along any manmade drainage channel or drainage pipe located outside a street right-of-way. All drainage easements shall be calculated as the pipe diameter plus two feet plus two times the depth, rounded up to the nearest five-foot interval, but shall be no less than 20 feet wide.
 - (4) Drainage easements outside of the street right-of-way shall be clearly defined on the final plat with dimensions or bearings and distances as appropriate. Approval of a plat by the county shall not constitute acceptance of any easement indicated on the plat by the county; absent express acceptance by the county all easements shall be considered dedicated to the public and not accepted by the county. The property owner will be required to maintain and keep the publicly-dedicated easement free of obstruction in such a way as to assure the maximum designed flow at all times. The property owner shall not alter any drainage improvements without the prior approval from the county.
 - (5) Town of Carl may access and maintain, but assumes no responsibility to maintain publicly-dedicated easements, natural or artificial drains, pipes, and other structures beyond the extent of county property and county-accepted drainage easements. Town of Carl assumes no responsibility for the extension of culverts beyond the point shown on the approved and recorded plan.
- (d) *Conservation and natural resource easements.* Conservation and natural resource easements, as may be required by this Development Code shall be clearly defined on the plat and deed of the individual property owner, and must conform to the requirements set out for such easements in the environmental protection article of this Development Code.
- (e) *Overlapping easements.* Easements for water, sanitary sewers and drainage purposes may be combined, but must be a minimum of 30 feet if in combination. Any easement containing more than one pipe must provide at least ten feet beyond the pipe and the pipes must be at least ten feet apart (measured on center). Wider easements shall be required when necessary to maintain a 1:1 open cut slope to each pipe.

Sec. 89-1183. Streets.

(a) Access.

- (1) Each building shall be located on a lot or parcel that abuts a public street or a private street approved by the county, or has access to a public street by means of a recorded access easement as provided for in this Development Code.
- (2) Every development and every major subdivision shall have access to the public street system via a paved road. A building permit shall not be issued unless a publicly dedicated street or an approved private street provides continuous paved road access between the property and the public street system. See subsection (g) below.
- (3) A building permit shall not be issued on any property that does not front on or have approved access to a publicly dedicated street or an approved private street, in accordance with the minimum lot frontage and access easement provisions of this Development Code.
- (4) When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged and designed so as to allow for the opening of future streets and to provide access to those areas not presently served by streets.
- (5) No subdivision or development shall be designed in a way that would completely eliminate street access to adjoining parcels of land.
- (6) Reserve strips which control access to streets, alleys and public grounds shall be prohibited unless their control is placed in the hands of the county under ownership, dedication, or easement conditions approved by the county attorney and the planning and community development director.
- (7) Subdivision streets that intersect a state or U.S. numbered highway, a county arterial or county collector road shall do so at intervals of not less than 800 feet, or as required by the Georgia Department of Transportation, whichever is greater. On all other roads, at least 300 feet must separate street intersections on the same side of the road, measured centerline to centerline. Compliance with sight distance requirements of this Development Code may require greater distances between street intersections.

(b) *Street classifications.* Streets are classified according to the function that they serve, the type, speed, and volume of traffic they will carry and the required standards of design. The classifications of streets and roads are as follows, and as may be shown on the latest adopted or amended Town of Carl Thoroughfares: Functional Classification System Map:

- (1) *Principal arterials.* These roads, which include interstates and rural freeways; serve "substantial" statewide or interstate trips, as defined by high mileage or volume; connect most urban areas of 25,000 or more and virtually all urban areas of 50,000 or more; and provide an integrated network without stub connections except where geography dictates otherwise.
- (2) *Minor arterials.* With the principal arterial system, these roads form a rural network that links other cities, larger towns, and other traffic generators, such as major resort areas, capable of attracting travel over long distances; links all developed areas of the state; and serve corridors with trip lengths and travel density greater than those predominantly served by rural collector or local systems. Minor arterials therefore constitute routes whose design should be expected to provide for relatively high overall travel speeds, with minimum interference to through-movement.
- (3) *Major collectors.* These roads, with minor collectors, primarily serve the county rather than state traffic. Consequently, more moderate speeds are typical. They serve any county seat or larger town not on an arterial route, and other traffic generators of equivalent intra county importance, such as consolidated schools, shipping points, county parks, and important mining and agricultural areas; link the latter places with nearby larger towns or cities, or arterials and freeways; and serve the more important intra county travel corridors.

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- (4) *Minor collectors.* Serving county-wide traffic, these roads should evenly collect traffic from local roads and bring all developed areas within a reasonable distance of a collector road; provide service to the remaining smaller communities; and link the locally important traffic generators with the hinterland.
 - (5) *Local roads.* These roads serve primarily to provide access to adjacent land and serve low-mileage trips as compared to collectors or other higher systems. Local roads constitute the rural mileage not classified as part of the principle arterial, minor arterial, or collector systems.
- (c) *Extension of existing streets.*
- (1) The street pattern within a development or subdivision shall provide for the continuation or appropriate projection of the existing street pattern or anticipated development, if any, at the same or greater width, but in no case less than the required minimum width. Topography, natural features such as streams and tree growth shall be considered.
 - (2) Existing streets shall be connected and extended within the limits of a new development. However, streets or portions of streets adjacent to a proposed nonresidential or multi-family use, which are developed and are being used exclusively for residential access shall not be connected, extended or in any way provide access to a nonresidential or multi-family use. In addition, private drives which provide access to a nonresidential or multi-family use shall not be permitted in any residential district.
 - (3) If the county determines that the roadway should be improved to a standard greater than its current use, due specifically to the traffic that will be generated by the subdivision or development project, the developer shall provide or pay the cost of the additional materials and labor due to the increased use.
 - (4) All right-of way required for off-site improvements shall be acquired by the developer at no expense to Town of Carl. If the developer is unable to acquire the right-of-way, the Town of Carl Attorney shall initiate acquisition proceedings, at the expense of the developer, after authorization by the Town of Carl Board of Commissioners.
 - (5) Access to adjoining property.
 - a. Where, in the opinion of the planning and community development director, it is necessary to provide for access to adjoining property, proposed streets shall be extended by dedication of right-of-way to the boundary of such property and existing streets through the development.
 - b. Where no street exists or where the adjoining property is in alignment with a proposed street, a temporary turnaround shall be provided at the boundary of the property.
 - (6) Subdivisions shall be laid out so as to discourage through traffic on local streets. However, the provision for the extension and continuation of arterial and collector streets into and from adjoining areas is required.
 - (7) Where a subdivision abuts or contains an existing or proposed arterial street, the Planning and Community Development Department shall require marginal access streets, single tier lots, or such other treatment as will provided protection for abutting properties, reduction in the number of intersections with the arterial street, and separation of local and through traffic.
- (d) *Design standards for streets.*
- (1) *Arterial streets.* All state or U.S. numbered highways shall meet all design requirements of and be approved by the Georgia Department of Transportation. All county arterials that are not state or U.S. numbered highways shall meet all design requirements of this Development Code.
 - (2) *Local and collector streets.* All local and collector streets shall comply with the design and construction requirements of this Development Code, except that all state or U.S. numbered highways shall meet all design requirements of and be approved by the Georgia Department of Transportation.

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- (3) *Minimum width of right-of-way.* Minimum width of right-of-way measured from lot line to lot line shall be as shown on Table 10.2. Additional right-of-way may be required to accommodate turn lanes, deceleration lanes or other road improvements.

Table 10.2: Minimum Right-of-Way Width

Street Classification	Width of Right-of-way
Arterial Street*	120 feet
Major Collector Street*	100 feet
Minor Collector Street	80 feet
Local Nonresidential w/swale ditches	90 feet
Local Nonresidential w/curb and gutter	70 feet
Local Residential Street w/swale ditches	80 feet
Local Residential Street w/curb and gutter	60 feet
Alleys	24 feet

* Per Georgia DOT for state and U.S. numbered highways.

(4) *Additional right-of-way.*

- a. Subdivisions that include an existing street that does not conform to the minimum right-of-way requirements of this Development Code shall provide additional width along one or both sides of such street or road so that the minimum right-of-way required by this article is established if lots front on the existing street. Subdivisions abutting only one side of such a street or road shall provide a minimum of one-half of the right-of-way required by these regulations measured from the center of the existing right-of-way.
- b. When a future street or road, as proposed in the comprehensive plan, adjoins or traverses the subdivision or development project, the future right-of-way shall be platted as part of the subdivision or development project. No development will be allowed within the platted future right-of-way except for drives and landscaping, and the platted future right-of-way is to be treated as a lot line for the provision of all setback lines as required by this article. The developer will be contractually bound to the county to sell this strip of land to the county at a future date, for the amount stated in the tax digest. A right-of-way agreement shall be executed prior to issuance of a development permit.

(5) *Street grades.*

- a. Maximum grades for proposed streets by street classification shall be as shown on Table 10.3. Design exceptions must be justified and approved by the director of public works.
- b. All streets shall have a minimum grade of 1.5 percent. Minimum grade on culs-de-sac shall be 1.5 percent.
- c. Maximum grade across a cul-de-sac turnaround shall be six percent.
- d. Grades at 12 percent shall not exceed a length of 200 feet; greater lengths are subject to approval by the public works director.

Table 10.3: Street Grades and Design Speed*

Street Type	Maximum Grade	Minimum Design Speed
Arterial street	10%	55 mph
Major Collector street	10%	45 mph
Minor Collector Street	10%	35 mph
Local Nonresidential Street	12%	25 mph
Local Residential Street	12%	25 mph
Alleys	Varies	Varies

- (6) *Minimum design speeds.* Street improvement requirements not otherwise addressed in this Development Code shall be designed to the minimum design speeds shown on Table 10.3.
- (7) *Vertical alignment of streets.* In approaches to intersections, there shall be a suitable leveling of the street at a grade not exceeding three percent and for a distance of not less than 50 feet from the nearest line of the intersecting street.

Table 10.4: Vertical Curves

Street Type	Crest Curves		Sag Curves	
	Min	Desired	Min	Desired
Arterial street	55	80	55	70
Major Collector street	55	80	55	70
Local Nonresidential Street	30	30	35	35
Local Residential Street	10	10	20	20
Alleys	10	10	20	20

- (8) Horizontal alignment of streets.
- Where a deflection angle of more than five degrees in the alignment of a street occurs, the radius of curvature of the centerline of said street shall be not less than as shown on Table 10.5.
 - Curved streets shall have a minimum tangent of 50 feet at intersections as measured from the centerline of cross streets. A tangent of a least 200 feet in length shall be introduced between reverse curves on collector streets, and 50 feet on local streets.
 - Street jogs shall have centerline offsets of no less than 125 feet.
 - Intersections. All streets shall intersect at no less than 85 degrees, and as near a right angle as possible. The angle of intersection is to be measured at the intersection of the street centerlines. Such intersecting streets shall provide an uninterrupted line of sight from the center point of the intersection for not less than the minimum sight distance required in accordance with this Development Code.
 - Multiple intersections involving the junction of more than two streets shall be prohibited unless otherwise approved by the director of public works.

- f. Islands at intersections shall be subject to individual approval by the director of public works. In no case shall anything extend more than three feet above the back of the curb within the right-of-way of the intersecting street.
- g. Curb lines at street intersections shall have a radius of curvature of not less than 20 feet. Where the angle of street intersection is less than 90 degrees, a longer radius may be required.
- h. Intersecting street right-of-way lines shall parallel the back of curb of the roadway, and shall be mitered 20 feet along both streets from the point of the right-of-way lines projected to their intersection.

Table 10.5: Horizontal Alignment

Street Classification	Minimum Radius of Curvature of Center Line
Arterial street	800 feet*
Major Collector	560 feet*
Minor Collector Street	560 feet
Local Nonresidential Street	300 feet
Local Residential Street	120 feet

* Or per Georgia DOT for state and U.S. numbered highways.

(9) *Minimum sight distance.*

- a. Lines of sight shall be provided along street roadways, at street intersections and at driveway intersections in accordance with AASHTO Design Standards, latest edition.
- b. The sight line shall be clear along its entire minimum length and unimpaired by intervening changes in street grade, horizontal alignment or obstructions. Examples of obstructions are vegetation, ground cover, signs, and existing topography.
- c. The design speed for sight distance requirements on existing streets shall be the existing posted speed limit.
- d. Visibility triangle. No fence, structure, sign, planting or other obstruction shall be maintained within 15 feet of the intersection of the right-of-way lines extended of two streets, or of a street intersection with a railroad right-of-way, except as provided in this resolution.

(10) *Dead-end streets (culs-de-sac).* Dead-end streets designed to have one end permanently closed shall provide a cul-de-sac turnaround and may be no more than 2,000 feet in length. The county may approve additional length necessitated by topography or property configuration.

- a. Turnaround dimensions.
 - 1. Cul-de-sac in residential subdivisions with curb and gutter shall terminate in a circular turnaround having a minimum right-of-way of at least 114 feet in diameter, and a paved turnaround with a minimum outside diameter of 80 feet to back of curb.
 - 2. Cul-de-sac in nonresidential subdivisions with curb and gutter shall terminate in a circular turnaround having a minimum right-of-way of at least 138 feet in diameter, and a paved turnaround with a minimum outside diameter of 100 feet to back of curb.
 - 3. Cul-de-sac in subdivisions with swale ditch drainage shall have a right-of-way radius equal to the right-of-way width. A paved turnaround shall be provided with minimum outside

diameter as follows: in residential subdivisions, 80 feet to edge of pavement; in nonresidential subdivisions, 100 feet to edge of pavement.

4. A dead-end street other than a cul-de-sac shall not be allowed except as a temporary stage of construction of a street that will be extended in a later stage of construction. No building permit shall be issued on any lot that fronts exclusively on such a street until it is extended in a future phase of construction, unless a temporary cul-de-sac is installed, however, if road is not extended by the end of the bonding period then permanent pavement is required. Such limitation shall be noted on each such lot on the final subdivision plat.

(11) *Public access alleys.*

- a. Alleys dedicated as public rights-of-way shall not be allowed in multi-family, commercial or industrial developments.
- b. Alleys in residential subdivisions shall not be permitted, unless the alleys are intended to provide rear-access to garages on each lot or otherwise intrinsic and necessary to the design of the subdivision.
- c. When allowed, dead-end alleys shall be provided with a turn-around having a radius of at least 40 feet, a "T-head" turn-around, or other solution acceptable to the director of public works.

(12) *Half streets prohibited.* Half streets shall be prohibited. Whenever a street is planned adjacent to the proposed subdivision tract boundary, the entire street right-of-way shall be platted within the proposed subdivision.

(e) *Street improvements.* Roadways shall be constructed and paved with top courses meeting the following standards:

(1) *Street base.*

- a. Graded aggregate base course. The base course shall consist of mineral aggregate and may be a combination of natural deposit or a blend of the materials specified. All materials are subject to approval by the director of public works. If a blend of materials is used, it shall be blended through a base plant that meets the latest specifications of the Georgia State Highway Department Specification 815.
- b. Street base material shall conform to the thickness as required for the street type on Table 10.6.
- c. For streets without curbs, the base shall extend at least one foot beyond the edge of pavement.
- d. Wherever unsuitable material is found in the subgrade, the unsuitable material shall be replaced with graded aggregate stone or other suitable material approved by the director of public works.

(2) *Pavement topping.*

- a. Minimum width of pavement. The minimum pavement width, measured from edge of pavement to edge of pavement (exclusive of curb and gutters), shall be as required for the street type on Table 10.6.
- b. Prime. After the base has been placed, mixed, compacted, shaped, inspected and accepted, it shall be primed with suitable asphaltic materials as specified in Georgia Department of Transportation Specification 412. The director of public works may waive the prime coat requirement depending on conditions at the time of construction.
- c. Roadway binder. After the prime has been inspected and accepted, the roadway or street shall be surfaced with Type "B" binder as required for the street type on Table 10.6.
- d. Tack coat shall be applied on a prepared asphalted road surface according to the requirements of Georgia Department of Transportation Specification 413.

Table 10.6: Street Base and Pavement

Street Classification	Width of Pavement*	Base	Binder	Topping
Arterial	**	**	**	**
Major Collector	**	**	**	**
Minor Collector Street	**	**	**	**
Residential Collector***	**	**	**	**
Local Nonresidential Street	28 feet	8 inches	2 inches	1½ inches "E" only
Local Residential Street	22 feet	6 inches	2 inches	1½ inches "E" or "F"
Alley	16 feet	6 inches	2 inches	1½ inches "E" or "F"

* Not including turn lanes, striped medians, etc. Width measured between pavement edges (excludes curb and gutter).

** Per Georgia DOT for state and U.S. numbered highways; AASHTO for all other major thoroughfares.

*** Minor collector interior to a residential development.

- e. Final topping shall consist of asphaltic cement as required for the street type on Table 10.6. No surface treatment pavement as a finished wear surface will be accepted. The director of public works may determine whether Type "E" or "F" must be used for particular residential streets.
 - f. If the director of public works approves two-stage paving for residential streets, the developer shall place the binder course on the street but may delay final paving, provided that adequate provision is made for drainage.
 1. Prior to the expiration of the performance period, the binder surface will be cleaned and then tack-coated with suitable asphaltic materials [0.06 gallon of R.C. 70 per square yard] as specified in Department of Transportation Standard Specifications—Construction of Roads and Bridges, most current edition. Only the area to be paved the same day is to be tack-coated.
 2. After the tack coat has been inspected and accepted, the roadway or street shall be surfaced with a minimum 1½ inches of Type "E" or "F" asphaltic concrete wearing surface.
 - g. All binder and final topping shall be mixed in an asphalt plant approved by the Georgia Department of Transportation.
- (3) *Curb and gutter.*
- a. Curb and gutter are required along:
 1. All new commercial and industrial streets.
 2. All new residential subdivision streets except for those subdivisions in which the minimum size of all lots in the subdivision is greater than one acre and the minimum lot width is greater than 150 feet.

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3. Deceleration lanes and travel lane widening in association with new construction on existing county streets and roads, unless waived by the public works director due to hydrology.
 - b. Local residential street curbs shall be Portland cement concrete, 6-inch x 24-inch x 12-inch vertical (high-back) or 24-inch roll-type, with a minimum strength of 3,000 psi at 28 days.
 - c. Curbs along collectors and local commercial or industrial street curbs shall be Portland cement concrete, 6-inch x 24-inch x 12-inch vertical type only or GDOT standard specification 9032B as determined by the county engineer, with a minimum strength of 3,000 psi at 28 days.
 - d. Curbing along streets shall meet the following standards:
 1. Developer's engineer or surveyor shall set line and grade.
 2. Expansion joints (scratch joints) shall be provided at all radius points and at intervals not to exceed 50 feet in the remainder of the curb and gutter.
 3. Centerline stakes shall have finished sub-grade elevations marked (cut or fills acceptable) for inspection before street curb and gutter is installed.
 4. Curb and gutter stakes shall also be set 90 degrees and tangent to curve with centerline, with every corresponding centerline stake, and shall be off set four feet from back of curb. Finished sub-grade elevations (cut or fills acceptable) shall be marked for inspections before curb and gutter is installed.
 5. Developer shall submit to the director of public works a letter prepared by a professional engineer or professional land surveyor before street curb and gutter is installed, indicating that street grades meet county requirements and no change in hydrology, for instances where hydrology has changed then a re-submittal of road alignment and hydrology study is required.
 6. The director of public works shall individually approve special curbing design (center islands, etc.).
 7. Curb and gutter shall be set true to line and grade and finished by skilled workers to the section shown on the plans.
 8. Inferior workmanship or construction methods resulting in unsightly curb and gutter will be cause for rejection of the finished work.
 9. All curbing shall be backfilled and grassed.
 10. Adequate storm drainage structures shall be provided. The curb and gutter shall be constructed so as to present a smooth, even line both horizontally and vertically. There shall be no areas of ponding. After installation, drainage under the curb to side slopes is required, using minimum four-inch diameter pipe sections.
 11. All catch basins on streets with curb and gutter shall be constructed as standard pre-cast catch basins according to GDOT Specification 1033D or 1034D.
 - e. A valley gutter may be used across a driveway at its intersection with a street. However, valley gutters shall not be allowed across streets at street intersections unless specifically approved by the director of public works.
- (4) *Slopes and shoulder improvements.*
- a. On streets with curb and gutter, the shoulders shall slope one-fourth inch to the foot toward the roadway for at least seven feet from back of curb, and no more than one-half inch to the foot for the remainder of the right-of-way width.
 - b. At driveway entrances where there is curb and gutter, the driveway shall slope toward the roadway with the elevation of the driveway six inches higher than the gutter at the right-of-way line.

Sidewalks shall have a smooth transition, unless variance is approved by the Town of Carl Engineering Department.

- c. On streets with swale ditch drainage, the shoulders shall slope three-fourths inch to the foot away from the roadway for at least five feet to the drainage channel. The maximum slope for the drainage channel shall be three feet of run for each one foot of fall, with a minimum depth of two feet.
 - d. Slopes outside of the right-of-way shall have a maximum slope of two feet of run for each one foot of fall.
- (f) *Private streets.*
 - (1) Private streets, if approved by the county, shall meet all requirements and standards that apply to public streets.
 - (2) The private street shall be located within an access easement no less wide than that required for right-of-way for a similar public street. The access easement shall be recorded as a cross-easement with every lot that the private street serves.
 - (3) Apartment and condominium streets and associated storm drainage shall be constructed to the residential public street standards of this Development Code.
 - (4) Private streets within any district shall not be used to satisfy the off-street parking requirements of this Development Code, unless adequate paving width is added and the plan is approved by the public works director.
 - (5) Owner's release.
 - a. At the time of purchasing property that is served by a private street, upon any sale or resale of a property, the purchaser shall acknowledge by execution of a release that the street is private and not maintained by the county, and that maintenance of the street is the responsibility of the owner or other private association or entity identified in the release.
 - b. The release is to be prepared using a form acceptable to the county attorney and shall be recorded with the clerk of the superior court.
 - (6) Other standards.
 - a. A private street subdivision shall meet all other requirements and standards that apply to public subdivisions, such as stormwater runoff and detention requirements, the provision of utilities, and traffic and street name signs.
 - b. Private streets shall be denoted as such on the street name signs for each such street. Proposed streets, which are extensions of, or in alignment with, existing or other proposed streets shall have the same name. Street names shall not duplicate or be phonetically similar to existing street names. The county may require a different color than the standard color for the street name sign, or may require that an additional sign be affixed to the street name sign pole indicating that the street is not maintained by the county.
 - c. Any gate placed across a private street that limits access to a subdivision or development shall provide for unimpeded access by emergency vehicles, governmental vehicles on official business, and delivery services including the U.S. Postal Service. Accessibility to such gated communities shall comply with all standards and requirements of the county for access activation, and shall be of breakaway construction.
- (g) *Substandard streets.* No major subdivision, multi-family or nonresidential development project, or minor subdivision requiring paved-road access, shall be approved if the road providing access to the property is substandard, and for the purposes of the UDC, a road shall be considered "substandard" if such road fails to satisfy current county specifications and /or AASHTO standards. If a developer wishes to provide paved-road access to the property at his or her own expense, the following shall apply:

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- (1) The street shall be upgraded to a paved roadway from the project entrance to the nearest standard paved road along the primary route of access. Improvements shall, at a minimum, result in a full-section roadway meeting applicable street base and pavement requirements of this article.
 - (2) Additional right-of-way and paving shall be required as needed to meet minimum county standards for a local road.
 - (3) The developer shall design the road and provide the labor, equipment, and materials required for roadway improvements and necessary drainage improvements.
 - (4) All right-of-way required for off-site improvements shall be acquired by the developer and deeded to the county at time of final plat approval.
 - (5) If the county desires the roadway to be improved to a standard greater than that for a residential local street, the county shall provide or pay the cost of the additional right-of-way, materials and labor.
- (h) *Complete streets standards.* The purpose of this section is to assure that new roadway construction and existing roadway improvement projects on Town of Carl roadways include consideration for adequate infrastructure, where appropriate and feasible, for bicyclists, pedestrians, users of public transit of all ages and abilities, vehicular and the physically disabled.
- (1) *Requirements.* An array of facilities and amenities that are recognized as contributing to complete streets, including, but not limited to: street and sidewalk lighting, pedestrian and bicycle safety improvements, access improvements for freight; access improvements in accordance with the Americans with Disabilities Act; and street amenities shall be provided where practical.
 - a. New roadway projects shall accommodate users of all abilities of the transportation system, including pedestrians, bicyclists, users of mass transit, people with disabilities, the elderly, motorists, emergency responders, and adjacent land users.
 - b. New roadway projects shall make use of the latest and best design standards, policies, and guidelines.
 - c. Complete Streets solutions shall be developed to fit within the context(s) of the community and those solutions shall be flexible so that the needs of the corridor can be met.
 - d. New roadway projects shall identify anticipated phases and key milestones of project development.
 - (2) *Exemptions*
 - a. Ordinary maintenance activities designed to keep assets in serviceable condition;
 - b. Areas that involve a roadway that bicyclists and pedestrians are prohibited by law from using efforts should be made to accommodate bicyclists and pedestrians else-where;
 - c. There are extreme topographic or natural resource constraints; and
 - d. A reasonable and equivalent alternative already exists for certain users.

(Ord. of 10-13-2020)

Sec. 89-1184. Street signs, traffic signs and striping.

- (a) *Street name signs.*
 - (1) Street name signs shall have a green background with white legends mounted on channelized posts. Alternate post material shall be subject to the review and approval of Town of Carl.

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- (2) The posts and signs will be furnished and installed by the county at all street intersections. The developer (or homeowners' association in the event an alternate signpost is chosen at a later date) shall pay the county's costs.
 - (b) *Traffic signs.*
 - (1) Traffic control signs shall be provided by the developer as required to properly and safely handle traffic volumes and movements created by the development.
 - (2) Traffic control signs shall conform to the "U.S. Manual on Uniform Traffic Control Devices", latest edition.
 - (3) The county shall install these traffic control signs through payment of fees by the developer.
 - (c) *Striping requirements.*
 - (1) All newly constructed streets having four or more lanes (including auxiliary lanes) and existing streets being widened with one or more additional lanes shall be striped or the payment of said striping costs shall be required from the developer by Town of Carl prior to the approval of development conformance for the project. The developer is responsible for the condition of striping through the end of the maintenance bond period.
 - (2) Striping shall be accomplished with paint meeting Georgia DOT standards conforming to the "Manual on Uniform Traffic Control Devices".
- (Ord. of 10-13-2020)

Sec. 89-1185. Street lights.

The board of commissioners shall provide and be responsible for the construction, establishment, maintenance and operation of lighting fixtures for the illumination of public streets, roads, sidewalks and alleyways (collectively referred in this article as "public rights-of-way") situated within the unincorporated area of the county, in the manner and in accordance with the standards set forth in this section. No person shall be permitted to establish lighting of public rights-of-way in any portion of the unincorporated area of the county without first complying with the provisions of this section.

- (a) *Street lighting districts.* The public works director shall be responsible for administering the street lighting program as set forth in this article and shall:
 - (1) Advise prospective petitioners for proposed street lighting districts of the procedures required for the establishment of such districts pursuant to this article.
 - (2) Establish the boundaries of proposed street lighting districts in accordance with such criteria and in such manner as the transportation engineer may deem necessary and appropriate.
 - (3) Establish an orderly system of numbering street lighting districts created pursuant to this article in conjunction with the county tax assessor and the county tax commissioner.
 - (4) Provide standard form petitions for use by prospective petitioners.
 - (5) Advise petition originators of estimated assessment rates for owners of property lying within proposed street lighting districts.
 - (6) Examine all filed petitions for accuracy and for compliance with the provisions of this article.
 - (7) Submit petitions to the board of commissioner's together with estimated assessment rates to owners of property lying within such districts and with such recommendations, as the public works director may deem appropriate.
 - (8) Coordinate the installation of lighting fixtures within such districts upon final approval by the board of commissioner's.

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- (9) Perform any and all other acts or duties necessary or proper for the attainment of the purposes set out in this article.
- (b) *Creation of district; installation of fixtures in proposed subdivisions.*
- (1) *Petition by property owners.*
- a. The owners of residential parcels within either an existing subdivision or a discrete and definable area, or the owners of property lying within an area zoned for purposes other than residential use, may submit to the public works director, for approval, a petition for the creation of a street lighting district wherein lighting fixtures for the illumination of public right-of-way shall be installed and operated.
 - b. The petition must contain the signatures of at least 75 percent of the owners of the property lying within the proposed street lighting district in favor of such designation and must contain an accurate description of the property to be included by tax map parcel numbers as the tax map parcel numbers are used by the county tax assessor and the county tax commissioner.
 - c. The director of public works shall, within 60 days from the date of approval of the petition, submit such petition to the board of commissioner's for final approval.
 - d. If 100 percent of the owners within any such proposed district shall fail to sign such petition, a notice of a public hearing to be conducted by the board of commissioner's shall first be published, in the newspaper in which the county advertisements are usually published, once a week for two weeks immediately preceding the meeting at which the board of commissioner's shall consider the creation of a street lighting district.
- (2) *Installation of fixtures in proposed subdivisions.*
- a. The owners of property lying within a proposed subdivision of land may, but shall not be required to, construct and install lighting fixtures for illumination of public rights-of-way to be located within such proposed subdivision, subject to the provisions of this section.
 - b. A written request for authorization to construct and install lighting fixtures signed by all owners of such property shall be submitted to the public works director on such forms as may be prescribed from time to time by the transportation engineer, together with plans and specifications for such lighting fixtures for approval by the public works director.
 - c. Such plans and specifications shall be designed and/or approved by the public utility company which will provide electrical service to the proposed subdivision and shall include, but not be limited to, a preliminary plat of the proposed subdivision showing the location of the lighting fixtures within the subdivision as required by the appropriate public utility and a description of the fixtures, poles and other components approved for use by such utility company.
 - d. Upon approval of the plans and specifications by the public works director, such plans, specifications and other required documents, together with the recommendation of the public works director, shall be submitted to the board of commissioner's for final approval.
 - e. The construction and installation of such lighting fixtures shall not commence until the board of commissioners has approved such plans and specifications.
- (3) *Authority of board of commissioners to create district.*
- a. Any other provision of this section to the contrary notwithstanding, the board of commissioners shall be authorized and empowered to create special street lighting districts and provide lighting fixtures in areas in which the board of commissioners has determined that special conditions exist which uniquely affect such areas so as to warrant the creation of such districts and the provision of such lighting fixtures therein.

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- b. In making such determination, the special conditions which the board of commissioners may consider shall include but not be limited to public safety, security and welfare and the creation of such street lighting districts shall be upon such terms and conditions and in such manner as the board of commissioners may deem necessary or proper.
 - c. A notice of a public hearing to be conducted by the board of commissioners shall first be published, in the newspaper in which county advertisements are usually published, once a week for two weeks preceding the meeting at which the board of commissioners shall consider the creation of a street lighting district pursuant to this section.
 - (c) *Payment of costs; assessments.*
 - (1) *Generally.*
 - a. The cost of providing and maintaining service in street lighting districts created pursuant to the article shall be the actual cost of the energy used plus the retirement of any construction costs incurred in the installation of lighting fixtures and an amount equal to ten percent of such sum to cover administrative expenses. Each property owner shall be responsible for and pay his pro rata share of such cost, which shall be prorated among all property owners on the basis of the number of parcels, whether improved or unimproved, owned by each property owner within such district. The construction costs incurred in the installation of lighting fixtures shall be retired in the manner set out by agreement with the public utility or other person to whom the indebtedness is owed.
 - b. For purposes of this article, the term "parcel" shall be defined as any single tract of land which falls within any of the zoning classifications as defined by the zoning regulations of the county and shall include both improved and unimproved property.
 - (2) *Authority of board of commissioners to establish costs.* Any other provision of this article to the contrary notwithstanding, the board of commissioners shall be authorized to establish, by resolution duly adopted, the cost of providing and maintaining services in street lighting districts created pursuant to the provisions of this article as the board of commissioners may deem necessary or proper.
 - (3) *Collection of costs.* The tax commissioner shall be responsible for the collection and receipt of monies in payment of the cost of illuminating public rights-of-way from the owners of property lying within each street lighting district. The cost of such service shall be added to the tax statement issued annually to each such property owner. The board of commissioners shall be authorized to establish, by resolution duly adopted, such other manner or method of billing, accounting, collecting and receiving of monies in payment of the cost of providing and maintaining street lighting districts as the board of commissioners may deem necessary or proper.
 - (d) *Installation and construction standards.* The American National Standard Practice of Roadway Lighting of the Illuminating Engineering Society, as approved by the American Standards Institute, as amended from time to time, is hereby adopted as the standard for the installation and operation of lighting in the unincorporated area of the county.
 - (e) *Contracts for work; authority to grant exceptions.*
 - (1) The board of commissioner's shall be authorized to enter into and make contracts with public utility companies and other persons for the purpose of carrying out and effecting the provisions of this article.
 - (2) The board of commissioner's shall be authorized to grant exceptions to the literal terms of this article where special conditions or hardships exist.

(Ord. of 10-13-2020)

Sec. 89-1186. Driveways and development entrances.

All proposed subdivisions, subdivision lots and other land development projects shall be provided with driveways or development entrances meeting the following requirements.

- (a) *Driveway access to a state road.* Access onto a state road shall meet Georgia Department of Transportation requirements, except that the entrance must be paved. A copy of the Georgia Department of Transportation permit shall be submitted to the public works director before the plans can be approved.
- (b) *Driveway access to a county road.*
 - (1) Residential lots in any major subdivision shall have no direct driveway access to any existing county, state or U.S. numbered road.
 - (2) Reverse frontage lots may be utilized but are not required in major residential subdivisions where direct access to a county road, or to a state or U.S. numbered highway, is not allowed.
 - (3) An easement of at least 25 feet in width along a U.S. or state numbered highway or ten feet in width along all other county roads, across which there shall be no right of access, shall be provided in a major subdivision along the line of lots abutting any existing county road. The backs of the adjacent houses must be screened from view as follows:
 - a. The easement may retain its natural vegetation if existing trees and understory shrubs will adequately screen the view of the backs of the adjacent houses.
 - b. Supplemental vegetation may be added within the easement to provide adequate screening.
 - c. The easement may be improved with a landscaped earthen berm of no less than four feet in height.
 - d. All driveways, other than those required elsewhere in this Development Code, which access a paved public street, must have a paved pad from the edge of the roadway pavement of no less than 12 feet in length and ten feet in width plus tapers. The design and construction standards must comply with AASHTO. This requirement shall not be varied or waived.
 - (4) A common access driveway (or shared driveway) may be allowed by approval of the planning and community development director in order to allow for more efficient traffic flow, to reduce traffic hazards from numerous individual driveways, to consolidate access to lots in cases of environmental impediments (e.g. wetlands), and otherwise where it is determined that a common access driveway will be more advantageous to the community than separate driveways. Where minor subdivision is proposed on a county road with speed limit of 45 miles per hour or greater, a common access driveway shall be required to limit traffic hazards.
- (c) *Driveway standards; general.*
 - (1) A driveway permit is required as outlined in the procedures and permits article of this Development Code for any driveway entering an existing county road.
 - (2) Each driveway shall be constructed according to Town of Carl standards and in a manner that will not damage the adjacent roadway or hinder use of the adjacent roadway.
 - (3) Driveways shall not intersect adjacent roads at an interior angle less than 80 degrees.
 - (4) All waters from driveways must enter onto the shoulders of adjacent roads and into the ditch or gutter. No water shall enter onto the adjacent road surface or pavement.
 - (5) Any driveway entering on a roadway or street shall be sloped down from the street or roadway at a rate of one-half inch per one foot for a minimum of ten feet (except in major subdivisions).
 - a. At the ditchline, the driveway must be lower in elevation than the adjacent roadbed (except in major subdivisions).

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- b. The finished driveway surface within the right-of-way where it abuts the adjacent road must be no higher in elevation than the roadbed.
 - (6) As far as practical, all driveways must be located and constructed so as to maximize sight distance by those traversing the driveway or the adjacent road.
 - (7) In and around the first 50 feet of all driveway culverts, the slope of the land shall be at a grade of no more than three to one so as to enable to county to better maintain the culvert area.
 - (8) All driveway culvert pipes shall comply with the materials and installation requirements of this article.
 - (9) For common access driveways, the following additional standards shall apply.
 - a. Common access driveways shall be of sufficient dimensions so as to provide safe travel for vehicles and insure the safety of pedestrians. Where appropriate, the specific standards set forth below may be modified. The board of commissioners will give consideration to the number of residences on the common driveway, the character of the neighborhood, and the nature of the terrain over which the driveway passes.
 - b. Common access driveways shall have an easement width of not less than 24 feet and shall have a paved width of not less than 18 feet.
 - c. A three foot wide shoulder shall be constructed along each side of the paved driveway.
 - d. The minimum centerline radius shall be 60 feet.
 - e. Grades shall not exceed 12 percent and shall not exceed three percent within 50 feet of the street line.
 - f. Common access driveways shall not exceed 100 feet in length.
 - g. Common access driveways shall not be located nearer than 100 feet from any intersection.
 - h. Turnaround space shall be provided at the end of any common access driveway that does not have two intersections with the county road. Such turnaround shall be capable of serving all vehicles including ambulances, fire engines and police vehicles.
 - i. Common access driveways shall be completely defined by installing bounds (iron rods or pipes) at each point of change in direction of the easement lines.
 - (d) *Separation between driveways.*
 - (1) *Residential driveways.*
 - a. On subdivided lots that access an existing county road, the driveway shall be placed as far as possible from existing road intersections to maximize sight distance, but a minimum of 100 feet from any intersection and 40 feet from another curb cut. When this requirement cannot be met, the director of public works may approve an alternate separation that maximizes both the distance to the intersection and traffic safety considerations.
 - b. Minimum separation between driveways along the same side of an arterial or major collector road: 200 feet between centerlines as measured along the roadway edge or back of curb. Sight distance considerations may change this requirement to enhance safety as determined by the director of public works.
 - (2) *Nonresidential driveways.*
 - a. Minimum separation from a street intersection: 100 feet from centerline of driveway to nearest right-of-way line of the intersection street, extended. When this requirement cannot be met, the director of public works may approve an alternate separation that maximizes both the distance to the intersection and traffic safety considerations.

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- b. For any driveway on a major thoroughfare having a centerline between 100 feet and 200 feet from the intersection street right-of-way, access restrictions may be imposed to avoid traffic hazards.
 - c. Greater separation or additional improvements such as a free-right lane, acceleration or deceleration lane, may be required for safe operation.
 - d. Minimum separation between driveways along the same side of an arterial or major collector road: 200 feet between centerlines as measured along the roadway edge or back of curb. Sight distance considerations may change this requirement to enhance safety as determined by the director of public works.
 - e. Whenever possible, proposed driveways along one side of a street shall coincide with existing or proposed driveways on the opposite side of such street.
- (e) *Access easements for driveways.* Vehicular driveway access may be provided from a public street via easement in any one or more of the following circumstances:
- (1) The property existed in whole as a legal lot of record prior to the adoption of this Development Code, but does not meet the minimum frontage requirement of the applicable zoning district. The property must be served by an exclusive access easement, which shall be limited to the provision of access to only one principal use or structure on one lot.
 - (2) The access easement serves one single-family residence on a lot that is otherwise a buildable lot of record, and which is sharing a common driveway with one other single-family residence, both of which meet the minimum size, frontage, lot width and other requirements of this Development Code.
 - (3) The access easement was lawfully established as such prior to the adoption of this Development Code.
 - (4) The access easement serves a buildable lot of record that meets the minimum frontage requirements of this Development Code, but from which access cannot be achieved.
 - (5) The access easement is established in accordance with a planned common access driveway approved by the planning and community development director.
- (f) *Residential subdivision entrances.*
- (1) A single entrance road to a subdivision shall serve no more than 99 lots. When more than one entrance is required, the first additional entrance shall be provided to serve up to an additional 150 lots, and each additional entrance thereafter shall be provided for each additional 250 lots. Alternately, or in combination with additional subdivision entrances, improvements such as dedicated left-turning lanes, center turn lanes, merge lanes, signalization, etc., may be required based on the recommendations of a professionally prepared traffic study.
 - (2) Entrance streets to a residential subdivision containing 24 lots or more that is accessed from a collector or arterial road shall construct a deceleration lane at each entrance to the subdivision. See section 89-1187, below.
 - (3) Residential subdivisions with fewer than 24 lots whose entrance street is on an existing collector or arterial road shall install offset radii and 50-foot tapers.
 - (4) A residential major subdivision that is capable of generating 1,000 average daily vehicle trips or more shall be required to submit a traffic study acceptable to the director of public works to determine if additional improvements such as dedicated left-turning lanes, center turn lanes, merge lanes, signalization, etc., are required for safe traffic operations along the county road and at each entrance. If the traffic study determines that further steps should be taken to protect the traveling public, the director of public works shall impose the additional requirements.
- (g) *Commercial/industrial subdivision entrances.*

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- (1) A deceleration lane and any other access improvements as deemed necessary by the director of public works shall be installed at all entrance roads into a commercial or industrial subdivision. See section 89-1187, below.
 - (2) The director of public works may require a traffic study to determine if the project's size warrants a center turn lane, longer deceleration lane, an acceleration lane or other improvements. If the traffic study determines that further steps should be taken to protect the traveling public, the director of public works will impose the additional requirements.
- (h) *Driveways for multi-family and nonresidential developments.*
- (1) Multi-family and nonresidential developments shall install a deceleration lane at each driveway entrance connected to a major collector or arterial street. See section 89-1187, below.
 - (2) If a driveway entrance to a multi-family or nonresidential development is less than 200 feet from a street intersection, a continuous travel lane shall be constructed along the property's frontage from the intersecting street to the driveway in lieu of a deceleration lane.
 - (3) Service stations and other commercial businesses on corner lots that have frontage on interior subdivision streets shall have access only from the main street.
 - (4) The director of public works may require a traffic study to determine if a center turn lane, a longer deceleration lane, an acceleration lane or other improvements will be necessary. If the traffic study determines that the traffic generated by the project and the existing county road warrants it, the director of public works will require the additional improvements or other mitigating measures.
- (i) *Sight distances at driveways and project entrances.* If the sight distance required by this article cannot be met at a proposed driveway or development project entrance, the developer shall be required to upgrade the existing county road as needed to meet the sight distance requirements in order for the driveway or development project entrance to be approved.

(Ord. of 10-13-2020)

Sec. 89-1187. Deceleration lanes and turn lanes.

- (a) *Median breaks.* If the street has an existing or proposed median, and the developer desires to construct a median break to serve the development, a left turn lane leading to the median break shall be provided by the developer meeting the design standards of Town of Carl.
- (b) *Deceleration and turn lane construction standards.*
 - (1) Deceleration lanes and turn lanes shall be a minimum length of 150 feet, with an additional 50-foot taper length, and a pavement width of 12 feet (exclusive of curb and gutter). Additional right-of-way to accommodate the deceleration lane or turn lane and a ten-foot shoulder shall be dedicated by the developer to Town of Carl. Deceleration lanes and tapers may be required to be of greater length, based on the design speed of the road.
 - (2) Curb and gutter along all deceleration lanes and tapers are required, and shall be constructed in accordance with subsection 89-1183(e)(3). The curb and gutter may end at the termination of the full-width section of the deceleration lane unless the existing roadway beyond the deceleration lane has curb and gutter.
 - (3) Associated drainage improvements as deemed necessary by the construction of the deceleration or turn lane shall also be required.
 - (4) Other project access improvements may be required by the director of public works in addition to or in lieu of a required deceleration lane in order to ensure adequate site access, pedestrian access, convenience and safety to the motoring public, based on a traffic study prepared by a professional engineer for the developer.

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- (5) The developer will pay the cost of any catch basins that must be constructed along an existing county road as a result of the deceleration lane.
 - (6) All utilities and drainpipes shall be relocated at the developer's expense outside of the deceleration lane.
 - (7) In cases involving rock cuts, deep fills or cuts, proximity to floodplain, etc., the requirements of pavement widening for full deceleration lanes may be modified or waived by the director of public works following accepted engineering practice.

(Ord. of 10-13-2020)

Sec. 89-1188. Sidewalks

(a) Sidewalks; where required.

- (1) All new commercial and industrial streets shall have continuous sidewalks compliant with this section 89-1188 on both sides of the street, regardless of whether all lots are developed along the street.
- (2) All new residential subdivision streets shall have continuous sidewalks compliant with this section 89-1188 on at least one side of the street, regardless of the number of lots in the subdivision, regardless of the size of the lots in the subdivision, and regardless of whether all lots are developed along the street.

(b) Sidewalks; where located.

- (1) When required, sidewalks shall be located 18 inches from back of curb and gutter to edge of sidewalk. Where no curbing exists or future road improvements are anticipated, the sidewalks shall be placed in a location acceptable to the director of public works. All new sidewalks shall match and provide a smooth transition to any existing sidewalk. No sidewalk shall be located in any development unless first submitted and approved as part of the development plan.
- (2) Sidewalks, when required by this Development Code or other County ordinance, shall be located on both sides of the street within a subdivision, and along the side of any street that abuts a subdivision or development project.
- (3) Where future road improvements are anticipated, the sidewalks shall be placed in a location acceptable to the director of public works.
- (4) All new sidewalks shall match and provide a smooth transition to any existing sidewalk.

(c) Sidewalks; construction standards.

- (1) Sidewalks must comply with all requirements of the federal Americans with Disabilities Act.
- (2) Sidewalks shall be a minimum four feet wide and four inches thick.
- (3) Class "B" concrete sidewalks shall be 2,500 psi at 28 days' strength.
- (4) Slope: Sidewalk shall have a one-fourth inch per foot slope toward the street along the width of the sidewalk.
- (5) Height: The edge of the sidewalk nearest the curb and gutter shall be one-half inch higher than the top of the curb and gutter.

(Ord. of 10-13-2020)

Sec. 89-1189. Location of utilities and street cuts.

All utility work, encroachments, pavement cuts and associated road or lane closures must be reviewed, approved and permitted by the director of public works.

(a) Location of utilities in streets.

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- (1) Above-ground utilities. Street light poles, junction boxes, transformers and other public or private utility structures placed above ground within a street right-of-way must be at least eight feet back from the back of the street curb (or edge of pavement) and one foot back from the edge of any sidewalk, whichever is farthest from the roadway.
 - (2) Underground utilities.
 - a. All proposed public underground utilities shall be located within the right-of-way of a public street or within an easement designed for such use.
 - b. All electric, telephone, cable TV and other wires shall be placed underground in any major subdivision and in any multi-family or nonresidential development.
 - c. Utilities placed underground shall be placed within the right-of-way as shown on the standard details. Where required because of topography, location of existing utilities, or other factors, the director of public works may allow the installation of utilities in other areas.
 - d. No private improvements or permanent structures, such as private lawn sprinkler systems, yard lighting, and the like, shall be installed within a public right-of-way except by authorization of the public works director. Such authorization, if issued, shall require the owner to assume all repair costs of the owner's facilities should they become damaged.

(Ord. of 10-13-2020)

Sec. 89-1190. Storm drainage.

(a) *Applicability and exemptions.*

- (1) An adequate drainage system, designed in accordance with this section, including necessary ditches, pipes, culverts, drains, inlets, bridges, etc., shall be provided for the proper drainage of all surface water.
- (2) All persons proposing development or construction in the county shall prepare a stormwater management plan. The stormwater management plan shall address the requirements of this section, and the on-site drainage including lot-to-lot drainage and off-site impacts. The stormwater management plan shall also meet the minimum standards of the current edition of the "Georgia Stormwater Management Manual." No final subdivision plat shall be approved and no development or building permit shall be issued until and unless the stormwater management plan has been reviewed and approved by the planning and community development director, except as exempt below.
- (3) Exemptions from storm drainage requirements. The following development activities are exempt from the provisions of this section and the requirement of providing a stormwater management plan:
 - a. Agricultural land management.
 - b. Additions or modifications to existing single-family detached dwellings.
 - c. New construction of single-family detached dwellings on lots that are not included in a major subdivision.
 - d. Residential development consisting of single-family houses, each on a lot of two acres or greater.

(b) *Stormwater detention facilities.*

- (1) All development plans shall require a hydrology study certified by a registered design professional. If detention has been waived or provided in a previous phase or unit of development then a letter from the design professional with supporting documents shall be provided.
- (2) All stormwater detention facilities shall be designed to detain the one-year storm runoff, for the area draining to the pond, for 24 hours. For the project, this volume called the channel protection volume, shall be equal to or greater than the one-year storm runoff volume from the project. In addition, these

facilities shall control the peak flow rates associated with storms having two-year, five-year, ten-year, and 25-year return frequencies so that flows from the developed site do not exceed those associated with predevelopment conditions at the project boundary nor increase the peak flows downstream from the project to the point in the drainage basin where the project area is ten percent of the total basin. Where adverse impacts occur during the 100-year storm, the 100-year storm shall also be regulated.

- (3) To eliminate detention facilities for stormwater, a registered design professional shall evaluate the basin utilizing the ten percent rule as defined in the current edition of the "Georgia Stormwater Management Manual." The design professional shall demonstrate that post-developed peak flows at the ten percent point of analysis are not increased for all storm events up to and including the 25-year storm. Where adverse effects occur for the 100-year storm, the 100-year storm shall also be regulated.
- (4) Non-detained, post development runoff shall leave the project site as sheet flow and will not have an adverse impact on downstream properties.
- (5) Permanent detention facilities, when required, shall be designed so that the following standards shall apply:
 - a. The location and size of all proposed stormwater improvements shall be designed in accordance with and meet all standards relating to stormwater management of this Development Code and the current edition of the "Georgia Stormwater Management Manual."
 - b. Stormwater detention facilities providing for the storage and controlled release of runoff shall be required for any development activity that will increase the peak rate of discharge by one cubic foot per second or more for the ten-year frequency storm at any point of discharge from the property. All stormwater detention facilities shall be designed to control the runoff volumes associated with storms having two-year, five-year, ten-year and 25-year frequencies and safe overflow for 100-year storm.
 - c. The structure shall be constructed such that trash and pollutants are prevented from exiting the pond.
 - d. The reservoir routing method or an equivalent method shall be used in sizing detention ponds. (The bowstring method is not acceptable.)
 - e. An emergency overflow device (which does not include the throttling device) for a detention pond shall be designed to pass the 100-year peak developed inflow without overtopping the dam.
 - f. Pond discharge locations shall be in defined drainage ditches. The developer's engineer shall include in the hydrology study a discussion of existing conditions downstream of the detention pond and an explanation of how downstream property owners will not be adversely affected by the "concentrated" runoff from the project boundary up to and including the ten percent point of analysis.
 - g. The steepest fill slopes shall be 3:1. Cut slopes shall be no steeper than 2:1.
 - h. The top of the berm shall be a minimum of ten feet wide when 3:1 slopes are used.
 - i. Slopes shall be stable under all conditions including maintenance.
 - j. Full and living coverage of an approved permanent grass or ground cover devoid of noxious weeds shall be provided.
 - k. Fences are required around the perimeter of a detention facility except as provided by paragraph 3 of this subsection.
 1. The fence shall be commercial gage chain link fence of six feet in height with a 12-foot wide two-section gate aligned with the access easement. A ten-foot wide clear area shall be provided outside of the fenced area.
 2. The fence shall be constructed within the drainage easement for a detention pond and enclose the outlet piping.

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3. The director of public works may waive the fencing requirement if the slope of the interior side slopes of the detention facility is no more than 3:1, and the 100-year ponding depth is less than four feet.
 4. The director of public works may waive the fencing requirement in commercial developments when the detention facility is located more than 500 feet from a residential district, or in instances of unusual topography.
1. A silt gauge, consisting of a durable weather - resistant post, shall be installed and maintained on all normally dry detention facilities and sediment forebays. The post shall be installed at the lowest ground elevation of the detention facility or sediment forebay. The post shall be embedded a minimum of two feet into the ground and extend a minimum of five feet above ground. Numbers and adjacent tick marks must be on the post beginning with the number "1" at one foot above the post installation elevation and thereafter a number tick mark for each corresponding foot. Numbers and tick marks must be clear, readable, weather resistant, and durable. A comparable alternative may be used upon approval of the public works director.
- (6) As part of the hydrological study, the design professional shall complete a downstream analysis in accordance with the current edition of the "Georgia Stormwater Management Manual." Consideration shall be given to the flow capacity of downstream drainage structures from the property line up to and including the ten percent point of analysis. If the downstream system is inadequate, the developer is required to either improve the down stream drainage structure or provide additional storage in the detention facility.
 - (7) In approved cases, damming a natural basin with minimal clearing may provide the detention. In such cases:
 - a. The required discharge structure opening must be large enough to prevent stoppage from leaves and other debris naturally occurring. Also, the volume should be adequate to account for natural growth of vegetation.
 - b. Documentation shall be provided for the natural drainage way that it is not jurisdictional state waters or for an approved Georgia EPD Buffer Variance Application.
 - c. Documentation shall also be provided showing compliance with the Clean Water Act Section 404, permitting requirements.
 - d. Fencing of natural ponds shall be considered by the director of public works on a case-by-case basis.
 - (8) Detention facility location criteria. For purposes of these regulations, a detention facility shall be deemed to consist of the area within the maximum design ponding limits, the dam (if one) including all embankment slopes and wall footings (if applicable), primary and emergency outlet works, any drainage and access easements, and any energy dissipation devices.
 - a. In residential subdivisions, any required retention and/or detention areas shall be incorporated into the common areas of the residential development or incorporated into an individually platted parcel, which the homeowners association shall be responsible for its maintenance and continuing operation.
 - b. (In nonresidential subdivisions, the detention facility may be located on a separate lot and owned by a property owners' association, which shall be responsible for its maintenance and continuing operation; or located on each lot within the subdivision and constructed when the lot is developed.
 - c. In multi-family and nonresidential development projects, separate detention facilities shall be provided for each development. The owner of the property shall be responsible for maintenance and continuing operation of the facility.
 - d. The county may approve stormwater detention facilities serving two or more developments, provided that private ownership of the facilities and provisions for their perpetual maintenance and continuing operation are clearly established in a manner acceptable to the county attorney.

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- e. No portion of any detention facility shall disturb any required (as opposed to voluntary) buffer not otherwise authorized without first obtaining the required approvals.
- (9) *Detention facility easement requirements.*
- a. An easement at least 25 feet in width shall be required to provide access to all detention facilities from a public street. This easement shall be cleared, grubbed and/or graded so that it can be utilized by rubber-tired construction vehicles. The easement shall include a 15-foot access drive graded to maximum 15 percent grade. Its location shall be such as to minimize the amount of grading required.
 - b. Every normally dry detention basin or detention facility shall be completely enclosed within a drainage easement. The drainage easement shall extend at least ten feet beyond the limits of the detention facility and related facilities including fencing.
- (c) *Long-term maintenance and inspection of stormwater facilities and practices.*
- (1) Stormwater management facilities and practices must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the documents approved as part of the permitting process pertaining to those facilities/practices. If no such documents were required to be approved when the facility/practice was installed, the facility/practice must be maintained in good working condition.
 - (2) A stormwater management facility or practice shall be inspected on a periodic basis by the owner and/or operator of the subject property or other responsible person named in the applicable stormwater management facility maintenance agreement or plan. Those facilities which are subject to an approved maintenance agreement shall be inspected in accordance with that 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 stormwater department may notify the person responsible for carrying out the maintenance, or the property owner on which the facility exists, by registered or certified mail. The notice shall specify the need to comply with the agreement, the plan or, in the absence of an agreement or approved plan, standard maintenance practices and shall specify the time within which such measures shall be completed. If the responsible person fails or refuses to meet the requirements of the maintenance agreement or notice as provided herein, the stormwater department may correct the violation as provided in subsection (e) of this section.
 - (3) Inspection programs by the stormwater department 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.
- (d) *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 stormwater department when requested.
- (e) *Failure to maintain.* If a responsible person fails or refuses to meet the requirements of the maintenance agreement or the standards contained herein, the stormwater department, after ten days' written notice (except that, in the event the violation constitutes an immediate danger to public health or public safety, immediate action may be taken), 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 stormwater department may assess the owner 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.
- (f) *Alternate structural stormwater controls.*
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- a. All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the current edition of 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 current edition of the "Georgia Stormwater Management Manual," or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the county 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 county 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.
 - b. Applicants shall consult the current edition of the "Georgia Stormwater Management Manual" for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.
- (g) *Dam design guidelines.*
- (1) Any land disturbing activity that involves a site, which proposes a dam, shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.
- (h) *Stormwater management facility maintenance agreement.*
- (1) Prior to the issuance of any permit for a land development activity requiring a stormwater management facility or practice hereunder and for which the county 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 county, execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, that shall be binding in perpetuity on all subsequent owners of the site.
 - (2) The inspection and maintenance agreement, if applicable, must be approved by the county prior to plan approval, and recorded in the deed records upon final plat approval.
 - (3) The inspection and maintenance agreement shall identify by name or official title the person(s) responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate for each portion of the site, the entity to be responsible in perpetuity for its inspection and maintenance.
 - (4) The terms of the maintenance agreement shall provide for the county 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 article is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this article.
- (i) *Water quality treatment applicability.*
- (1) The provisions of this article shall be applicable to all land development within the unincorporated area of Town of Carl, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to subsection b. hereof. The provisions of this article further apply to any new development or redevelopment site that meets one or more of the following criteria:
 - a. New development that includes the creation or addition of 5,000 square feet or greater of new impervious surface area, or that involves land disturbing activity of one acre of land or greater;
 - b. Redevelopment that includes the creation, or addition of 5,000 square feet or greater of new impervious surface area, or that involves land disturbing activity of one acre or more;

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- c. Any commercial or industrial new development or redevelopment, regardless of size, with a Standard Industrial Classification (SIC) code that falls under the NPDES Industrial Stormwater Permit program, or is determined by the public works director of the county to be a hotspot land use; or
 - d. Land development activities that are smaller than the minimum applicability criteria set forth in subsections (i)(1) and (2) hereof if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place in connection with such development at different times on different schedules.
- (2) The following activities are exempt from this article:
- a. Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;
 - b. Additions or modifications to existing single-family or duplex residential structures that are not part of a subdivision or phased development project;
 - c. Agricultural or silvicultural land management activities within areas zoned for these activities; and
 - d. Repairs to any stormwater management facility or practice deemed necessary by the public works director of the county.
- (j) *Modifications for off-site facilities.*
- (1) The stormwater management plan for each land development project shall provide for stormwater management measures located on the site of the project, unless provisions are made to manage stormwater by an off-site or regional facility. The off-site or regional facility must be located on property legally dedicated for the purpose, must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices and there must be a legally-obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures shall be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.
- (2) A stormwater management plan must be submitted to the public works department that 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 public works department that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:
- a. Increased threat of flood damage to public health, life, and property;
 - b. Deterioration of existing culverts, bridges, dams, and other structures;
 - c. Accelerated streambank or streambed erosion or siltation;
 - d. Degradation of in-stream biological functions or habitat; or
 - e. Water quality impairment in violation of state water quality standards, and/or violation of any state or federal regulations.

(Ord. of 10-13-2020; Ord. of 4-13-2021, § 1)

Sec. 89-1191. Stormwater conveyance facilities.

- (a) *Storm drains.*
- (1) Sizing and location of all existing and proposed drainage structures shall be the responsibility of a registered design professional subject to approval by the director of public works.

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- (2) Storm drainage pipes shall be sloped so as to maintain a minimum velocity of three fps at design flow or lower so that sediment will not collect. Minimum slopes for RCP pipe shall be 0.5 percent, and for CMP pipe shall be one percent.
 - (3) State Highway Standard 1030D (or most current) shall be used in determining class (concrete) or gauge of pipe under fill, method of backfilling and pipe installation.
 - (4) Drainage formula used in determining size of drainage structure shall be determined by the developer's registered design professional according to accepted engineering practice, subject to approval of the director of public works.
 - (5) A registered design professional shall certify the storm drainpipe sizes with supporting calculations verifying capacity of the system.
 - (6) The 25-year storm event shall be used in designing the storm drains. In cases where a spring, creek, or other watercourse traverses the property, the 100-year storm event will be used for design. In cases where upstream property drains through the development, the storm drain system passing this flow shall be designed using the 100-year storm event for the area draining to the property. No increase in water surface elevation or ponding shall be allowed on upstream offsite property without consent of the upstream offsite property owner.
 - (7) Storm sewer catch basins, drop inlets, manholes, and junction boxes shall be designed by the developer's registered design professional to GDOT State Highway Standard Specifications and subject to final approval by the director of public works. Catch basins shall be located outside of intersection radii unless unusual circumstances cause undue hardship, in which case the director of public works may waive this requirement. Catch basins shall be constructed to GDOT standard specification 1033D or 1034D, as amended.
- (b) *Street drainage.*
- (1) Street water runoff shall be designed using the gutter spread formula and shall be limited to a maximum spread of eight feet.
 - a. Culs-de-sac on downhill street grades shall require catch basin throat design and cul-de-sac grading detail.
 - (2) Subdrainage will be installed to control the surplus ground water by intercepting sidehill seepage or by lowering or regulating the ground water level where such conditions exist.
 - (3) A certification by the supplier of the pipe specifications for each pipe shall be required before installation.
 - (4) Bridges shall be designed for a 100-year storm event with a minimum freeboard of 1.5 feet measured from the centerline of roadway.
 - (5) Provide riprap or other energy dissipation measure at all downstream discharge points of storm drains. The area of riprap or size/configuration of energy dissipation measure required shall be determined using design equations in the current edition of the "Georgia Stormwater Management Manual."
- (c) *Cross drain and side drain pipes.*
- (1) Cross drain and side drain pipes shall not be less than 18 inches in diameter when under the street. No storm drain pipe running parallel to the existing primary road shall be located beneath the proposed acceleration/deceleration lanes. The director of public works may modify or waive this requirement if unusual circumstances exist such as topography.
 - (2) The minimum allowable pipe diameter shall be 18 inches except driveway pipes may be a minimum of 15 inches.
 - (3) The inlet and outlet end of all storm drain pipes (except driveway pipe) shall have either flared-end sections or rectangular concrete headwalls that meet the standards of Georgia Department of

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- Transportation 1120 or 1125. Driveway pipe shall have safety flared end sections according to latest GDOT standards.
- (4) Storm drain pipes shall extend 50 feet back from the front building line with a minimum length of 120 feet on the downhill side of the road.
 - (5) Maximum continuous length of pipe shall be 200 feet for pipes less than 42 inches. Junction boxes or other manhole structures allowing access shall be installed in pipes longer than 200 feet.
 - (6) Junction boxes having access to the pipe shall be constructed to meet the requirements of State Standard 1011A (or most current).
- (d) *Stormwater channels.* All channels between storm drain pipes and downstream of storm drain pipe shall be designed by a registered design professional. The design plans shall show the velocity, depth and flow quantity for each channels. Stormwater velocity shall not exceed five fps during the 25-year storm event unless the channels are lined with riprap or other energy dissipation materials as approved by the director of public works. In addition, for channels passing flows from upstream properties, the channel shall be evaluated using the 100-year storm.
- (e) *Materials and installation.*
- (1) Table 10.7 sets out guidelines for the use of storm sewer pipes by pipe material and type of installation.
 - (2) All pipe materials shall meet the minimum requirements of the Georgia Department of Transportation's Standard Specification for Construction of Transportation Systems, most current edition.
 - (3) Pipe installation shall conform to Georgia Department of Transportation Standard Specifications for Construction of Roads and Bridges. Before any traffic over a storm drain is allowed, the developer shall provide an adequate depth and width of compacted backfill to protect the structure from damage or displacement. The developer shall remove any debris or silt that constricts the flow through a pipe as often as necessary to maintain drainage. All pipe structures shall be cleaned before the work is accepted. Any damage or displacement that may occur due to traffic or erosion shall be repaired or corrected at the developer's expense. Trench construction for storm drainage pipe shall be in accordance with State Highway Standard 1030D (or most current).
 - (4) Storm drainage pipe shall be bedded in Type 57 gravel if required due to pipe trench conditions.
 - (5) Backfilling of trenches shall be accomplished immediately after the pipe is laid. The fill around the pipe shall be placed in layers not to exceed six inches with each layer being thoroughly compacted. All material shall have an in place density of 98 percent standard proctor to a depth of six inches below the finished grade, and 95 percent standard proctor at depths greater than six inches below the finished grade. Compaction requirements shall be attained by the use of mechanical compaction methods. Each layer of backfill shall be placed loosely and thoroughly compacted in place.
 - (6) All backfill shall be non-plastic in nature, free from roots, vegetative matter, waste, construction material or other objectionable material. Said material shall be capable of being compacted by mechanical means and shall have no tendency to flow or behave in a plastic manner under the tamping blows.
 - (7) Material deemed by the director of public works as unsuitable for backfill purposes shall be removed and replaced with selected backfill material.
 - (8) Water shall not be permitted to rise in trenches that are not backfilled after the pipe has been placed.
 - (9) Benching is required in the bottom of all structures. The invert channels shall be constructed as to cause the least possible resistance to flow. The shapes of invert channels shall conform uniformly to inlet and outlet pipes. Inverts may also be precast into the structure.
- (f) *Minimum clearances.*
- (1) One foot between the bottom of the base or sub-base, if used, and the exterior crown of the culvert are required under the roadway.

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- (2) Pipes included in easements shall have a minimum cover of one foot or at the manufacturers' recommendations.
 - (3) A minimum of one foot between underground utilities and exterior crown of culverts.
- (g) *Driveway culverts.*
- (1) Where a wet weather drainage ditch exists between the proposed road and 20 feet into the lot, the design professional shall size the driveway culvert as if the driveway was at the lowest point on that lot. Sizing shall be based on the 25-year storm with one and one half foot of freeboard. The construction plans shall show the minimum driveway pipe size required.
 - (2) Driveway culverts in the right-of-way may be any of the types of pipe materials shown on
 - (3) Table 10.7 for longitudinal pipe installation.
 - (4) The inlet and outlet end of all driveway culverts shall have safety flared-end sections that meet the standards of Georgia Department of Transportation 1120 or 1125.
- (h) *Inspections.*
- (1) *Responsibility for inspection.* The developer's contractor will be responsible for the quality, accuracy and workmanship of the contractor's completed work. County personnel will review the quality of work during construction and oversee inspection on all installed infrastructure. The county shall have the right to review and inspect all construction and may reject any work that does not meet quality control standards.
 - (2) *Access to project.* Authorized representatives of the county, which may include county employees and the county engineering consultant, as well as state or federal agencies, shall have access to the site for inspection at any time.
 - (3) *Communications.* The developer, contractor(s) and the developer's professional responsible for construction will be required to attend a pre-construction conference with the county. At the pre-construction conference, the contractor will submit to the county, in writing, the date they propose to begin construction. The contractor will provide notification by phone any time the work is to be vacated for longer than 72 hours and will provide notice by phone prior to resuming work. The applicable county departments may have informal verbal communications with the contractor foreman or superintendent at any time during construction. The county will not direct the actions of contractor's workmen. Requests for inspections shall be made at least 24 hours prior to when the inspection is needed.
 - (4) *Concealed work.* The contractor shall notify the county and receive inspection approval prior to concealing certain work such as storm sewers and bedding, storm drainage structures, etc. Inspections shall be made and passed prior to continuation of further activity.
- (i) *Final acceptance.* The developer's professional will provide the county copies of as-built drawings. After the submittal of these items the county will schedule a final inspection. A representative of the developer's professional and the contractor will be present during this final inspection. This final inspection will generally include spot checks of storm sewers, drainage system, drainage easements, and a complete overview of the project. The developer shall be responsible for correcting any deficiencies identified in the final development inspection prior to approval.
- (j) *Responsibility for work.* References in this section to the various responsibilities of contractors and design professionals are to clarify the role each is expected to play in the permitting process. No such references relieve the owner from its ultimate responsibility for compliance with this section. The owner shall ensure that its contractors and design professionals comply with the requirements of this section.

Table 10.7: Selection Guidelines for Storm Sewer Piping*

	Reinforced Concrete AASHTO M-170	Corrugated Steel AASHTO M-36	Corrugated Steel AASHTO M-245	Corrugated Aluminum AASHTO M-196	Plastic AASHTO M-294	Reinforced Concrete Box Culvert
Type of Pipe Installation	Reinforced Concrete Pipe (RCP)	Aluminized Type II CMP	Polymer Coated CMP	Aluminum Alloy CMP	Corr. High Density Polyethylene Smooth Lined	Per Ga. DOT Standards
LONGITUDINAL Grade less than 10%	YES	YES	YES	YES	YES	n/a
LONGITUDINAL Grade 10% or more	NO	NO	YES	NO	YES	n/a
CROSS DRAIN Local Street	YES	NO	NO	NO	NO	n/a
CROSS DRAIN Collector or Arterial St.	YES	NO	NO	NO	NO	n/a
CROSS DRAIN 25 year flow < 200 cfs Fill depth < 18 feet	See Note 2	NO	NO	NO	NO	YES

* See corresponding notes below:

Note 1: Only reinforced concrete pipe (AASHTO M-170) shall be used inside the roadbed. Concrete pipe shall not be used on grades exceeding 10%. Metal and corrugated high density polyethylene pipe may be used outside the roadbed.

Note 2: Corrugated high density polyethylene pipe, smooth lined type "S" must be manufactured and installed in strict compliance with AASHTO M-294 and ASTM D-233.1. HDPE applications shall not exceed 48 inches in diameter.

Note 3: Reinforced concrete box culverts are required under excessive flow and/or fill depth conditions. Approved pipe materials may be utilized in some instances, based on the director of public works' assessment of existing conditions and future maintenance requirements.

Note 4: In the case of a flowing stream Reinforced concrete pipe (AASHTO M170), or Concrete Box Culvert, shall be used.

(Ord. of 10-13-2020; Ord. of 4-13-2021, §§ 2, 3)

Sec. 89-1192. Water systems.

(a) *Public water systems.*

- (1) Public water service shall be provided to every lot in every subdivision and to every development for both domestic use and fire protection if public water is available or under bid or contract to be available within 1,500 feet of the subdivision or development. Water mains shall be connected to the existing public water system and extended past each lot.
- (2) All water mains, fire hydrants and appurtenances shall be designed in accordance with the policies, standards, plans and specifications of the Town of Carl Fire Prevention Ordinance and the water system entity having jurisdiction.
- (3) The board of commissioners may waive or delay the requirement to connect to the public water system when in the best interests of Town of Carl.

(b) *Private water systems.*

- (1) If a public water system is not available nor under bid or contract to be available, the subdivider shall provide a water supply using a community water system or individual wells in conformity with applicable state regulations.
- (2) If a community water system is created, it must be designed to provide a minimum fire flow of 550 gallons per minute.
- (3) 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 shall also be indicated.

- (c) *Authority to restrict use of water.* In the case of a water shortage, the applicable jurisdiction may, by resolution or other established procedures, place restrictions upon the use of water by its customers which it deems necessary to protect the water supply. It shall be unlawful for any person to violate such restrictions.

(Ord. of 10-13-2020)

Sec. 89-1193. Sewerage system.

(a) *Public sewerage system.*

- (1) Sewer lines shall be connected to the sanitary sewerage system of the appropriate providing jurisdiction and extended past each lot in accordance with all requirements.
- (2) At the written instruction of the county health department, a connection to the public sewer shall be made within 90 days at the property owner's expense, and the individual on-site disposal system abandoned according to health department requirements.

(b) *Private wastewater disposal.*

- (1) If a public sewerage system is not available nor under bid or contract to be available, each lot shall be provided with septic tanks or other on-site disposal systems in accordance with the regulations of the Town of Carl Health Department, these development regulations and all other applicable laws and regulations.
- (2) The owner of a septic tank leach field system shall operate and maintain the private wastewater disposal facility in a sanitary manner at all times at no expense to the board of commissioners. Communal on-site sewage disposal is prohibited.
- (3) Privately financed wastewater disposal plants serving more than one residence or more than one property are prohibited.

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- a. If a property does not use an individual on-site sewage disposal system, it must be connected to a sewer leading to a public wastewater treatment facility except as follows:
 - b. A privately financed wastewater disposal plant serving a particular project or area may be approved by the board of commissioners if the plant will be built to standards established by the county, operated by or under the direction of the county, and will become owned by the county and an interconnected part of the county system when such becomes available to the site.
- (4) At such time as a public sewer becomes available to a commercial/industrial property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within 90 days in compliance with this article, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.
- (5) *Safety.* All excavations and operation areas for privately financed wastewater disposal systems shall be adequately guarded with barricades and lights so as to protect the public from hazard.

(Ord. of 10-13-2020)

Secs. 89-1194—89-1250. Reserved.

ARTICLE XI. LAND DEVELOPMENT ACTIVITIES

DIVISION 1. GENERALLY

Sec. 89-1251. Purpose of article.

This article contains the requirements that apply to carrying out the land development process, including site grading and land disturbance activities; addressing flood hazard areas; the installation of streets, drainage facilities and public utilities; and building construction.

(Ord. of 10-13-2020)

Sec. 89-1252. Overview—Project construction.

- (a) *Development activity.*
 - (1) *Preconstruction activity.* Following the issuance of any permit authorizing clearing and grading of a site, areas required to be undisturbed, such as natural buffers or stream greenways, must be designated and shall be inspected and approved by the planning and community development department prior to the commencement of any clearing or grading activities.
 - (2) *Grading.*
 - a. Grading shall be done in accordance with the lines and grades drawn on the approved grading plan.
 - b. Required erosion and sedimentation control measures and stormwater drainage facilities are to be installed in accordance with the approved plans as development progresses.
- (b) *Development phase inspections.* The owner or contractor shall make requests for inspections to the planning and community development department at least 48 hours prior to when the inspection is needed. Inspections shall be made and passed prior to continuation of further activity or proceeding into new phases. Inspections are required of each of the following phases, as applicable to the actual work to be performed under the development permit:

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- (1) Prior to clearing or clearing and grubbing of the property or any portion included under the development permit, and after certification by the registered design professional that prepared the plan, inspection of erosion and sedimentation control measures and protective devices for undisturbed areas. Inspections of erosion and sedimentation control measures will be conducted on a continuing basis.
 - (2) Upon completion of street grading, inspection and approval shall be required prior to trenching or continuation with subgrade preparation.
 - (3) Upon installation of storm drainage pipe, detention, or other stormwater facilities, inspection and approval shall be required.
 - (4) Street curbing and gutter (if provided). Inspection shall be requested after the subgrade is compacted and forms or string line have been set. Street width and vertical and horizontal alignment may be spot-checked.
 - (5) Sub-grade of streets. After compaction and receipt of test reports by the planning and community development department (as required under subsection 89-1260(g)), the sub-grade shall be roll tested with a fully loaded 18-ton tandem dump truck (confirmed via certified weight ticket), and shall pass to the satisfaction of the development inspector. "Pass" shall be defined as no appreciable movement under the tires during proof rolling.
 - (6) Street base. After receipt of test reports by the planning and community development department, the base may be string-lined for depth and crown. The street base may be roll-tested with an 18-ton tandem dump truck and shall pass to the satisfaction of the public works director.
 - (7) Paving. A development inspector will periodically be on site during the paving process to check consistency, depth, and workmanship, as applicable. For asphalt paving, the temperature of the material will be monitored and the street will be cored by the developer after completion to check thickness and density. Coring shall be completed at an interval of one core per 500 linear feet of roadway, with no less than one core obtained in each cul-de-sac. Each core shall measure 0.25 inch of the required thickness. Testing standards are shown on Table 11.2. No average thickness evaluation will be allowed. Pavement found to be less than the required thickness shall be removed and replaced with pavement meeting the specification. Overlay of pavement to bring the section into compliance may be allowed at the sole discretion of the director of public works. Satisfactory test results of the cores shall be delivered to the planning and community development department for review by the public works department prior to approval of a final subdivision plat or certificate of occupancy.
- (c) *As-built surveys.*
- (1) Upon completion of the development activity as authorized by the development permit and prior to final development inspection of public and private improvements, the owner shall submit to the public works department for review and approval a complete set of record drawings showing as-built conditions prepared by a registered land surveyor. The acceptance of as-built plans shall be a prerequisite to final construction acceptance, and the issuance of a final certificate of use and occupancy. Final inspections will not be made unless the as-built plans are available. These drawings shall show the location, vertical and horizontal alignment, and finished elevations of:
 - a. Drainage system pipes and channels.
 - b. Stormwater detention facilities, including a volume survey, grading and outlet control structure details (i.e., orifice elevations, sizes, weir sizes, etc.).
 - c. Sanitary sewer system (if any).
 - d. Water system.
 - e. Streets, including street centerlines showing angles of deflection and standard curve data of intersection, radii, length of tangents and arcs, and degree of curvature with basis of curve data.
 - f. Other features as needed to fully document as-built conditions.

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- (2) The as-built surveys shall be certified and sealed by the registered land surveyor, subject to the tolerances of accuracy indicated in the survey certification.
 - (3) The as-built surveys shall be accompanied by a certified as-built hydrology report prepared by a licensed professional engineer showing that the as-built facility complies with the stormwater regulations.
 - (4) The as-built surveys shall be submitted in hard copy format and in a digital format acceptable by the director of public works.
- (d) *Final development inspection.*
- (1) Following submission and review of the as-built surveys and as-built hydrology report, the public works department shall conduct a final development inspection of the project.
 - (2) The owner shall be responsible for correcting any deficiencies identified in the final development inspection prior to approval of a final subdivision plat.
- (e) *Maintenance and performance guarantees.*
- (1) Prior to approval of a final subdivision plat, or issuance of a certificate of occupancy for a multi-family or nonresidential development project, maintenance and performance guarantees, in forms as described in this section below, are required for all public improvements shown on the as-built surveys. The owner shall be responsible for maintenance of all such public improvements for one and one-half years from the date of issuance of the certificate of occupancy or final subdivision plat approval, as applicable, and for topping of roads pursuant to subsection 89-1180(c) and (d) of Article X.
 - (2) The value of the maintenance guarantee shall be equal to 33 percent of the actual cost of construction of the public improvements shown on the as-built surveys. Copies of contractor agreements or actual invoices paid, or as otherwise determined by the public works director, shall evidence the cost of construction. The value of the performance guarantees shall be determined in accordance with subsection 89-1180(c) and (d) of Article X.
 - (3) Repairs shall be made for any deficiencies identified within the bonding period of the guarantees or the guarantees shall be called upon to complete same.
 - (4) Any guarantee required pursuant to this article shall be in one of three forms: 1) in a form provided by the county and by a surety in good standing with the Georgia Insurance and Fire Safety Commissioner's Office and listed in Circular 570 (Federal Register Vol. 62, No. 126) among companies holding certificates of authority as acceptable sureties on federal bonds and as acceptable reinsuring companies; 2) a cash guarantee in a form provided by the county; or 3) an irrevocable letter of credit or commitment upon which the county can draw from a bank or other financial institution in a form acceptable to the county. These three options are referred to collectively herein as the "guarantees."
 - (5) A maintenance guarantee for the water system improvements and the sanitary facilities may be required separately by the authority having jurisdiction, in accordance with their regulations. For both the water system and sewer system improvements, the developer shall be responsible for maintenance of all water and sewer mains and appurtenances for one year from the date of approval of the certificate of development conformance by correcting all defects or deficiencies in materials and workmanship.
 - (6) In cases where the maintenance and performance guarantees are to cover a second phase or any other later stage of a development project governed by this article, said guarantees shall be required to be extended in amount and application to cover the original phase of the project in addition to said later phase for the same period of application as set out in this Development Code if the later phase will utilize the same entrance-street as that used by the original phase of the project.
 - (7) The maintenance guarantee shall include the estimated cost for maintenance of the drainage and detention pond facilities during the one and one-half-year maintenance period. Maintenance shall include repair of erosion controls, removal of silt from detention ponds and other items pertinent to the drainage system for each development.

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- (8) In the event the development has not completed at least 90 percent build out by the end of the original guarantee period, the guarantee shall be renewed in 18-month intervals until 90 percent build out is achieved (i.e. certificate of occupancy is issued on 90 percent of the homes).
 - (9) When all of the following four conditions are met, this subsection (9) shall apply:
 - a. A final subdivision plat has been approved;
 - b. The original owner of the subdivision at the time of approval of the subdivision plat no longer owns any lots in said subdivision, has filed for bankruptcy, or is otherwise determined to be insolvent;
 - c. Either no maintenance guarantee or performance guarantee is in place for the subdivision; and
 - d. More than one person or entity owns undeveloped lots (i.e. lots without a certificate of occupancy) in said subdivision such that posting of a guarantee(s) for the entire subdivision is not feasible.

In the event of the fulfillment of the above-stated four conditions, the county may, in its discretion, accept from the applicant for a building permit or for a certificate of occupancy for any lot or series of lots, a cash guarantee in the amount of a by-lot, pro-rata portion of the amount of the applicable guarantee that would otherwise be required for the entire subdivision, in lieu of the guarantees required to provide for maintenance and performance requirements for the entire subdivision. By way of example, in a 100-lot subdivision for which the normal required maintenance guarantee would be \$10,000.00 and the normal performance guarantee would be \$20,000.00, an applicant for one lot could provide a cash maintenance guarantee in the amount of \$100.00 and a cash performance guarantee in the amount of \$200.00; an applicant for two lots could provide a cash maintenance guarantee in the amount of \$200.00 and a cash performance guarantee in the amount of \$400.00. This subsection (9) is intended to apply only in exceptional circumstances where neither the original subdivision owner nor their successor in interest exists or is solvent and multiple builders have purchased lots in the subdivision, and only in order for the county to ensure a funding source for the maintenance and performance costs associated with the subdivision.

(f) *Abandoned projects.*

- (1) A development permit shall expire by limitation and shall become null and void if the project has not been completed and the final plat issued within five years of approval of such permit. The planning and community development director may grant a one year extension provided such extension is requested by the permit holder in writing prior to expiration of the permit and justifiable cause is demonstrated.
- (2) Projects with expired permits may re-apply for consideration under the standards in effect at the time of re-submission.
- (3) Any project whose permit has lapsed under the terms expressed in this Development Code shall immediately proceed to stabilize all disturbed areas. This responsibility shall fall upon the owner, developer, contractor, or any and all.

(Ord. of 10-13-2020; Ord. of 4-13-2021, § 4)

Sec. 89-1253. Site clearing and grading.

(a) *Development permit required.*

- (1) Clearing and grading shall not proceed until issuance of an approved development permit. See the procedures and permits article of this Development Code for details.
 - (2) Grading shall be done in accordance with the lines and grades drawn on the approved grading plan.
- (b) *Erosion and sedimentation control measures.* Required erosion and sedimentation control measures must be installed in accordance with the approved soil erosion and sedimentation control plan prior to any major development activity and as development progresses.
- (c) *Stormwater drainage facilities.* Required stormwater drainage facilities are to be installed in accordance with the approved stormwater management plan as development progresses.

(d) *Clearing and grubbing.*

- (1) The entire area within the typical grading section shall be cleared and grubbed of all trees, bushes, stumps and debris. Such debris shall be disposed of in a lawful manner. Burial of clearing and grubbing debris on-site is not authorized.
- (2) Grading plans shall outline the areas, which are required to remain undisturbed, including tree protection areas, buffers and shall indicate protective fencing to be placed surrounding such areas.
- (3) Grading plans shall show existing and proposed contour lines at an interval of no more than two feet with additional spot elevations for critical areas.

(e) *Earthen embankments.* Earthen embankments shall be placed in uniform layers not to exceed a compacted thickness of six inches per layer and shall be compacted to a density of 95 percent of the maximum laboratory dry weight per cubic foot as determined by standard proctor test method in all areas where structures, parking lots and drives streets, and utilities are to be placed. If necessary in order to obtain this compaction, the contractor shall add moisture to the material as it is placed. All other embankments are to be compacted to at least 90 percent. Floodproofing shall be accomplished prior to placement of embankments to detect soft spots.

(f) *Slopes.*

- (1) The maximum slope for all cut or fill slopes shall be as shown on Table 11.1.
- (2) The depth of cut referenced in the table shall be construed to be the maximum cut or fill occurring in any one section of cut or fill. The slope on cut or fill shall be uniform throughout for each section of cut or fill, except when the director of public works approves benching. When a cut is made in rock that requires blasting, slope may be changed to vertical slope may be steeper if pre-splitting is employed and upon submission of a certified geotechnical report which substantiates the integrity of the rock in the steeper condition, subject to review and approval of the director of public works.
- (3) Some soils exhibit a low shearing and resistance and a low cohesiveness. These soils typically are micaceous silts and sandy soils with little or no clay. If the 2:1 slope shows evidence of shearing, noncohesiveness, sliding, or an inability to maintain compaction, the slope shall be stabilized at 3:1 or by using such mechanical methods as needed, such as retaining walls or "grow mats" stapled in place to maintain slope height and integrity.

Table 11.1: Maximum Cut or Fill Slopes

Depth of Cut or Fill	Cut Slopes*	Fill Slopes*
2 feet or less	2 to 1	3 to 1
2 feet to 5 feet	2 to 1	3 to 1
Over 5 feet	2 to 1	3 to 1**

* Maximum distance of run to rise.

** Guardrails required.

(g) *Construction waste materials.* Construction waste material at construction sites shall be managed in accordance with Chapter 78, Article II of this Development Code.

(Ord. of 10-13-2020)

DIVISION 2. TOWN OF CARL SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE

Sec. 89-1254. Soil erosion, sedimentation and pollution control—Generally.

- (a) *Purpose and intent.* The purpose of this section is to control erosion, sedimentation and pollution by requiring proper provisions for stormwater runoff and the protection of soil surfaces during and after any land disturbing activity so as to promote the safety, public health and general welfare of the people of the county.
- (b) *Definitions related to erosion, sedimentation and pollution control.* The following definitions are specific to erosion, sedimentation, and pollution control and shall apply in the interpretation and enforcement of this Division, unless otherwise specifically stated. General definitions that may also apply can be found in the glossary in Section 89-10.

Best Management Practices (BMPs): These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the 'Manual for Erosion and Sediment Control in Georgia' published by the commission as of January 1 of the year in which the land-disturbing activity was permitted.

Board: The board of natural resources.

Buffer: The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Certified personnel: A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

Coastal marshlands: Shall have the same meaning as in O.C.G.A. § 12-5-282.

Commission: The Georgia Soil and Water Conservation Commission (GSWCC).

CPESC: Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.

Cut: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as excavation.

Department: The Georgia Department of Natural Resources (DNR).

Design professional: A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

Director: The Director of the Environmental Protection Division or an authorized representative.

District: The Oconee Soil and Water Conservation District.

Division: The Environmental Protection Division (EPD) of the Department of Natural Resources.

Erosion, Sedimentation and Pollution Control Plan: A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protections at least as stringent as the state general permit, best management practices, and requirements in section 89-1254.7(c) of this ordinance.

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

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.

Nephelometric Turbidity Units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed or suspended particles are present.

NOI: A notice of intent form provided by EPD for coverage under the State General Permit.

NOT: A notice of termination form provided by EPD to terminate coverage under the state general permit.

Operator: The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

Outfall: The location where 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.

Permit: The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.

Phase or phased: Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

Properly designed: Designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the commission up until the date of NOI submittal.

(Ord. of 10-13-2020)

Sec. 89-1254.5. Exemptions.

This section shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

- (a) Surface mining, as the same is defined in O.C.G.A. § 12-4-72, "The Georgia Surface Mining Act of 1968";
- (b) Granite quarrying and land clearing for such quarrying;
- (c) Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
- (d) The construction of single-family residences, when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. § 12-7-6 and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters.

For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of subsection (b) of O.C.G.A. § 12-7-6 and the buffer zones provided by this paragraph shall be enforced by the local issuing authority;

- (e) Agricultural operations as defined in O.C.G.A. § 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
- (f) Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (15) and (16) of section 89-1254.7(c). of this ordinance, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;
- (g) Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;
- (h) Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "state waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the local issuing authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;
- (i) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the department of transportation, the Georgia Highway Authority, or the state road and tollway authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the department of transportation or the state road and tollway authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. § 12-7-7.1; except where the department of transportation, the Georgia Highway Authority, or the state road and tollway authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the local issuing authority, the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;
- (j) Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the public service commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the public service commission, any utility under the regulatory jurisdiction of the Federal

Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and

- (k) Any public water system reservoir.

(Ord. of 10-13-2020)

Sec. 89-1254.7. Minimum requirements for erosion, sedimentation and pollution control using best management practices.

- (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 ordinance shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices.
- (1) The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of section 89-1254.7(b) and (c) of this ordinance.
 - (2) The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this ordinance and the NPDES General Permit.
- (b) *Minimum requirements/BMPs.*
- (1) Best management practices as set forth in section 89-1254.7(b) and (c) of this ordinance shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to subsection (f) of O.C.G.A. § 12-5-30, the "Georgia Water Quality Control Act". As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6 subsection (b).
 - (2) A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to subsection (f) of O.C.G.A. § 12-5-30, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than ten nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the director. This paragraph shall not apply to any land disturbance associated with the construction of single-family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.
 - (3) Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to subsection (f) of code section 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.

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- (4) The director may require, in accordance with regulations adopted by the board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.
 - (5) The LIA may set more stringent buffer requirements than stated in section 89-1254.7(c)(15), (16) and (17), in light of O.C.G.A. § 12-7-6 (c).
- (c) The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. § 12-7-1 et. seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:
- (1) Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
 - (2) Cut-fill operations must be kept to a minimum;
 - (3) Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
 - (4) Whenever feasible, natural vegetation shall be retained, protected and supplemented;
 - (5) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
 - (6) Disturbed soil shall be stabilized as quickly as practicable;
 - (7) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
 - (8) Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
 - (9) To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1 et. seq.;
 - (10) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
 - (11) Cuts and fills may not endanger adjoining property;
 - (12) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
 - (13) Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
 - (14) Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in section 89-1254.7(b)(2) of this ordinance;
 - (15) Except as provided in paragraph (16) and (17) of this subsection, there is established a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to O.C.G.A. § 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or where bulkheads and sea walls are installed to prevent shoreline

erosion on Lake Oconee and Lake Sinclair; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow, Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the director as provided in this paragraph. The following requirements shall apply to any such buffer:

- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
 - b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:
 - (i) stream crossings for water lines; or (ii) stream crossings for sewer lines; and
- (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, 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 shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
 - b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:
 - (i) stream crossings for water lines; or (ii) stream crossings for sewer lines; and
- (17) There is established a 25-foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, as determined in accordance with Chapter 5 of Title 12 of this title, the

"Coastal Marshlands Protection Act of 1970." And the rules and regulations promulgated thereunder, except where the director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to code section 12-2-8, where an alteration within the buffer area has been authorized pursuant to code section 12-5-286, for maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, where a drainage structure or roadway drainage structure is constructed or maintained; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, on the landward side of any currently serviceable shoreline stabilization structure, or for the maintenance of any manmade stormwater detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented. For the purposes of this paragraph maintenance shall be defined as actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope or size of the original design and serviceable shall be defined as usable in its current state or with minor maintenance but not so degraded as to essentially require reconstruction.

- 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; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat; and
 - b. The buffer shall not apply to crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer, provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.
 - c. The buffer shall not apply to any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014, and prior to December 31, 2015; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented or any lot for which the preliminary plat has been approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines have been extended to such lot prior to the effective date of this Act and if the requirement to maintain a 25-foot buffer would consume at least 18 percent of the high ground of the platted lot otherwise available for development; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.
 - d. Activities where the area within the buffer is not more than 500 square feet or that have a "minor buffer impact" as defined in 391-3-7-.01(r), provided that the total area of buffer impacts is less than 5,000 square feet are deemed to have an approved buffer variance by rule. Bank stabilization structures are not eligible for coverage under the variance by rule and notification shall be made to the division at least 14 days prior to the commencement of land disturbing activities.
- (d) Nothing contained in O.C.G.A. § 12-7-1 et. seq. shall prevent any local issuing authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in section 89-1254.7(b) and (c) of this ordinance.

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- (e) The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

(Ord. of 10-13-2020)

Sec. 89-1255. Permit application and plan requirements.

- (a) *General.* The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The local issuing authority shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, storm water management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the local issuing authority. However, the owner and/or operator are the only parties who may obtain a permit.
- (b) *Application requirements.*
- (1) No person shall conduct any land-disturbing activity within the jurisdictional boundaries of Town of Carl without first obtaining a permit from the department of planning and development to perform such activity and providing a copy of notice of intent submitted to EPD if applicable.
 - (2) The application for a permit shall be submitted to the department of planning and development and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in section 89-1255(c) of this section. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of section 89-1254.7(b) and (c) of this ordinance will be met. Applications for a permit will not be accepted unless accompanied by ten copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.10.
 - (3) In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. § 12-5-23, provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. § 12-7-8 half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. § 12-7-17 shall be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.
 - (4) Immediately upon receipt of an application and plan for a permit, the local issuing authority shall refer the application and plan to the district for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The district shall approve or disapprove a plan within 35 days of receipt. Failure of the district to act within 35 days shall be considered an approval of the pending plan. The results of the district review shall be forwarded to the local issuing authority. No permit will be issued unless the plan has been approved by the district, and any variances required by section 89-1254.7(c)(15), (16) and (17) have been obtained, all fees have been paid, and bonding, if required as per section 89-1255(b)(6) have been obtained. Such review will not be required if the local issuing authority and the district have entered into an agreement which allows the local issuing authority to conduct such review and approval of the plan without referring the application and plan to the district. The local issuing authority with plan review authority shall approve or disapprove a revised plan submittal within 35 days of receipt. Failure of the local issuing authority with plan review authority to act within 35 days shall be considered an approval of the revised plan submittal.

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- (5) If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the local issuing authority may deny the permit application.
 - (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, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the local issuing
- (c) *Plan requirements.*
- (1) Plans must be prepared to meet the minimum requirements as contained in section 89-1254.7(b) and (c) of this ordinance, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The Manual for Erosion and Sediment Control in Georgia is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances and state laws. The plan shall be consistent with all other materials submitted to the reviewing authority as part of the plat, development site plan or development permit approval process. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional, and the local issuing authority shall be entitled to, but need not, rely on the signature and seal of the certified design professional as a representation of the accuracy of all plans and compliance of such plans with the above-stated requirements. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the commission and in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.
 - (2) Data required for site plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the commission as of January 1 of the year in which the land-disturbing activity was permitted.
- (d) *Permits.*
- (1) Permits shall be issued or denied as soon as practicable but in any event not later than 45 days after receipt by the local issuing authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.
 - (2) No permit shall be issued by the local issuing authority unless the erosion, sedimentation and pollution control plan has been approved by the district and the local issuing authority has affirmatively determined that the plan is in compliance with this ordinance, any variances required by section 89-1254.7(c)(15), (16) and (17) are obtained, bonding requirements, if necessary, as per section 89-1255(b)(6) are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the local issuing authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
 - (3) Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this ordinance, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.
 - (4) If the tract is to be developed in phases, then a separate permit shall be required for each phase.

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- (5) The permit may be suspended, revoked, or modified by the local issuing authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this 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 three years prior to the date of the application, in light of O.C.G.A. § 12-7-7 (f) (1).

(Ord. of 10-13-2020)

Sec. 89-1256. Administration and inspections.

(a) *Inspection and enforcement.*

- (1) The department of planning and development will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the local issuing authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit.
 - a. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities.
 - b. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities.
 - c. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities.
 - d. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance.
- (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 director of the department of planning and development shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- (4) No person shall refuse entry or access to any authorized representative or agent of the local issuing authority, the commission, the district, or division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
- (5) The district or the commission or both shall semi-annually review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8(a). The district or the commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The district or the commission shall notify the division and request investigation by the division if any deficient or ineffective local program is found.

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- (6) The division may periodically review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to code section 12-7-8(a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. § 12-7-8(a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. § 12-7-7(e), the division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a local issuing authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a local issuing authority.

(Ord. of 10-13-2020)

Sec. 89-1257. 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 ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the local issuing authority.
- (b) *Stop-work orders.*
- (1) For the first and second violations of the provisions of this ordinance, the director or the local issuing authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the director or the local issuing authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the director or the local issuing authority shall issue an immediate stop-work order in lieu of a warning;
 - (2) For a third and each subsequent violation, the director or the local issuing authority shall issue an immediate stop-work order; and;
 - (3) All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
 - (4) When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the local issuing authority or by the director or his or her designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop-work order shall be issued by the local issuing authority or by the director or his or her designee. All such stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop-work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.
- (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 shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of section 89-1255(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.*

- (1) Any person who violates any provisions of this ordinance, or any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the director issued as provided in this ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any Town charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this ordinance under county ordinances approved under this ordinance shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

(Ord. of 10-13-2020)

Sec. 89-1257.5. Education and certification.

- (a) Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.
- (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, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.
- (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 ordinance.
- (d) If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. § 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A. § 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

(Ord. of 10-13-2020)

Sec. 89-1257.7. Administrative appeal judicial review.

- (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; shall entitle the person submitting the plan or holding the permit to a hearing before the board of commissioners within 60 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 his administrative remedies, shall have the right to appeal denovo to the Superior Court of Town of Carl, Georgia.

DIVISION 3. FLOOD DAMAGE PREVENTION ORDINANCE

Sec. 89-1258. Flood damage prevention.

(a) *Statutory authorization, findings of fact, purpose and objectives.*

(1) *Authorization.* Article IX, Section II of the Constitution of the State of Georgia and O.C.G.A § 36-1-20(a) have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Carl Board of Commissioners, of Town of Carl, Georgia, does ordain as follows:

(2) *Findings of fact.*

- a. The flood hazard areas of Town of Carl, Georgia are subject to periodic inundation which can 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.
- b. These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

(3) *Statement of purpose.* It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a. Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- b. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
- c. Control filling, grading, dredging and other development which may increase flood damage or erosion;
- d. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands; and
- e. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

(4) *Objectives.* The objectives of this ordinance are:

- a. To protect human life and health;
- b. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- c. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas;
- d. To minimize expenditure of public money for costly flood control projects;
- e. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- f. To minimize prolonged business interruptions; and

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- g. To ensure that potential homebuyers are notified that property is in a flood area.
- (b) *General provisions.*
- (1) *Lands to which this ordinance applies.* This ordinance shall apply to all areas of special flood hazard within the jurisdiction of Town of Carl, Georgia.
 - (2) *Basis for area of special flood hazard.* The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS), dated October 16, 1991, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this ordinance.
 - (3) Areas of special flood hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS. (No Known Flood Hazards).
 - (4) The Repository for public inspection of the Flood Insurance Study (FIS), accompanying maps and other supporting data is located: Town of Carl Department of Community and County Development, 233 East Broad Street, Winder, GA 30680.
 - (5) *Establishment of development permit.* A development permit shall be required in conformance with the provisions of this ordinance PRIOR to the commencement of any development activities.
 - (6) *Compliance.* No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations.
 - (7) *Abrogation and greater restrictions.* This ordinance is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
 - (8) *Interpretation.* In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state or federal statutes.
 - (9) *Warning and disclaimer of liability.* The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Carl or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
 - (10) *Penalties for violation.* Failure to comply with the provisions of this ordinance or with any of its requirements, including conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a violation and shall be unlawful. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$1,000.00 or imprisoned for not more than five days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Carl Board of Commissioners from taking such other lawful actions as is necessary to prevent or remedy any violation.
- (c) *Administration.*
- (1) *Designation of ordinance administrator.* The Town of Carl Planning and Community Development Director is hereby appointed to administer and implement the provisions of this ordinance.
 - (2) *Permit procedures.* Application for a development permit shall be made to the Planning and Community Development Department on forms furnished by the Planning and Community Development Department **PRIOR** to any development activities.

The permit application may include, but not be limited to the following: plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following information is required:

a. *Application stage.*

1. Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
2. Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
3. Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of subsection(d)(2)b.; and
4. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development.

b. *Construction stage.* For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the regulatory floor elevation or flood-proofing level immediately after the lowest floor or flood proofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to submission of these certifications shall be at the permit holder's risk.

The Town of Carl Department of Community and County Development Director shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work occurring. Failure to submit certification or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

c. *Duties and responsibilities of the administrator.* Duties of the Town of Carl Department of Community and County Development Director shall include, but shall not be limited to:

1. Review proposed development to assure that the permit requirements of this ordinance have been satisfied.
2. Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.
3. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
4. When base flood elevation data or floodway data have not been provided in accordance with subsection (b)(2), then the Town of Carl Department of Community and County Development Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other sources in order to administer the provisions of subsection (d).
5. Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with subsection(c)(2)b.

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6. Review and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with subsection (c)(2)b.
 7. When flood-proofing is utilized for a structure, the Town of Carl Department of Community & County Development Director shall obtain certification of design criteria from a registered professional engineer or architect in accordance with subsection (c)(2)a.3. and (d)(2).b or (d)(4)b.
 8. Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.
 9. Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
 10. For any altered or relocated watercourse, submit engineering data/analysis within six months to the FEMA to ensure accuracy of county flood maps through the letter of map revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
 11. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Town of Carl Department of Community and County Development 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 Ordinance.
 12. All records pertaining to the provisions of this ordinance shall be maintained in the office of the Town of Carl Department of Community and County Development Director and shall be open for public inspection.

(d) *Provisions for flood hazard reduction.*

(1) *General standards.* In **ALL** Areas of Special Flood Hazard the following provisions are required:

- a. New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- b. New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- c. New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- d. 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 shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
 1. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - i. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - ii. The bottom of all openings shall be no higher than one foot above grade; and
 - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both direction.

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2. So as not to violate any requirements of this division regarding "lowest floors" the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and
 3. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- e. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - f. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state and federal requirements for resisting wind forces;
 - g. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - h. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
 - i. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and
 - j. Any alteration, repair, reconstruction or improvement to a structure, which structure is not compliant with the provisions of this ordinance, shall be undertaken only if the non-conformity is not furthered, extended or replaced.
- (2) *Specific standards.* In **ALL** Areas of Special Flood Hazard the following provisions are required:
- a. *New construction and/or substantial improvements.* Where base flood elevation data are available, new construction and/or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than **one foot** above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with standards of subsection (d)(1)a.4., "Elevated Buildings."
 1. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above one foot above the base flood elevation.
 - b. *Non-residential construction.* New construction and/or the substantial improvement of any structure located in A1—30, AE, or AH Zones, may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to **one foot** above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in subsection (c)(3)f.
 - c. *Standards for manufactured homes and recreational vehicles.* Where base flood elevation data are available.
 1. All manufactured homes placed and/or substantially improved on: (1) individual lots or parcels, (2) in new and/or substantially improved manufactured home parks or subdivisions, (3) in expansions to existing manufactured home parks or subdivisions, or (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred

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- "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than **one foot** above the base flood elevation.
2. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
 - i. The lowest floor of the manufactured home is elevated no lower than **one foot** above the level of the base flood elevation; or
 - ii. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.
 3. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Ref. subsection (d)(1)f. above)
 4. All recreational vehicles placed on sites must either:
 - i. Be on the site for fewer than 180 consecutive days;
 - ii. Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
 - iii. The recreational vehicle must meet all the requirements for "New Construction," including the anchoring and elevation requirements of subsection (d)(2)c.1.—3., above.
- d. *Floodway*. Located within Areas of Special Flood Hazard established in subsection (b)(2), are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:
1. Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in **any** increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
 2. **ONLY** if subsection (d)(2)d.1. above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of
- (3) *Building standards for streams without established base flood elevations and/or floodway (A-Zones)*. Located within the Areas of Special Flood Hazard established in subsection(b)(2), where streams exist but no base flood data have been provided (A-Zones), **OR** where base flood data have been provided but a Floodway has not been delineated, the following provisions apply:
- a. When base flood elevation data or floodway data have not been provided in accordance with subsection (b)(2), then the Town of Carl Department of Community and County Development Director shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of subsection (d) **ONLY** if data are not available from these sources, then the following provisions (b and c.) shall apply:
 - b. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or 20 feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such

encroachment shall not result in more than a **one foot** increase in flood levels during the occurrence of the base flood discharge; and

- c. In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than **three feet** above the highest adjacent grade at the building site. (**NOTE:** Require the lowest floor to be elevated **one foot** above the estimated base flood elevation in A-Zone areas where a Limited Detail Study has been completed). Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection(d)(1)d. "Elevated Buildings."

1. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated no less than **three feet** above the highest adjacent grade at the building site.

The Town of Carl Department of Community and County Development Director shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

- (4) *Standards for areas of special flood hazard (Zones AE) with established base flood elevations without designated floodways.* Located within the areas of special flood hazard established in subsection (b)(2), where streams with base flood elevations are provided but no floodways have been designated, (Zones AE) the following provisions apply:

- a. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than **one foot** at any point within the county. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- b. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with subsection(d)(2).

- (5) *Standards for areas of subsection shallow flooding (AO Zones).* Areas of special flood hazard established in (b)(2), may include designated "AO" shallow flooding areas. These areas have base flood depths of **one to three feet** above ground, with no clearly defined channel. The following provisions apply:

- a. All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of subsection (d)(1)d., "Elevated Buildings."

The Town of Carl Department of Community & County Development Director shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

- b. New construction or the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus **one foot**, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in subsections(c)(2)a.3. and (c)(2)b.

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- c. Drainage paths shall be provided to guide floodwater around and away from any proposed structure.
 - (6) *Standards for subdivisions and/or development proposals.*
 - a. All subdivision and/or development proposals shall be consistent with the need to minimize flood damage and shall be reasonably safe from flooding;
 - b. All subdivision and/or development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
 - c. All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
 - d. For subdivisions and/or developments greater than **50 lots or five acres**, whichever is less, base flood elevation data shall be provided for subdivision and all other proposed development, including manufactured home parks and subdivisions. Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable. Upon completion of the project, the developer is responsible for submitting the "as-built" data to FEMA in order to obtain the final CLOMR or CLOMA.
 - (7) *Standards for critical facilities.*
 - a. Critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain.
 - b. All ingress and egress from any critical facility must be protected to the 500-year flood elevation.
 - (e) *Variance procedures.*
 - (1) The Town of Carl Board of Commissioners shall hear and decide requests for appeals or variance from the requirements of this ordinance.
 - (2) The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Town of Carl Department of Community and County Development Director in the enforcement or administration of this ordinance.
 - (3) Any person aggrieved by the decision of the Town of Carl Board of Commissioners may appeal such decision to the Superior Court of Town of Carl, as provided in O.C.G.A. § 5-4-1 et seq.
 - (4) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
 - (5) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
 - (6) Variances shall not be issued within any designated floodway if **ANY** increase in flood levels during the base flood discharge would result.
 - (7) In reviewing such requests, the Town of Carl Board of Commissioners shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this ordinance.
 - (8) Conditions for variances:
 - a. A variance shall be issued **ONLY** when there is:
 - 1. A finding of good and sufficient cause;
 - 2. A determination that failure to grant the variance would result in exceptional hardship; and

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3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - b. The provisions of this ordinance are minimum standards for flood loss reduction; therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of an historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
 - c. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.
 - d. The Town of Carl Department of Community and County Development Director shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- (9) Upon consideration of the factors listed above and the purposes of this ordinance, the Town of Carl Board of Commissioners may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (f) *Definitions.* (October 16, 1991). Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.
- (Ord. of 10-13-2020; Ord. of 9-20-2022, § 1(Exh. A))

Sec. 89-1259. Installation of stormwater drainage facilities.

- (a) *Timing of installation.* Construction of the stormwater system shall be initiated as part of the grading of the site. Stormwater detention facilities shall be constructed prior to the installation of any other site improvements, and may be utilized under proper design as sedimentation basins during development. Installation of all other storm drainage pipes, culverts, headwalls, and ditches, shall be coordinated with the construction of streets and other site improvements, as appropriate.
- (b) *Maintenance responsibilities.*
 - (1) It shall be the responsibility of the developer to maintain all facilities required by the stormwater management plan during construction and for a 1.5-year maintenance period following approval of the final subdivision plat or issuance of a certificate of occupancy, as applicable. The developer shall be responsible for periodic removal of silt that may collect during that period and for removing temporary structures or facilities at the completion of the construction.
 - (2) The owner of the property shall be responsible for maintaining the permanent facilities identified by the stormwater management plan to remain after construction is complete, following the 1.5-year maintenance period.
 - (3) Should an owner or developer, whichever is the responsible party, fail to maintain the stormwater management facilities in a state of service intended by the stormwater management plan, then the public works department shall notify the responsible party in writing of the deficiencies and specific minimum maintenance requirements to remedy such deficiencies.
 - (4) If the responsible party fails to perform the required maintenance work within a reasonable period of time (30 days maximum) then the owner shall be in violation of the provisions of this Development Code and subject to enforcement under the provisions of the administration and enforcement article of this Development Code.

Sec. 89-1260. Installation of streets and utilities.

Street improvements shall be furnished and installed by the owner or developer in accordance with this Development Code. Any materials or work not covered by these specifications shall be performed in accordance with DOT specifications and these regulations.

(a) *Grading.*

- (1) All streets shall be graded to their full width by the developer so that pavement extensions or sidewalks, where required or if installed in the future, can be constructed on the same level plane.
- (2) Preparation of roadway: Before grading is started the entire area to be paved shall be first cleared of all stumps, roots, brush and other objectionable materials. In all areas to be graded or filled, the developer shall stockpile the topsoil later to be spread in all disturbed areas not paved.
- (3) Grading shall be done in accordance with the site clearing and grading section of this article.

(b) *Installation of utilities; general.*

- (1) After grading is completed and approved, the curb lines shall be staked by the developer's registered land surveyor, all of the underground utilities—water mains, sewer mains, water and sewer laterals, storm drains, gas mains, or any other underground utilities, and all service connections related thereto—shall be installed completely and provided throughout the length of the street and across the flat section. Service connections for sanitary sewer (if required) and water shall be extended to the right-of-way lines.
- (2) It is the responsibility of the contractor to locate all underground utilities and to protect same. Utility lines or services damaged by the contractor shall be repaired by the contractor at the contractor's own expense.
- (3) Before any utility is installed, the entire width of the right-of-way shall be at finished grade.
- (4) Any disturbance or construction in the completed (seeded and/or sodded) right-of-way by a public utility such as power, water, sewer, gas, phone and cable must be repaired and/or replaced with the specified materials as called for in the initial improvements.
- (5) All utilities beneath pavement shall be installed and the ditch backfilled and thoroughly compacted before any pavement or base is installed, or the pipes shall be bored if installed after street construction.
- (6) All utility manholes and valve boxes shall be brought to the finished grade within the roadway section.
- (7) All private utilities that will cross under pavement shall be installed completely throughout the subdivision prior to any roadway base being applied. Installation of approved utility sleeves shall be considered as an alternate.

(c) *Water system installation.*

- (1) If a public water system is required to be installed under the provisions of the project design standards article of this Development Code, the improvements are to be reviewed, approved and inspected by the providing jurisdiction. Installation shall be coordinated with the construction of streets under the county's direction, as applicable.
- (2) A contractor holding an underground utilities contractor license shall install all elements of the water system, including mains, valves, service laterals through the curb line, and fire hydrants.
- (3) Within the water system jurisdiction, water mains and appurtenances shall be installed after installation of the curbs and gutter and before paving, or after staking of the curb line and

submission to the water system entity of an as-graded survey of the street profile accompanied by a certification executed by the owner that the subgrade will not change. Water mains shall be relocated as necessary to meet water system regulations prior to approval of development conformance, if improperly located to final curb line or grade.

(d) *Installation of sanitary sewage disposal.*

- (1) If a public sanitary sewerage system is required to be installed under the provisions of the project design standards article of this Development Code, the improvements are to be reviewed, approved and inspected by the providing jurisdiction. Installation shall be coordinated with the construction of streets under the county's direction, as applicable.
- (2) A contractor holding an underground utilities contractor license shall install all elements of the system, including mains, lift stations, outfalls, and laterals.
- (3) Pavement replacement. Where sewer lines are installed in existing paved streets, the streets in which the sewer lines are installed shall receive a full width asphalt repaving in accordance with county specifications.

(e) *Septic tanks.* Septic tanks may be permitted wherever sanitary sewage is determined by the director of public works to be not available under the provisions of the project design standards article of this Development Code. Installation of a septic tank system is subject to approval by the Town of Carl Health Department under their procedures and regulations.

(f) *Street installation.*

- (1) After the earth work has been completed, all storm drainage and other underground utilities have been installed under the roadbed, and the backfill in all such ditches thoroughly compacted, the subgrade shall be brought to the lines, grades and cross section shown on the plans.
- (2) If any sections of the subgrade are composed of unsuitable or unstable material, such material shall be removed to the depth directed by the public works department and replaced with suitable, thoroughly compacted material.
- (3) Preparation of subgrade.
 - a. Prior to placement of the street base, the subgrade shall be compacted to 98 percent density.
 - b. When the street is to be used for construction traffic before the paving work is completed, a layer of No. 4 stone can be laid as a traffic surface if the developer so desires.
 - c. This material shall not be used as part of the base material.
 - d. It may be worked into the subgrade; or it shall be removed before the base course is set up for paving. Provision shall be made to drain low points in road construction when the final paving surface is delayed.
 1. Provide break in the berm section when the curbing has not been constructed.
 2. Use six-inch pipe sections to provide drainage under curb to side slopes.
 - e. Abutting property shall be suitably sloped to the right-of-way line.
 - f. Street base, curbing and paving. Street base, curbing and paving shall be installed by the developer in accordance with the requirements and standards of this Development Code.

(g) *Testing requirements; streets.* It is the responsibility of the developer to ensure that all required tests are made and reported to the public works department. The cost of all testing and quality control shall be performed at the expense of the developer by qualified testing laboratories. Testing standards are shown on the following Table 11.2.

Table 11.2: Testing Requirements

Type of Test to be Performed	Minimum Number of Tests	Testing Standards
Sub-grade Compaction	Each 500 linear feet of roadway 1 per cul-de-sac	98% Max Density ASTM-1557 Field Tests ASTM D-1556 F-2922 and D-2167
Base Compaction	Each 500 linear feet of roadway 1 per cul-de-sac	98% Max Density ASTM-1557 Field Tests ASTM D-1556 F-2922 and D-2167
Asphalt Density	Each 500 linear feet of roadway 1 per cul-de-sac	92% Laboratory Density
Asphalt Thickness	Each 500 linear feet of roadway 1 per cul-de-sac	Deficient in thickness not more than ¼"

;adv=6;(h) *Protection of shoulders.*

- (1) Immediately after grading and filling and respreading of topsoil, all areas of disturbed soil shall be fertilized and seeded (or in steep areas sodded or otherwise appropriately treated) with suitable vegetative cover to retard erosion.
 - (2) When all construction is completed, all slopes and shoulders shall be cleared of all rubbish and shall have a well-established stand of perennial grass to prevent undue erosion. Depending on the time of year, the director of public works may authorize that a temporary stand of rye (or other acceptable annual species) may be planted, provided that the grass will be replaced by an acceptable species of perennial grass at the start of the next appropriate planting season.
- (i) *Traffic control devices and streetlights.*
- (1) Street signs, traffic control signs, and devices such as striping and signalization, shall be provided through payment of fees to Town of Carl.
 - (2) The installation of all street lighting fixtures within the right-of-way must be approved by the public works director prior to such installation.
- (j) *Foreign material on streets.*
- (1) The developer, builders, and/or homeowners shall be responsible for keeping dirt, mud, building materials, concrete, etc., off of the pavement and curbing of existing county or county roads during construction of buildings in all developments covered by these regulations.
 - (2) Before the streets are accepted by Town of Carl, all litter and trash shall be removed from the dedicated rights-of-way and surrounding areas.
- (k) *Bridge pilings.* Bridge pilings shall be driven to state highway load standards for loading. Certification of pile load shall be by registered professional engineer.
- (l) *Burial of construction debris.* No debris of any kind shall be buried at the site of any construction or development.
- (m) *Street cuts.* All utility construction plans for street cuts within county right-of-way shall be reviewed and approved, and a permit obtained from the public works department before construction begins.
- (1) No existing county roads can be open cut unless unusual circumstances warrant it. Construction of proposed utilities that cross under an existing paved street shall be bored under existing pavement unless an open cut is approved by the director of public works. Where required because of topography, location of existing utilities, or other factors, the director of public works may allow the installation of utilities in other areas.

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- (2) Earth work. If open cut construction is approved, all trenches shall be backfilled and compacted in six-inch lifts the same day the trench is opened.
 - a. Trenches under the paving shall be returned to 98 percent compaction.
 - b. Compaction tests at a rate of one per 150 feet of trench shall be provided to verify compaction.
 - c. Trenches elsewhere shall be returned to 90 percent compaction.
 - (3) Pavement work.
 - a. All pavement cuts on county streets or roads shall be made by sawing prior to excavation to eliminate uneven and ragged edges.
 - b. The paving cut shall be widened to a minimum of 12 inches beyond the edges of the trench.
 - c. All trenches under paving shall be concreted with eight inches of class "A" 3,500 psi concrete base and 1½ inches of type "E" or "F" wearing course asphalt is to be spread.
 - d. The edges of the paving cut shall be smooth.
- (n) *Sidewalks.*
- (1) In residential subdivisions, when required under the project design standards article of this Development Code, sidewalks shall be installed by the developer or each builder prior to issuance of a certificate of occupancy.
 - a. Sidewalks shall be shown on construction drawings for the streets and shall be accommodated in grading plans and activities for right-of-way preparation, but may be installed on a lot-by-lot basis after the final plat for the subdivision or phase is approved by the Planning and Community Development Department.
 - b. Within a final-platted subdivision, the required sidewalk along each lot frontage shall be installed no later than when the driveway is installed, provided that all sidewalks throughout the final-platted subdivision shall be installed prior to the end of the period established under the guarantee in lieu of completed improvements section of the project design standards article of this Development Code.
 - (2) When required to be installed as part of a multi-family or nonresidential development project under the project design standards article of this Development Code, sidewalks shall be installed by the developer prior to issuance of a certificate of occupancy.
 - (3) Disturbed areas along sidewalks shall be backfilled, stabilized, and grassed.
 - (4) Sidewalk installation shall provide continuity to adjoining sidewalks as to grades, appearance and construction standards.

(Ord. of 10-13-2020)

Secs. 89-1261—89-1310. Reserved.

ARTICLE XII. PROCEDURES AND PERMITS

Sec. 89-1311. Purpose of article.

This article describes the process through which a rezoning, special use, or concurrent hardship variance may be approved on a property, the approval process for construction of subdivisions and other land development projects, and the procedures for amendments to the comprehensive plan and text of this Development Code.

Sec. 89-1312. Land development overview.

The following presents a summary of the plans and procedures involved in the land development approval and construction regulation process. Details are provided in other sections of this article.

- (a) *Land use plan purpose; amendment.* The county's land use plan set forth in the comprehensive plan shall serve as a guide for the board of commissioners when confronted with requests for rezonings, special use permits, and other land use changes. The county's land use plan should be amended when the conditions, circumstances, environment, situations, policies, etc., on which the plan is based, have significantly changed so as to materially detract from the usefulness of the county's land use plan as a guide to local decision making.
- (b) Absent such significant changes to conditions, circumstances, environment, situations, policies, etc., the comprehensive plan and future land use plan recommendations for land use shall be adhered to with respect to zoning and land development.
- (c) *Zoning changes (rezoning or special use approval).* If the property is not appropriately zoned, a request for rezoning or approval of a special use must be approved prior to development or construction. A zoning change for a subdivision, multi-family or nonresidential project must include a concept plan for the proposed development.
- (d) *Major subdivisions.* Permitting and construction of a major subdivision will be conducted as follows:
 - a. Project approval is granted by the planning and community development department upon review and approval of a preliminary subdivision plat.
 - b. A development permit is issued by the planning and community development department based on review and approval of development plans for construction of the subdivision.
 - c. Receipt and approval by the public works department of accurate surveys of the as-built condition of public improvements is required in order to allow filing of a final plat.
 - d. Approval of a final subdivision plat by the planning and community development department will authorize recordation of the plat with the Clerk of the Superior Court.
 - e. After recordation of the final plat, the lots may be sold and building permits on the lots may be obtained.
 - f. All public improvements will be inspected by the county prior to the end of the two-year maintenance period. After the developer has made any required repairs, the maintenance responsibility of the developer will be released by the director of public works.
- (e) *Minor subdivisions.* Approval of a minor subdivision shall be conducted as follows:
 - a. The lots contained on any final subdivision plat for a minor subdivision, may be sold and building permits authorizing construction activity on the lots may be obtained only after approval by the planning and community development department.
- (f) *Multi-family and nonresidential projects.*
 - a. Project approval is granted by the planning and community development department upon review and approval of a site plan for the project.
 - b. A development permit is issued by the planning and community development department based on review and approval of development plans for construction of the project.
 - c. A building permit is issued by the building official based on review and approval of architectural plans. Buildings falling under the authority of the state fire marshal shall be approved by the fire marshal prior to issuance of the building permit.

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- d. Receipt by the planning and community development department of accurate surveys of the as-built condition of all public improvements is required in order to authorize issuance of a certificate of occupancy.
 - e. Permanent electric power and occupancy of the building is authorized by the building official based on final inspection and issuance of a certificate of occupancy.

(Ord. of 10-13-2020)

Sec. 89-1313. Application intake.

An application for any permit or approval under this article or for a variance or special exception under the appeals article of this Development Code will first be considered as follows:

- (a) If the application is for a project that qualifies as a development of regional impact (DRI), and is the first request for county action or is a revision to a previous DRI, refer to section 89-1327 of this article for details and procedures.
- (b) If the application is for approval of a minor subdivision plat, refer to subsection 89-1312(d) for the short cut procedures.
- (c) If the application is for any other type of approval or permit, refer to the appropriate sections of this article or the appeals article for procedures pertinent to the request.
- (d) The total number of zoning applications that will be accepted per zoning cycle is 15.

Application Intake Process

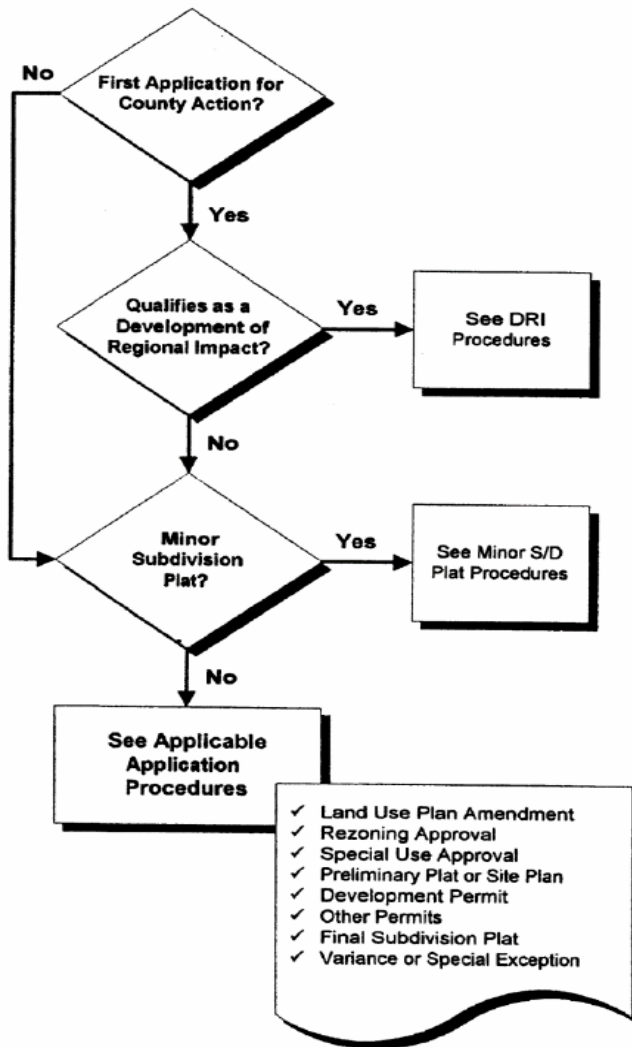


Figure 12.1 Application intake process

(Ord. of 10-13-2020)

Sec. 89-1314. Amendments to the land use plan and Development Code.

(a) *Land use plan amendments.*

- (1) *Generally.* The comprehensive plan may be amended from time to time for specific properties or areas on the future land use map by the board of commissioners, subject to the requirements of the Georgia Zoning Procedures Act, O.C.G.A. §§ 36-66-1 et seq. Such a change is referred to as a "land use plan amendment," or LUP amendment, in this Development Code.
- (2) *Applications by owners.* Upon submitting an application for the rezoning of a property in accordance with section 89-1315, a private property owner or the owner's authorized representative may submit an application to amend the future land use plan with regard to the property at issue in accordance with

application procedures and fees set forth by the director of community development and approved by the board of commissioners. Applications will be received and considered by the board of commissioners only to the extent that such applications are submitted in connection with related rezoning applications and only where the director of community development has determined that the related request to rezone is inconsistent with the comprehensive plan.

- a. The county may consider the following criteria in evaluating amendment applications filed by private property owners, giving weight or priority to those factors particularly appropriate to the circumstances of the application:
 - i. The extent to which a change in the economy, land use or development opportunities of the area has occurred;
 - ii. The extent to which the proposed character area and/or future land use designation is in compliance with the goals and policies of the comprehensive plan;
 - iii. The extent to which the proposed designation would require changes in the provision of public facilities and services;
 - iv. The extent to which the proposed designation would impact the public health, safety, and welfare;
 - v. The extent to which additional land area needs to be made available or developed for a specific type of use;
 - vi. The extent to which area demographics or projections are not occurring as projected.
 - vii. An application submitted by a property owner or the owner's authorized representative for an amendment affecting the same property shall not be considered by the board of commissioners more often than once every 12 months from the date of action by the board of commissioners denying the change to the Future Land Use Plan; provided, however, that the board of commissioners may approve a reduction in the waiting period to no less than six months. A county-initiated change to the future land use map may be pursued at any time.

(3) *State of Georgia oversight.*

- a. *Developments of regional impact (DRIs).* A proposed LUP amendment shall be submitted to the Northeast Georgia Regional Commission (NEGRC) if the proposed LUP amendment qualifies as a development of regional impact under the procedures of section 89-1327.
- b. *Major amendments.* If the board of commissioners, at its public hearing, determines that the LUP amendment is a "major amendment" under the state guidelines in that it is justified only because the conditions or policies underlying the comprehensive plan have change significantly so as to alter the basic tenets of the plan, or that the proposal will significantly affect another political jurisdiction, then no action shall be taken on the amendment until the review process mandated by the state's minimum standards and procedures for local comprehensive planning shall have been completed.
- c. *Effect of a land use plan amendment approval.* Approval of a land use plan amendment shall be in full force and effect upon its approval by the board of commissioners.

(b) *Development code text amendments.*

- (1) *Generally.* The text of the Development Code may be amended from time to time by the board of commissioners, subject to the requirements of the Georgia Zoning Procedures Act, O.C.G.A. §§ 36-66-1 et seq.
- (2) *Process for amending text.* Before the board of commissioners may take final action on a proposed amendment to the Development Code text, the board of commissioners shall hold a public hearing on the proposal pursuant to the notice and hearing requirements of the Georgia Zoning Procedures Act.

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- (3) *Hearings by the planning commission.* In addition to the hearing by the board of commissioners, the planning and community development director, in his or her discretion, may require a public hearing by the planning commission on any proposed amendment to the Development Code text. If applicable, such hearing by the planning commission shall be held prior to the public hearing by the board of commissioners, and shall also be subject to the requirements of the Georgia Zoning Procedures Act. Upon conclusion of any public hearing conducted by the planning commission on a text amendment, the planning commission may recommend to the board of commissioners approval of the proposed text amendment, approval of a revised version of the proposed text amendment, or rejection of the proposed text amendment.

(Ord. of 10-13-2020)

Sec. 89-1315. Rezoning approval.

The official zoning map may be amended from time to time by the board of commissioners under the procedures in this section. In addition, changes in the conditions of approval pertaining to a specific rezoning approval may also be approved by the board of commissioners following the procedures in this section.

- (a) *Initiation of rezoning proposal.*
- (1) An application for a rezoning for any property or properties may be initiated by the board of commissioners, or by the owner of the property. Unless initiated by the board of commissioners, the owner of the property affected, or their authorized representative shall initiate all such applications.
 - (2) All applications by an owner or the owner's authorized representative shall be submitted to the planning and community development department on the department's application forms. A nonrefundable fee, if any, as set by the board of commissioners from time to time, shall accompany all applications. Completed forms, plus any information the applicant feels to be pertinent is to be filed with the planning and community development department.
 - (3) The planning and community development department shall review the application submitted by an owner or the owner's authorized representative for completeness within five days of submission. Incomplete or improper applications will be returned to the applicant. Any zoning application that causes the total number of zoning applications accepted per zoning cycle to exceed 15 will be held until and included in the next zoning cycle in the order in which they are submitted.
 - (4) *Concurrent variance and rezoning consideration.* A hardship variance associated with a rezoning application may be heard by the board of commissioners which may concurrently grant approval of rezoning and variance, if warranted, in accordance with article XII, section 89-1385.
 - (5) An application submitted by an owner or the owner's authorized representative for rezoning affecting the same property shall not be considered by the board of commissioners more often than once every 12 months from the date of action by the board of commissioners denying the rezoning; provided, however, that the board of commissioners may approve a reduction in the waiting period to no less than six months. A county-initiated zoning can be pursued by the board of commissioners at any time. In any event, the board of commissioners may consider an application for rezoning within the 12-month time period in connection with settlement of litigation or pursuant to an order by a court of competent jurisdiction without complying with any of the procedural formalities set forth herein, and subject only to the requirements of the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.
 - (6) Notwithstanding any other provision of this article to the contrary, the board of commissioners may initiate a rezoning for purposes of settlement of a lawsuit or for other purposes deemed to be in the best interests of the public by the board of commissioners, without observing any of the procedural formalities set forth herein, subject only to the requirements of the Georgia Zoning Procedures Act, O.C.G.A. §§ 36-66-1 et seq.

Rezoning Application Acceptance

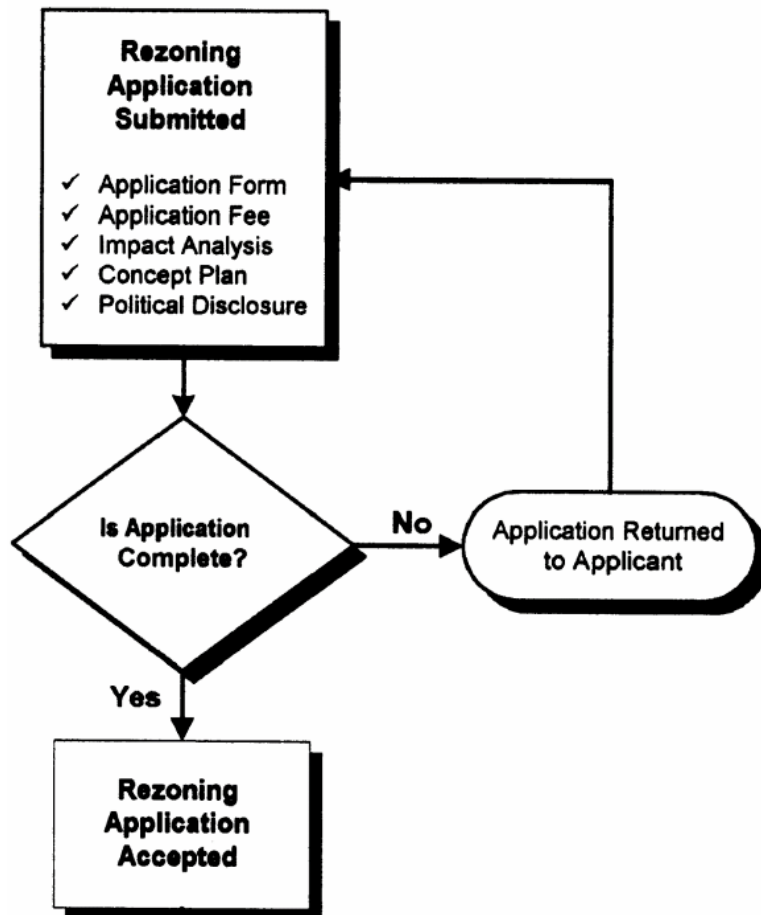


Figure 12.2 Rezoning Application Acceptance

(b) *Rezoning concept plan.*

- (1) An application for a rezoning shall be accompanied by a concept plan if any new construction is proposed or alteration of the site is required under the site or development design standards of this Development Code.
- (2) A concept plan may be prepared by the applicant, a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other person familiar with land development activities.
- (3) The concept plan shall be drawn to approximate scale on a boundary survey of the tract or on a property map showing the approximate location of the boundaries and dimensions of the tract.
- (4) The concept plan shall show the following:

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- a. A location sketch of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets or railroads. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than one inch equal to 2,000 feet. US. Geological Survey maps may be used as a reference guide for the location concept.
 - b. Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries if they cross the property. The number of acres of land in each zoning classification on the property (or square feet if less than one acre).
 - c. Man-made features within and adjacent to the property, including existing streets and names, Town and county political boundary lines, and other significant information such as location of bridges, utility lines, existing buildings to remain, and other features as appropriate to the nature of the request.
 - d. Natural features, such as the 100-year floodplain, and protected wetlands and stream buffers required under the buffers and tree conservation article of this Development Code.
 - e. A statement as to the proposed use of the property and the amount of development proposed, such as:
 1. For residential subdivisions, the number of acres of land to be developed (or square feet if less than one acre), the number of lots and minimum house sizes. For open space subdivisions and master planned development, computations consistent with the requirements of the subdivisions and master planned developments article of this Development Code.
 2. For multi-family projects, the number of acres of land to be developed (or square feet if less than one acre), the number of dwelling units by number of bedrooms, and the minimum unit floor areas and number of parking spaces by unit size.
 3. For nonresidential development projects, the number of acres of land to be developed (or square feet if less than one acre), and the gross floor area and number of parking spaces by type of land use.
 4. For any development, the Future Land Use designation and a statement as to how the proposed rezoning is consistent with this designation and the Comprehensive Plan.
 - f. The proposed project layout including:
 1. For subdivisions, approximate lot lines and street right-of-way lines, along with the front building setback line on each lot.
 2. For multi-family and nonresidential development projects, the approximate outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, buffers, parking areas and driveways.
 - g. A statement as to the source of domestic water supply.
 - h. A statement as to the provision for sanitary sewage disposal.
 - i. The approximate location of proposed stormwater detention facilities.
 - j. The approximate location of proposed access to the county road system.
- (5) The concept plan shall also indicate:
- a. Name and address of the property owner.
 - b. Name, address, and telephone number of the applicant (if different than the owner).
 - c. If drawn on a boundary survey: date of survey and source of datum.

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- d. Date of plan drawing, and revision dates, as appropriate.
 - e. North point and approximate scale of the drawing.
 - f. Location (tax map and parcel number) and size of the property in acres (or in square feet if less than an acre).
 - g. Such additional information as may be useful to permit an understanding of the proposed use and development of the property.
- (c) *Impact analyses.*
- (1) If the rezoning has been initiated by an owner or their representative, the application must be accompanied by a written, documented analysis of the proposed rezoning with regard to each of the standards for rezoning enumerated under subsection (5) below.
 - (2) An application for a proposed development that is capable of generating 1,000 average daily vehicle trips or more shall be accompanied by a traffic study, prepared by a professional engineer registered in Georgia, under guidelines available from the public works department. Anticipated vehicle trips may be based upon the latest edition of "Trip Generation" published by the Institute of Transportation Engineers. The public works director may waive this requirement when conditions warrant.
 - (3) A traffic study, prepared by a professional engineer registered in Georgia, shall also be required for a proposed modification to a previously approved rezoning if the average daily vehicle trips will increase by 10 percent or more than calculated for the original rezoning approval, or average daily vehicle trips will exceed 1,000 for the first time. The public works director may waive this requirement when conditions warrant.
 - (4) For a proposed development that will generate fewer than 1,000 average daily vehicle trips or an increase of less than 10 percent, a traffic study, prepared by a professional engineer registered in Georgia, may be required by the public works director. Determination of such requirements will be made within five working days of receipt of the application for rezoning and must be submitted to the public works director at least five working days prior to the first public hearing.
 - (5) A traffic study or other studies of the impact of the proposed development may be required by the planning commission or the board of commissioners as deemed necessary for adequate consideration and a fully-informed decision on the rezoning request, relative to the standards for rezoning consideration contained in subsection (e) below.
- (d) *Process for rezoning.* Before the board of commissioners may take final action on a proposed rezoning, the planning commission and the board of commissioners shall each hold a public hearing on the proposal.
- (1) *Public notice.*
 - a. At least 15 days prior to the planning commission's public hearing but not more than 45 days prior to the board of commissioners' public hearing, notice shall be published in a newspaper of general circulation within the county. The notice shall state the time, place and purpose of the hearing.
 - b. A rezoning initiated by an owner or their representative shall be heard at a public hearing only upon:
 - 1. The published notice, in addition to the requirements of subsection (d)(1).a. above, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property requested; and
 - 2. At least 15 days prior to the public hearing, the applicant shall post a sign or signs, as provided by the Planning and Community Development Department, stating the date, time and place for the planning commission public hearing and

the initially scheduled board of commissioners public hearing, the present land use classification and the nature of the proposed land use change. One such sign shall be placed in a conspicuous location along each street frontage of the property for which the rezoning has been requested. If the property has no street frontage, the sign shall be placed on each street from which access will be gained to the property.

- (2) *Public hearings; procedures.* The public hearing held by the planning commission and the board of commissioners for rezoning will be conducted in the following manner:
- a. The chair or an appointed designee, who will act as the presiding official, will convene the public hearing at the scheduled time and place.
 - b. The presiding official will call for each proposed zoning change to be presented.
 - c. No person in attendance is to speak unless first formally recognized by the presiding official. Upon rising to speak each person recognized is to state his or her name and home address.
 1. The presiding official may place reasonable limits on the number of persons who may speak for or against a proposal, on the time allowed for each speaker, and on the total time allowed for presentation of the proposed zoning change.
 2. No less than ten minutes is to be provided for all of those speaking in support of a zoning change and no less than ten minutes is to be provided for all of those speaking against, unless such proponents or opponents take less time than the minimum allowed.
 3. If reasonable time limitations permit, any member of the general public may speak at the public hearing.
 - d. The applicant will be allowed to speak first in order to present the application. Others in support of the application may then speak, followed by those in opposition to the application. The applicant may then be allowed time for rebuttal if adequate time remains. Rebuttal must be limited to points or issues raised by opponents to the application at the hearing.
 - e. Following the presentation of positions by members of the public, a recommendation from Town of Carl staff shall be presented.
 - f. During the public hearing, the members of the planning commission or the board of commissioners may ask questions at any time. Time devoted to questions and answers will not be counted against any time limitations that have been imposed on presentations.

**Rezoning Application
Submitted by Property Owner**

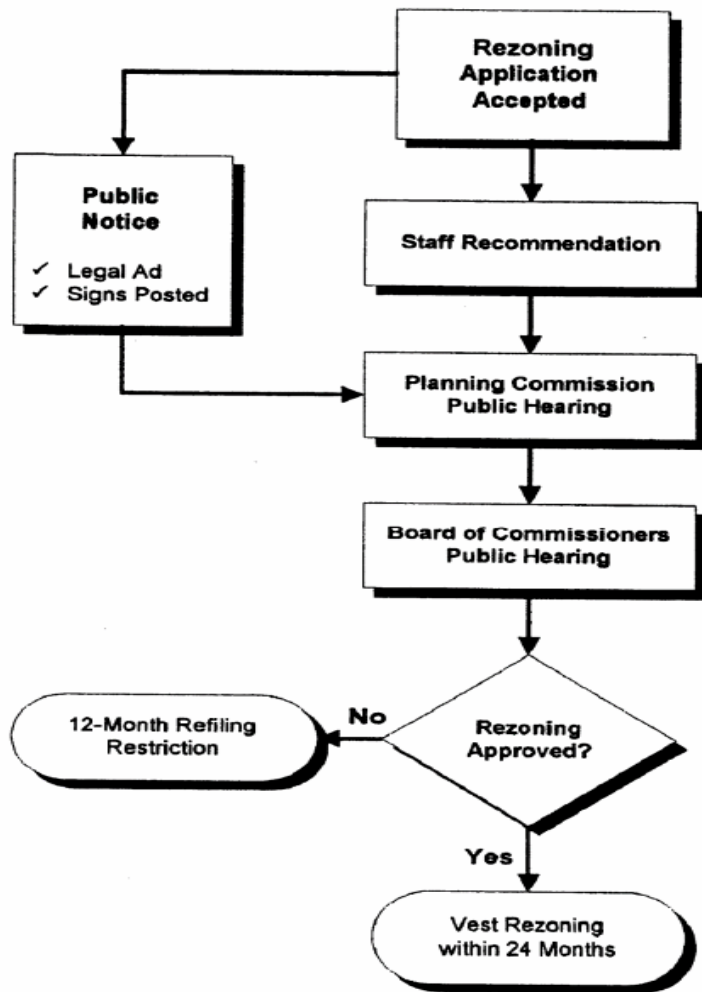


Figure 12.3 Rezoning Process

(3) *Decision.*

- a. The planning commission shall take action on the rezoning application at its public hearing.
 1. The planning commission's action may recommend amendments and conditions to the applicant's request which may be deemed advisable so that the purpose of this Development Code will be served.
 2. Failure to make a recommendation shall go forward to the board of commissioners as "no comment".
- b. Following the planning commission's public hearing, the board of commissioners shall consider the rezoning application at the next meeting scheduled for the purpose of considering zoning amendments for which adequate notice has or can be published.

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- c. In considering a rezoning application, action shall be taken by the board of commissioners by vote of the members present.
 - 1. A motion to approve or deny an application must be approved by an affirmative vote of a majority of a quorum of the members present in order for the motion to be approved.
 - 2. If a motion to approve an application fails, the application is automatically denied. If a motion to deny an application fails, another motion would be in order.
 - 3. If a vote results in a tie among the district commissioners, the chair shall cast his or her vote to break the tie. In the absence of the chair, a tie vote shall automatically table the matter until the next regular zoning meeting of the board of commissioners.
 - 4. If no action is taken on an application, it shall be considered tabled and action deferred to the next regular zoning meeting of the board of commissioners.
 - 5. A final decision must be made no later than the third meeting at which the rezoning application appears on the board's agenda (i.e., following the board's public hearing, the application may not be deferred or tabled more than twice). If, at the third meeting, the board is unable to take final action, the application shall be considered denied.
 - d. In taking final action on an application, the board of commissioners may:
 - 1. Approve, approve with conditions, or deny the application; or
 - 2. Approve or approve with conditions any portion of the area proposed for rezoning, thus reducing the boundaries of the area rezoned; or
 - 3. Rezone the area or any portion of the area proposed for rezoning to another zoning district that is deemed more appropriate than that requested by the applicant; or
 - 4. Allow withdrawal of said request by the applicant (with or without opposing a 12-month period during with another zoning change on the property may not be considered); or
 - 5. Table the application for consideration at its next scheduled zoning meeting; or
 - 6. Return the application to the planning commission for further consideration; or
 - 7. Such other action as the board of commissioners may, in its discretion, deem advisable.
 - (e) *Standards for rezoning consideration.*
 - (1) *Map amendments (rezoning).* The planning commission and the board of commissioners shall consider the following standards in considering any rezoning proposal, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:
 - a. Is the proposed use consistent with the stated purpose of the zoning district that is being requested?
 - b. Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?
 - c. Will the proposed use not adversely affect the existing use or usability of adjacent or nearby property?
 - d. Is the proposed use compatible with the goals, objectives, purpose and intent of the comprehensive plan?

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- e. Are their substantial reasons why the property cannot or should not be used as currently zoned?
 - f. Will the proposed use not cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?
 - g. Is the proposed use supported by new or changing conditions not anticipated by the comprehensive plan or reflected in the existing zoning on the property or surrounding properties?
 - h. Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?
- (2) *Change in conditions of rezoning approval.* Any application that proposes a change in the conditions of approval previously established by the board of commissioners through action on a rezoning shall be reviewed in light of the standards set forth in this subsection for map amendments.
- (f) *Withdrawal of rezoning request.* Any applicant wishing to withdraw a proposed rezoning prior to final action by the board of commissioners shall file a written request for withdrawal with the planning and community development director.
- (1) If the request for withdrawal is received prior to the publication of notice for the public hearing, the planning and community development director shall withdraw the application administratively without restriction on the refiling of a proposed rezoning on the property in the future.
 - (2) If notice has been published (or is irretrievably set for publication) but the application has not been heard by the planning commission, the application shall be withdrawn administratively by the planning and community development director, and an application for a rezoning on the property may not be resubmitted for six months from the date of withdrawal.
 - (3) Should any request for withdrawal be made by the applicant after the planning commission hearing but before the board of commissioners hearing, the application shall remain on the board of commissioners' public hearing agenda and the withdrawal request shall be considered for approval or denial, with or without prejudice, by the board of commissioners.
 - (4) Approval of a rezoning shall be in full force and effect upon its approval by the board of commissioners.
 - (5) For a property on which a use, building, structure or other improvements existed in conformity with this Development Code prior to the effective date of a rezoning affecting the property, any such use, building, structure or other improvements no longer in conformance shall be governed under the provisions of article I of this Development Code relating to grandfathered development.
 - (6) Construction of any use, building, structure, or other improvements for which a building permit has been issued in conformity with this Development Code prior to the effective date of a rezoning affecting the property may continue to completion in accordance with the provisions for exemptions of previously issued permits in article I and, upon completion, shall be governed under the provisions of the grandfathered development section of said article, as applicable.
- (g) *Vesting of rezoning approval.* After an approval has been granted by the board of commissioners for a rezoning, the applicant, agent or property owner has 24 months to vest the rezoning approval. To vest a rezoning approval and forego its expiration, the applicant must record a final subdivision plat, receive project approval of a preliminary plat or site plan, obtain a building permit or lawfully initiate the use, whichever occurs first. If the applicant, agent, or property owner fails to vest the rezoning approval, the board of commissioners may initiate a rezoning application to revert the property to the previously zoned condition. Such reversionary action shall proceed in accordance with provisions of this article pertaining to rezoning approvals. The owner of the property will be notified of the reversionary action

and afforded an opportunity to appear before the board of commissioners to show just cause why the reversionary action should not be taken.

(Ord. of 10-13-2020)

Sec. 89-1316. Special use approval.

Certain uses as shown on Tables 2.2 and 2.3 require a special use approval prior to being allowed on a property. A special use may be approved by the board of commissioners under the procedures in this section. In addition, the board of commissioners following the procedures in this section may also approve changes in the conditions of approval pertaining to a specific special use approval.

(a) *Initiation of special use request.*

- (1) The owner of the property affected, or their authorized representative may initiate an application for a special use for any property or properties.
- (2) All applications shall be submitted to the planning and community development department on the department's application forms. A nonrefundable fee, if any, as set by the board of commissioners from time to time, shall accompany all applications. Completed forms, plus any information the applicant feels to be pertinent is to be filed with the planning and community development department.
- (3) The planning and community development department shall review the application for completeness within five days of submission. Incomplete or improper applications will be returned to the applicant.
- (4) An application for a special use affecting the same property shall not be considered by the board of commissioners more often than once every 12 months from the date of action by the board of commissioners denying the special use; provided, however, that the board of commissioners may approve a reduction in the waiting period to no less than six months. In any event, the board may consider an application for a special use within the 12-month time period in connection with settlement of litigation or pursuant to an order by a court of competent jurisdiction without complying with any of the procedural formalities set forth herein, and subject only to the requirements of the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.

(b) *Special use concept plan.*

- (1) An application for a special use shall be accompanied by a concept plan if any new construction is proposed or alteration of the site is required under the site or development design standards of this Development Code.
- (2) A concept plan may be prepared by the applicant, a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other person familiar with land development activities.
- (3) The concept plan shall be drawn to approximate scale on a boundary survey of the tract or on a property map showing the approximate location of the boundaries and dimensions of the tract.
- (4) The concept plan shall show the following:
 - a. A location sketch of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets or railroads. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than one inch equal to 2,000 feet. US. Geological Survey maps may be used as a reference guide for the location concept.
 - b. Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries if they cross the property. The number of acres of land in each zoning classification on the property (or square feet if less than one acre).

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- c. Man-made features within and adjacent to the property, including existing streets and names, Town and county political boundary lines, and other significant information such as location of bridges, utility lines, existing buildings to remain, and other features as appropriate to the nature of the request.
 - d. Natural features, such as the 100-year floodplain, and protected wetlands and stream buffers required under the buffers and tree conservation article of this Development Code.
 - e. A statement as to the proposed use of the property and the amount of development proposed, such as the number of acres of land in the property (or square feet if less than one acre), the number of dwelling units or the gross nonresidential floor area, and the number of parking spaces.
 - f. The proposed project layout including the approximate outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, buffers, parking areas and driveways.
 - g. A statement as to the source of domestic water supply.
 - h. A statement as to the provision for sanitary sewage disposal.
 - i. The approximate location of proposed stormwater detention facilities.
 - j. The approximate location of proposed access to the county road system.

(5) *The concept plan shall also indicate:*

- a. Name and address of the property owner.
- b. Name, address, and telephone number of the applicant (if different than the owner).
- c. If drawn on a boundary survey: date of survey and source of datum.
- d. Date of plan drawing, and revision dates, as appropriate.
- e. North point and approximate scale of the drawing.
- f. Location (tax map and parcel number) and size of the property in acres (or in square feet if less than an acre).
- g. Such additional information as may be useful to permit an understanding of the proposed use and development of the property.

(c) *Impact analysis.*

- (1) If the special use request has been initiated by an owner or their representative, the application must be accompanied by a written, documented analysis of the proposed use with regard to each of the standards for special use approval enumerated under subsection (e).
- (2) A special use application for a proposed development that is capable of generating 1,000 average daily vehicle trips or more shall be accompanied by a traffic study, prepared by a professional engineer registered in Georgia, under guidelines available from the public works department. Anticipated vehicle trips may be based upon the latest edition of "Trip Generation" published by the Institute of Transportation Engineers. The public works director may waive this requirement when conditions warrant.
- (3) A traffic study, prepared by a professional engineer registered in Georgia, shall also be required for a proposed modification to a previously approved special use if the average daily vehicle trips will increase by 10 percent or more than calculated for the original special use approval, or average daily vehicle trips will exceed 1,000 for the first time. The public works director may waive this requirement when conditions warrant.
- (4) For a proposed development that will generate fewer than 1,000 average daily vehicle trips or an increase of less than ten percent, a traffic study, prepared by a professional engineer registered in

Georgia, may be required by the public works director. Determination of such requirements will be made within five working days of receipt of the application for the special use and must be submitted to the public works director at least five working days prior to the first public hearing.

- (5) A traffic study or other studies of the impact of the proposed development may be required by the planning commission or the board of commissioners as deemed necessary for adequate consideration and a fully-informed decision on the rezoning request, relative to the standards for special use consideration contained in subsection (e), below.
- (d) *Process for special use approval.* Before the board of commissioners may take final action on a proposed special use, the planning commission and the board of commissioners shall each hold a public hearing on the proposal.
 - (1) *Public notice.*
 - a. At least 15 days prior to the planning commission's public hearing but not more than 45 days prior to the board of commissioners' public hearing, notice shall be published in a newspaper of general circulation within the county. The notice shall state the time, place and purpose of the hearing.
 - b. A special use request initiated by an owner or their representative shall be heard at a public hearing only upon:
 - 1. The published notice, in addition to the requirements above, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property requested; and
 - 2. At least 15 days prior to the public hearing, the applicant shall post a sign or signs, as provided by the planning and community development department, stating the date, time and place for the planning commission public hearing and the initially scheduled board of commissioners public hearing, the present zoning classification and the nature of the proposed zoning change. One such sign shall be placed in a conspicuous location along each street frontage of the property for which the rezoning has been requested. If the property has no street frontage, the sign shall be placed on each street from which access will be gained to the property.
 - (2) *Public hearings; procedures.* The public hearing held by the planning commission and the board of commissioners for a special use is to be conducted in the following manner:
 - a. The chair or an appointed designee, who will act as the presiding official, will convene the public hearing at the scheduled time and place.
 - b. The presiding official will call for each proposed special use to be presented.
 - c. No person in attendance is to speak unless first formally recognized by the presiding official. Upon rising to speak each person recognized shall state his or her name and home address.
 - 1. The presiding official may place reasonable limits on the number of persons who may speak for or against a proposal, on the time allowed for each speaker, and on the total time allowed for presentation of the proposed special use.
 - 2. No less than ten minutes will be provided for all of those speaking in support of a special use approval and no less than ten minutes shall be provided for all of those speaking against, unless such proponents or opponents take less time than the minimum allowed.
 - 3. If reasonable time limitations permit, any member of the general public may speak at a hearing.
 - d. The applicant will be allowed to speak first in order to present the application. Others in support of the application may then speak, followed by those in opposition to the

application. The applicant will then be allowed time for rebuttal. Rebuttal must be limited to points or issues raised by opponents to the application at the hearing.

- e. Following the presentation of positions by members of the public, a recommendation from Town of Carl staff shall be presented.
- f. During the public hearing, the members of the planning commission or the board of commissioners may ask questions at any time. Time devoted to questions and answers will not be counted against any time limitations that have been imposed on presentations.

Special Use Approval Process

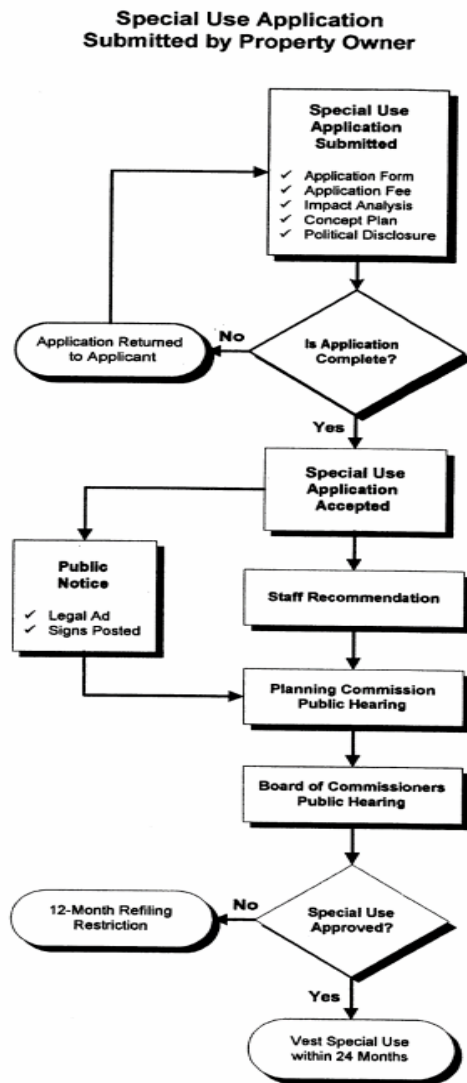


Figure 12.4 Special Use Approval Process

- (3) *Decision.*
 - a. The planning commission shall take action on the special use application at its public hearing.

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1. The planning commission's action may recommend amendments and conditions to the applicant's request which may be deemed advisable so that the purpose of this Development Code will be served.
 2. Failure to make a recommendation shall go forward to the board of commissioners as "no comment".
- b. Following the planning commission's public hearing, the board of commissioners shall consider the special use application at the next meeting scheduled for the purpose of considering special use applications for which adequate notice has or can be published.
 - c. In considering a special use request, action shall be taken by the board of commissioners by vote of the members present, as follows:
 1. A motion to approve or deny an application must be approved by an affirmative vote of at least a majority of a quorum of the members present in order for the motion to be approved.
 2. If a motion to approve an application fails, the application is automatically denied. If a motion to deny an application fails, another motion would be in order.
 3. If a vote results in a tie among the district commissioners, the chair shall cast his or her vote to break the tie. In the absence of the chair, a tie vote shall automatically table the matter until the next regular zoning meeting of the board of commissioners.
 4. If no action is taken on an application, it shall be considered tabled and action deferred to the next regular zoning meeting of the board of commissioners.
 5. A final decision must be made no later than the third meeting at which the rezoning application appears on the board's agenda (i.e., following the board's public hearing, the application may not be deferred or tabled more than twice). If, at the third meeting, the board is unable to take final action, the application shall be considered denied.
 - d. In taking action on an application, the board of commissioners may:
 1. Approve, approve with conditions, or deny the proposal; or
 2. Allow withdrawal if so requested by the applicant (with or without imposing a 12-month period during which another special use on the property may not be considered); or
 3. Table the proposal for consideration at its next scheduled meeting; or
 4. Return the proposal to the planning commission for further consideration.
- (e) *Standards for special use consideration.*
- (1) Approval of special use. A use that would be allowed otherwise permitted within a zoning district with special use approval shall be considered to be compatible with other uses permitted in the district, provided that due consideration is given to the following objective criteria. Emphasis may be placed on those criteria most applicable to the specific use proposed:
 - a. Will the proposed special use be consistent with the stated purpose of the zoning district in which it will be located?
 - b. Is the proposed special use compatible with the goals, objectives, purpose and intent of the comprehensive plan?
 - c. Will the establishment of the special use impede the normal and orderly development of surrounding property for uses predominate in the area?

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- d. Is the location and character of the proposed special use consistent with a desirable pattern of development for the locality in general?
 - e. Is or will the type of street providing access to the use be adequate to serve the proposed special use?
 - f. Is or will access into and out of the property be adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles?
 - g. Are or will public facilities such as schools, water or sewer utilities, and police or fire protection be adequate to serve the special use?
 - h. Are or will refuse, service, parking and loading areas on the property be located or screened to protect other properties in the area from such adverse effects as noise, light, glare or odor?
 - i. Will the hours and manner of operation of the special use have no adverse effects on other properties in the area?
 - j. Will the height, size or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties?
- (2) Change in conditions of special use approval. Any application that proposes a change in the conditions of approval previously established by the board of commissioners through action on a special use shall be reviewed in light of the standards set forth in this section for a special use, as appropriate.
- (f) *Withdrawal of special use request.* Any applicant wishing to withdraw a special use application prior to final action by the board of commissioners shall file a written request for withdrawal with the planning and community development director.
- (1) If the request for withdrawal is received prior to the publication of notice for the public hearing, the application shall be withdrawn administratively by the planning and community development director without restriction on the refiling of a proposed special use on the property in the future.
 - (2) If notice has been published (or is irretrievably set for publication) but the application has not been heard by the planning commission, the application shall be withdrawn administratively by the director planning and community development director, and an application for a special use on the property may not be resubmitted for six months from the date of withdrawal.
 - (3) Should any request for withdrawal be made by the applicant after the planning commission hearing but before the board of commissioners' hearing, the application shall remain on the board of commissioners' public hearing agenda and the withdrawal request shall be considered for approval or denial, with or without prejudice, by the board of commissioners.
- (g) *Effect of special use denial.*
- (1) If an application for special use approval is denied by the board of commissioners, then any portion of the same property may not again be considered for approval of the same or another special use for a period of 12 months from the date of the denial action by the board of commissioners.
 - (2) The board may only reconsider property for special use approval within the 12-month time period in connection with settlement of litigation or pursuant to an order by a court of competent jurisdiction. However, the board, if time permits, shall direct staff to advertise, post the property, and notify the applicant and owner in writing prior to taking such action.
- (h) *Effect of special use approval.*
- (1) Approval of a special use shall be in full force and effect upon approval by the board of commissioners.
 - (2) A special use approval.

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- (3) For a property on which a use, building, structure or other improvements existed in conformity with this Development Code prior to the effective date of a special use approval affecting the property, any such use, building, structure or other improvements no longer in conformance shall be governed under the provisions of article I of this Development Code relating to grandfathered development.
 - (4) Construction of any use, building, structure, or other improvements for which a building permit has been issued in conformity with this Development Code prior to the effective date of a special use approval affecting the property may continue to completion in accordance with the provisions for exemptions of previously issued permits in article I and, upon completion, shall be governed under the provisions of the grandfathered development section of said article, as applicable.
 - (i) *Vesting of special use approval.* After an approval has been granted by the board of commissioners for a special use, the applicant, agent or property owner has 24 months to vest the special use approval. To vest a special use approval and forego its expiration, the applicant must record a final subdivision plat, receive project approval of a preliminary plat or site plan, obtain a building permit or lawfully initiate the use, whichever occurs first. If the applicant, agent, or property owner fails to vest the special use approval, the board of commissioners may initiate a special use application to revert the property to the previously zoned condition. Such reversionary action shall proceed in accordance with provisions of this article pertaining to special use approvals. The owner of the property will be notified of the reversionary action and afforded an opportunity to appear before the board of commissioners to show just cause why the reversionary action should not be taken.

(Ord. of 10-13-2020)

Sec. 89-1317. Project approval.

The planning and community development department must first approve a preliminary plat for a major subdivision or a site plan for development of a multi-family or nonresidential project prior to the issuance of a development permit or initiation of any land disturbing or construction activities.

- (a) *Responsibility for project approval.*
 - (1) The planning and community development director is responsible for administering the review and approval process for preliminary subdivision plats and site plans. The planning and community development department shall forward a copy of the project approval application to other appropriate county departments, the Georgia Department of Transportation, or others as appropriate, for their review and comment. The planning and community development department shall provide all comments to the applicant for resolution, who shall work directly with each department as necessary to resolve all issues.
 - (2) A preliminary plat or site plan may be prepared by a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other person professionally familiar with land development and project construction activities.
- (b) *Procedure for project approval.*
 - (1) A pre-application review with a preliminary concept plan is suggested. Such concept plan shall be the concept plan associated with rezoning or special use approval of the property, if any.
 - (2) An application for project approval may be processed independently or in conjunction with an application for issuance of a development permit.
 - (3) An application for project approval shall be submitted to the planning and community development department. The application shall include:
 - a. The name and address of the person requesting review.

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- b. A properly completed application form, as furnished by the planning and community development department, requesting review for project approval.
 - c. A number of copies, as established by the planning and community development director, of the preliminary subdivision plat or site plan showing the entire ownership drawn to the specifications of this section.
 - d. Payment of the applicable application and review fees as established by the board of commissioners from time to time.
- (4) The planning and community development department will review the application for completeness within five days of submission. Incomplete applications will be returned to the applicant.
 - (5) If the subdivision includes or abuts a U.S. or state numbered highway, unless all of the lots in the subdivision contain five acres or more and no new street is involved, review by the Georgia Department of Transportation (DOT) is required under O.C.G.A. § 32-6-151. Two additional copies of the final plat must be submitted to the planning and community development department for forwarding to DOT. The owner or subdivider must respond to the recommendations of the DOT prior to project approval by the county. If the written recommendations of the DOT are not made within 30 days of receipt of the plat by DOT, their approval shall be assumed as provided under state law.
 - (6) Following review of the application, the planning and community development department will indicate on the drawing or in writing all comments related to compliance with this Development Code.
 - (7) The owner is responsible for compliance with all codes, regulations and zoning requirements, including all codes and requirements of other departments and agencies* (such as NPDES and Section 404, as applicable), and for the satisfaction of all the noted and written comments.
 - (8) * See the list of other departments and agencies under subsection 89-1319(e)(5).
 - (9) The planning and community development department may not approve any preliminary subdivision plat or site plan that shows a lot or situation that would clearly require a variance to order to be reasonably usable, whether due to the presence of floodplain, unusual configuration, zoning compliance, lack of public utilities, or for any other reason.
 - (10) When the Planning and Community Development Department has determined that the preliminary subdivision plat or site plan is in compliance with the requirements, purpose and intent of this Development Code, it will be approved. The planning and community development director will sign and date the certificate of project approval stamped or printed on a reproducible copy of the preliminary subdivision plat or site plan. One copy of the approved drawing will be transmitted to the applicant and one copy will be retained by the Planning and Community Development Department.
 - (11) The certificate of project approval will remain in effect for a period of 12 consecutive months after which time it will become null and void and a new certificate may be required if no permit has been issued or no development activity has begun.

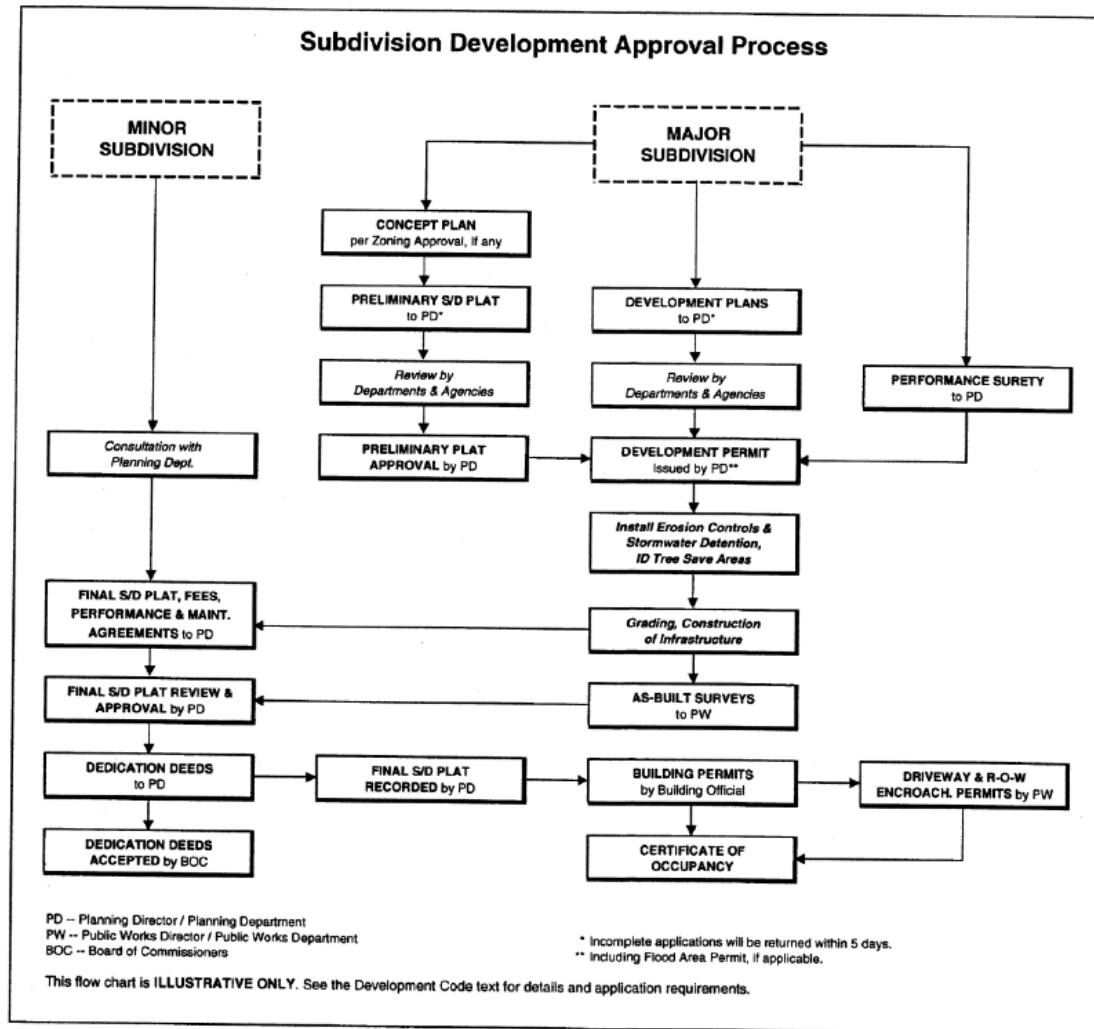


Figure 12.5 Subdivision Development Approval Process

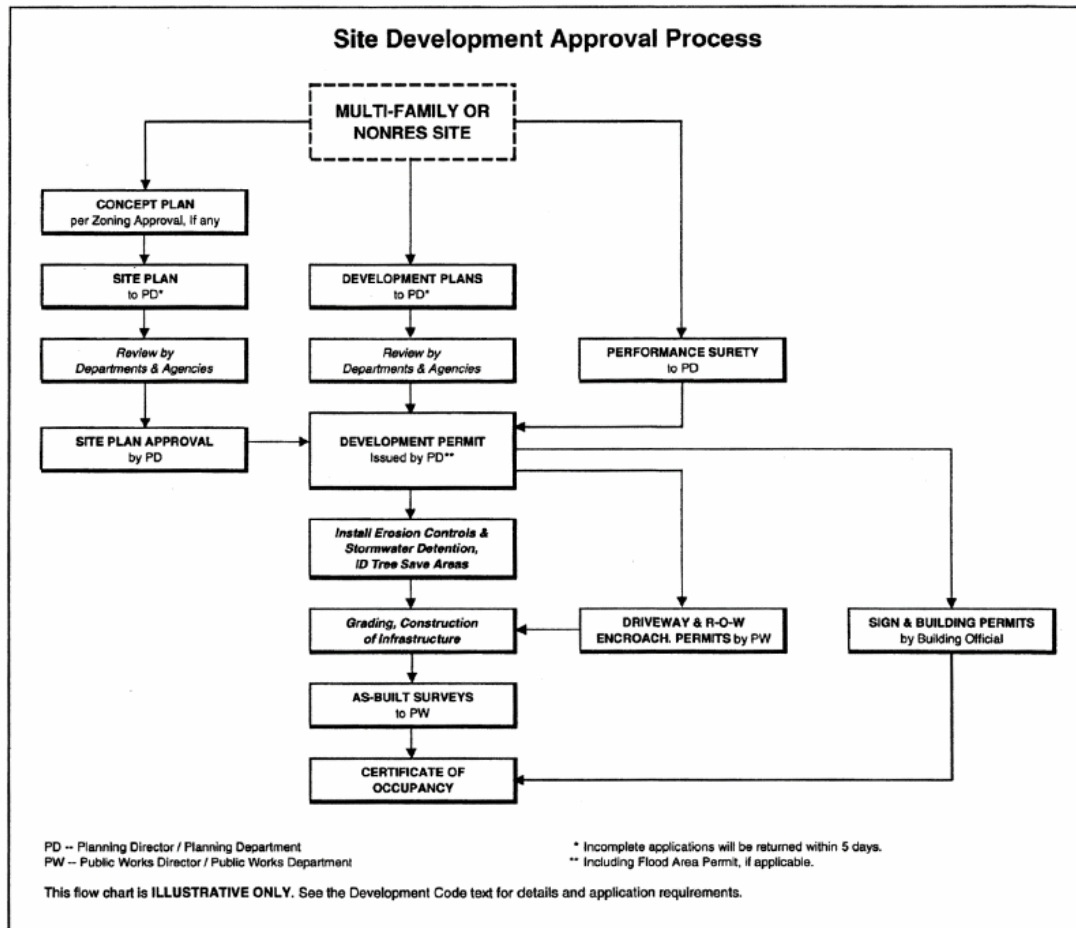


Figure 12.6 Site Development Approval Process

(c) *General standards for project approval.*

- (1) The proposed name of the development and proposed street names shall not duplicate or too closely approximate, phonetically, the name of any other development or street in the county. If shown to the contrary, the Planning and Community Development Department may refuse to accept such development or street names. The development may use letter designations in place of proposed street names at the option of the applicant.
- (2) The preliminary plat or site plan shall be prepared on a boundary survey of the entire tract to be subdivided or developed showing the location of the boundaries and dimensions of the tract to be developed.
- (3) The preliminary subdivision plat or site plan shall be clearly and legibly drawn at a scale of not less than 100 feet to one inch. The recommended maximum dimensions of the sheet size is 36 inches by 42 inches and the minimum dimensions of 17 inches by 22 inches; however, the planning and community development director may approve other sheet sizes and graphic scales as appropriate.
- (4) For property of over 100 acres, a smaller scale may be used where, in the judgment of the planning and community development director, presentation of detailed data is not necessary to evaluate the entire project. It is the intent of this provision that in all cases sufficient information shall be provided for an adequate evaluation of the public and private improvements.

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- (d) *Preliminary plat or site plan requirements.* Each preliminary plat or site plan shall show the following:
- (1) Caption:
 - a. Proposed name of the development and its acreage (or square footage if less than an acre).
 - b. Name, address, telephone and fax numbers of the property owner and subdivider or developer.
 - c. Name, address, telephone and fax numbers of the applicant.
 - d. Name, address, telephone and fax numbers of the individual or company responsible for the design. The name, registration number and seal of the professional under whom the plan was prepared shall be stamped on the plan and signed.
 - e. Date of survey, north point and graphic scale, source of datum, date of plan drawing, and revision dates, as appropriate.
 - (2) Proposed use of the property, including a statistical summary of development factors such as density, nonresidential floor area, number of lots or dwelling units, and minimum unit sizes, as may be pertinent to the type of project.
 - (3) Location (tax map and parcel number) and size of the property in acres (or in square feet if less than an acre).
 - (4) Location map of the property in relation to the surrounding area with regard to well known landmarks such as arterial streets, railroads or others. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than one inch equal to 2,000 feet. U.S. Geological Survey maps may be used as a reference guide for the location sketch.
 - (5) Name and boundary of former approved subdivision if any or all of the land in the preliminary subdivision plat or site plan has been previously subdivided, showing boundaries of the lots to be re-subdivided.
 - (6) Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries as appropriate.
 - (7) Rezoning or special use application number, date of approval, and stipulations (conditions of approval), as applicable.
 - (8) Variances obtained on the property by application number, date of approval, and stipulations (conditions of approval), as applicable.
 - (9) Recorded deed names of adjoining property owners or subdivisions.
 - (10) Natural features within the property, including:
 - a. Drainage channels, bodies of water, wooded areas and other significant natural features such as rock outcroppings.
 - b. On all water courses entering or leaving the property, the direction of flow shall be indicated, the 100-year floodplain, and wetland areas
 - c. All primary conservation areas as defined under the environmental protection article of this Development Code.
 - d. All secondary conservation areas as defined under the environmental protection article of this Development Code.
 - (11) Protected groundwater recharge areas.
 - (12) Man-made features within and adjacent to the property, including street right-of-way and pavement widths, names of existing streets, all easements, Town and county political boundary

lines, and other significant information such as location and dimensions of bridges, utility lines, existing buildings to remain, and other features

- (13) The proposed project layout including:
 - a. For subdivisions, lot lines and street right-of-way lines, with proposed street names or letter designations and right-of-way widths, along with the front building setback line and the dimension of its length on each lot (i.e., the lot width) and land to be reserved for public uses.
 - b. For multi-family and nonresidential development site plans, the outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, buffers, parking areas, driveways, curb cuts, and designated fire lanes.
- (14) Topographic contours with a minimum vertical interval of five feet shall be provided for both existing and proposed topography.
- (15) The proposed phasing of the development if it is proposed to be built in sections.
- (16) A statement as to the source and adequacy of domestic water supply.
- (17) A statement as to the provision for sanitary sewage disposal and treatment capacity, if applicable.
- (18) The approximate location of proposed stormwater detention facilities.
- (19) Such additional information as may be reasonably required to permit an adequate evaluation of the development activity proposed in the application.
- (e) *Design professional and owner certifications.* Each preliminary plat or site plan is to include a certification by the design professional and by the owner that read as shown on Figure 12.7 and are signed in blue ink on the original drawing.
- (f) *Evidence of project approval.* Each preliminary subdivision plat or site plan shall carry the following certificates printed or stamped on the plat:
 - (1) Signed approval from the county health department (if septic tanks will be used) or written comments and approval by the health department, as appropriate.
 - (2) Certificate of project approval, to read as shown on Figure 12.7.

DESIGN PROFESSIONAL CERTIFICATION It is hereby certified that this [preliminary plat][site plan] was prepared using a survey of the property prepared by _____, RLS, and dated _____; and further that the proposed [subdivision][development] meets all requirements of the Barrow County Unified Development Code, as applicable to the property. By (name): _____ Signed: _____ Registered Design Professional No. _____ Address: _____ Telephone Number: _____ Date: _____ OWNER'S CERTIFICATION As the owner of this land, as shown on this [preliminary plat][site plan], or his agent, I certify that this drawing was made from an actual survey, and accurately portrays the existing land and its features and the proposed development and improvements thereto. Date: _____ [Owner][Agent] (name): _____ Signed: _____	HEALTH DEPARTMENT CERTIFICATION The lots shown have been reviewed by the Barrow County Health Department and are approved for preliminary subdivision site work only. Dated this ____ Day of _____, 20____. By _____ Title _____ CERTIFICATE OF PROJECT APPROVAL All applicable requirements of the Barrow County Unified Development Code relative to Project Approval having been fulfilled, approval of this [preliminary plat][site plan] is hereby granted by the Barrow County Director of Planning, subject to further compliance with all provisions of said Development Code. _____ Director of Planning (or designee) Date _____ This approval does not constitute approval of a development permit or of a Final Subdivision Plat. This Certificate of Project Approval shall expire 12 months from the date of approval if a development permit has not been issued or a development permit has been issued but development activity has not been commenced. NOT FOR RECORDING

Figure 12.7 Certifications of Design Professional; Project Approval

(Ord. of 10-13-2020)

Sec. 89-1318. Requirements for development plans.

(a) *Generally.*

- (1) Persons seeking to undertake land-disturbing activity (as defined in this Development Code) shall not commence or proceed until development plans are approved and a development permit is issued by the planning and community development department. The process for approval of a development permit is presented in the development permit section (section 89-1318), below.
- (2) The development plans for a project shall conform in all respects with the requirements of this Development Code, and shall include each of the plans in this section as appropriate to the project. These include:
 - a. Erosion and sedimentation control plan;
 - b. Grading plan;
 - c. Floodplain management plan;
 - d. Stormwater management plan;
 - e. Street improvement plan;

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- f. Street widening construction data;
 - g. Landscaping, buffer and tree conservation plans; and
 - h. Public utility plans.
- (3) Standard plans and specifications referred to in this section are the minimum acceptable standards. Additional information may be required by the county as needed for a complete understanding of the development proposed.
- (4) All development plans and supporting studies shall be prepared by or under the supervision of a professional engineer registered in the state, except that the landscaping, buffer and tree conservation plans are to be prepared by or under the supervision of a landscape architect registered in the state.
- (b) *Erosion and sedimentation control plan.*
- (1) Plans must be prepared to meet the erosion and sedimentation control requirements of the land development activities article of this Development Code. Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the *"Manual for Erosion and Sediment Control in Georgia"*; or through the use of alternate design criteria that conform to sound conservation and engineering practices. The erosion and sedimentation control plan shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances and state laws.
- (2) Data required for erosion and sedimentation control plan.
- a. Narrative or notes, and other information: Notes or narrative to be located on the erosion and sedimentation control plan in general notes or in erosion and sediment control notes.
 - b. Description of existing land use at project site and description of proposed project.
 - c. Name, address, and phone number of the property owner and the developer.
 - d. Name and phone number of 24-hour local contact who is responsible for erosion and sediment controls.
 - e. Size of project, or phase under construction, in acres.
 - f. Activity schedule showing anticipated starting and completion dates for the project. Include the statement in bold letters that "the installation of erosion and sediment control measures shall occur prior to or concurrent with land-disturbing activities".
 - g. Stormwater and sedimentation management systems storage capacity, hydrologic study, and calculations, including off-site drainage areas.
 - h. Vegetative plan for all temporary and permanent vegetative practices, including species, planting dates, and seeding, fertilizer, lime and mulching rates. The vegetative plan should show options for year-round seeding.
 - i. Detail drawings for all structural practices. Specifications may follow guidelines set forth in the *"Manual for Erosion and Sediment Control in Georgia"*.
 - j. Maintenance statement to read as follows: "Erosion and sediment control measures will be maintained at all times. If full implementation of the approved plan does not provide for effective erosion and sediment control, additional erosion and sediment control measures shall be implemented to control or treat the sediment source".
- (3) Maps, drawings and supportive computations shall bear the signature/seal of a registered or certified professional in engineering, architecture, landscape architecture, land surveying or erosion and sediment control. After December 31, 2006, all persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements as developed by the commission pursuant to O.C.G.A. § 12-7-20.

The certified plans shall contain:

- a. Graphic scale and north point or arrow indicating magnetic north.
- b. Vicinity map showing location of project and existing streets.
- c. Boundary line survey.
- d. Delineation of disturbed areas within project boundary.
- e. Existing and planned contours, with contour lines drawn with an interval in accordance with the following:

Map Scale	Ground Slope	Contour Interval, ft.
1 inch =100 ft. or larger scale	Flat 0—2%	Every 1 foot
	Rolling 2—8%	Every 2 feet
	Steep 8% +	Every 10 feet

f. Spot elevations:

1. For sites smaller than one acre in size, show the direction of drainage and spot elevations at all breaks in grade and along drainage channels or swales at selected points not more than 100 feet apart.
 2. For sites of one acre and larger with slopes of less than two percent, show contours at intervals of not more than two feet and spot elevations at all breaks in grade along drainage channels and swales at selected points not more than 100 feet apart.
- g. Adjacent areas and features such as streams, lakes, residential areas, etc. which might be affected should be indicated on the plan.
 - h. The limits of the 100-year floodplain.
 - i. Proposed structures or additions to existing structures and paved areas.
 - j. The 25-foot horizontal stream buffer adjacent to state waters and the specified width in MRPA areas, or other stream buffer as required under the environmental protection article of this Development Code.
 - k. The specified horizontal stream buffer along designated trout streams, where applicable.
 - l. Location of erosion and sediment control measures using coding symbols from the *"Manual for Erosion and Sediment Control in Georgia"*, Chapter 6.
- (4) Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the property owner.

(c) *Grading plan.*

- (1) Grading plans shall identify existing and proposed topographic contour lines at the interval required for erosion and sedimentation control plans, above.
- (2) Grading plans shall outline any area that is required to remain undisturbed, such as a natural buffer, tree protection area or greenway (see the buffers and tree conservation article and the environmental protection article of this Development Code) and shall identify and describe the protective fencing or staking to be placed surrounding such area.
- (3) If the property contains any area of special flood hazard (the 100-year floodplain), grading plans in and around the floodplain shall be designed in conformance to all requirements relating to flood damage prevention under the land development activities article of this Development Code.

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- (d) *Stormwater management plan.* A stormwater management permit is required for all developments, except for those specifically exempted in this Development Code.
- (1) *Submission of plan.*
- a. Review and approval. In order to obtain a stormwater management permit, a stormwater management site plan showing the design of the development shall be provided to the department of engineering for review and approval.
 - b. Effect on permits. A development permit, building permit or land disturbance permit shall not be issued without an approved stormwater management site plan.
- (2) *General standards.* All drainage facilities shall be included in a surface drainage plan and shall be so designed to serve the entire drainage area. No increase in peak discharge to existing streams or stormwater sewers shall be permitted unless calculations are submitted and approved showing that such increase will not adversely affect upstream or downstream conditions.
- (3) *Requirements for proposed improvements.* The location and size of all proposed stormwater improvements shall be designed in accordance with and meet all standards relating to stormwater management of the current edition of the "Georgia Stormwater Management Manual."
- (4) *Stormwater management site plan requirements.* The stormwater management plan shall include the information listed below, as more specifically detailed in the current edition of the "Georgia Stormwater Management Manual."
- a. Existing conditions hydrologic analysis.
 1. A topographic map of existing site conditions (minimum two-foot contour interval) with the basin boundaries indicated.
 2. Acreage, soil types and land cover of areas for each subbasin affected by the project.
 3. All perennial and intermittent streams and other surface water features.
 4. All existing stormwater conveyances and structural control facilities.
 5. Direction of flow and exits from the site.
 6. Analysis of runoff provided by off-site areas upstream of the project site.
 7. Methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.
 - a. *Post-development hydrologic analysis.*
 1. A topographic map of developed site conditions (two-foot contour interval required) with the post-development basin boundaries indicated.
 2. Total area of post-development impervious surfaces and other land cover areas for each sub-basin affected by the project.
 3. Unified stormwater sizing criteria runoff calculations for water quality, channel protection, overbank flooding protection and extreme flood protection for each sub-basin.
 4. Location and boundaries of proposed natural feature protection areas, such as natural buffers and tree protection areas (see the general development standards article of this Development Code), and primary and secondary conservation areas (see the resource conservation article of this Development Code).
 5. Documentation and calculations for any applicable site design credits that are proposed to be utilized.
 6. Methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.
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- b. *Stormwater management system.*
1. Drawing or sketch of the stormwater management system including the location of nonstructural site design features and the placement of existing and proposed structural stormwater controls. This drawing is to show 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.
 2. Narrative describing that appropriate and effective structural stormwater controls have been selected.
 3. Cross-section and profile drawings and design details for each of the structural stormwater controls in the system. This is to include supporting calculations showing that the facility is designed according to the applicable design criteria.
 4. 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).
 5. Documentation and supporting calculations showing that the stormwater management system adequately meets the unified stormwater sizing criteria.
 6. Drawings, design calculations and elevations for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catch basins, channels, swales and areas of overland flow.
- c. *Downstream analysis.* Supporting calculations for a downstream peak flow analysis using the ten-percent rule necessary to show safe passage of post-development design flows downstream.
- d. *Operations and maintenance plan.* Description of maintenance tasks, responsible parties for maintenance, funding, access and safety issues.
- e. *Evidence of acquisition of applicable local and non-local permits.* Such evidence shall include a copy of the Notice of Intent (NOI) form submitted to DNR under General Permit No. GAR100000 (relating to authorization under NPDES for stormwater discharges associated with construction activity).
- f. *Waiver requests (if any).* Waivers from the provisions of the current edition of the "Georgia Stormwater Management Manual" will be considered by the public works department on a case-by-case basis. Waivers may be granted only when a requirement is shown to be impractical or having no benefit on adequate stormwater management of the site, or for an alternative approach that will have greater benefit and practicality than that otherwise required.
- (e) *Street improvement plan.*
- (1) Plans must include centerline profiles and typical street sections of all proposed streets. Profiles shall be drawn on standard plan and profile sheet with plan section showing street layout, pavement and right-of-way width, curvature, and required drainage facilities. Typical street sections shall be provided for street widenings.
 - (2) 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.
 - (3) Centerline profile 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 not less than 200 feet.
 - (4) All elevations shall be coordinated and tied 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.

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- (5) A street striping and signage plan, showing improvements in accordance with the "Manual on Uniform Traffic Control Devices", latest edition as published by the Federal Highway Administration, shall be prepared for any street newly constructed or widened to four or more lanes.
- (6) Profile 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 not less than 200 feet.
- (f) *Landscaping, buffer and tree conservation plans.* All proposed site landscaping and buffers as required by this Development Code for parking lot landscape areas, trees and street-side screening; in buffers; and trees to be retained or planted as required by the tree conservation provisions of this Development Code, shall be illustrated on plans as described in this subsection. The plans may be consolidated as one plan if the information can be clearly shown.
- (1) *Site landscaping plan.*
- a. Scale at one inch = 20 feet to 50 feet, as needed to clearly show illustrate the proposed plantings. Multiple sheets keyed to an index sheet may be used.
 - b. Caption:
 1. The name of the development and its acreage (or square footage if less than an acre).
 2. Name, address, telephone and fax numbers of the property owner and subdivider or developer.
 3. Name, address, telephone and fax numbers of the applicant.
 4. Name, address, telephone and fax numbers of the individual or company responsible for the design. The name, registration number and seal of the professional under whom the plan was prepared shall be stamped on the plan and signed.
 5. Date of survey, north point and graphic scale, source of datum, date of plan drawing, and revision dates, as appropriate.
 - c. The location and size of all underground or aboveground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas.
 - d. The location of all existing and proposed parking areas, sidewalks and other paved or impervious surfaces.
 - e. The outline of all existing and proposed buildings and structures.
 - f. The boundaries of all natural buffers, greenways and other areas required to remain undisturbed.
 - g. The boundaries of each required landscape strip.
 - h. A planting plan showing the location, size and common name of proposed plant materials.
 - i. The location, size and common name of all existing plant materials to be retained that contribute to meeting the minimum requirements of this Development Code for landscape strips or parking lot landscaping.
- (2) *Buffer plan.* A buffer plan shall be prepared for any natural or structural buffer required in accordance with the specifications and standards contained in this Development Code. The buffer plan shall show:
- a. Caption, as required under subsection (f)(1)b. for site landscaping plans.
 - b. The boundaries of each required buffer area.
 - c. The location and size of all underground or aboveground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas.
 - d. For each natural buffer, the plan must show:

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1. Methods to be employed to protect the critical root zones of the trees in the buffer from disturbance during construction, including fencing details, erosion control, signage, etc., consistent with the protection of existing trees section of the buffers and tree conservation article of this Development Code.
 2. Proposed supplemental plantings required to maintain the opaque visual screen required.
- e. For each structural buffer, the plan must show:
1. All grading and construction details for earthen berms, walls and fences that are proposed as part of the visual screen.
 2. A planting plan showing the location, size and type of proposed plant materials.
 3. The location, size and common name of all existing plant materials to be retained that contribute to meeting the minimum requirements of this Development Code for buffers.
 4. Typical cross-sections of the buffer illustrating the improvements proposed and typical location of vegetation. At least one cross-section shall be provided for each buffer.
- (3) *Landscaping plan.* The landscaping plan shall be submitted to the Planning and Community Development Department prior to any grading, bulldozing, or other removal of existing vegetation that may affect the health of existing tree coverage.
- a. Landscaping plan; preparation.
1. The landscaping plan shall be provided for any development in accordance with Article VIII Division 3 and shall be related to the site plan for the project.
 2. For subdivisions, the landscaping plan shall be drawn on a copy of the preliminary subdivision plat, to which the information required by this subsection will be added.
- b. The landscaping plan shall meet all requirements of article VIII division 3 and include the following basics:
1. Drawings at scale at one inch = 20 feet to 50 feet, as needed to clearly illustrate the proposed plantings. Multiple sheets keyed to an index sheet may be used.
 2. Caption, as required under section 89-1318 (f)(1)b. for site landscaping plans.
 3. The location and size of all underground or aboveground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas. Off-site easements that may be affected by tree plantings must also be shown.
 4. The location of all existing and proposed parking areas, sidewalks and other paved or impervious surfaces.
 5. The outline of all existing and proposed buildings and structures.
 6. The boundaries of all natural buffers, greenways and other areas required to remain undisturbed.
 7. The boundaries of each required landscape strip.
 8. Identification of all trees that will be retained upon the site.
 9. Location of tree protection area fencing.
 10. Location and species of trees and other landscaping to be planted.
 11. Irrigation.
 - i. The landscaping plan is to include a note indicating the type of irrigation to be used. If hand watering is the type to be used, the plan must show the location of water faucets or quick couplers that will be used for this purpose.

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- ii. If an irrigation system is provided, a separate irrigation plan is to be submitted showing the location of lines and heads, the spray radius for each head, all valves (control, shut off, drainage, etc.), timer and rain sensor location. The name and telephone number of a responsible 24-hour emergency contact shall be prominently displayed on the plan.
12. During-construction activities:
- i. Methods to be employed to protect the critical root zones of the trees in the buffer from disturbance during construction, including fencing details, erosion control, signage, etc., consistent with article VIII division 3 of this Development Code.
 - ii. Staging areas for parking, materials storage, concrete washout, and debris burn and tub grinding.
13. Additional information. Additional information that the planning and community development director may require to provide a full understanding of conditions on the site and the elements of the proposed tree conservation plan or during-construction activities.
14. Notes. Each landscaping plan shall include notes clearly printed on each plan sheet, as shown in Figure 12.8.

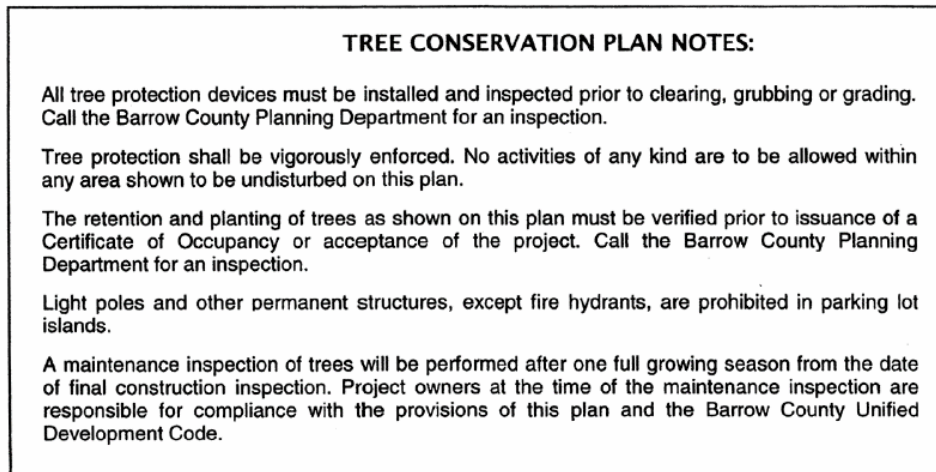


Figure 12.8 Tree Conservation Plan Notes

(g) Public utility plans.

- (1) *Domestic water supply plan.* If connection to a public water system is proposed or required, the domestic water supply plan shall depict all water system improvements, water mains, fire hydrants, valves and other appurtenances, and other information as may be required by the providing water jurisdiction.
- (2) *Sewage disposal plan.*
 - a. If a connection to a public system is proposed, sewage disposal plans are to include: Sanitary sewerage plans, including profiles of all mains and outfalls, lift station and force main details, typical manhole construction details, and other information as may be required by the providing sanitary sewer jurisdiction.
 - b. For projects approved to be served by on-site sewage disposal systems, location of septic tank, extent of drain field and attendant structures, location and results of percolation tests, and other information shall be shown as required by the county health department.

(Ord. of 10-13-2020)

Sec. 89-1319. Development permit.

(a) Responsibility for development actions.

- (1) No person shall conduct any land-disturbing activity, including grading, clearing and grubbing, tree clearance, land development or project construction without first obtaining a development permit from the planning and community development department to perform such activity.
- (2) Any person proposing development shall first submit to the planning and community development department an application for a development permit, including all civil design and construction drawings required by section 89-1318 of this Development Code. The application must be authorized by the property owner.
- (3) The planning and community development department is responsible for administering the review and approval process for issuance of development permits. The planning and community development department shall forward a copy of the development permit application, including the civil design and constructions drawings for the project, to other departments, the soil and water conservation commission district, the Georgia Department of Transportation or others as appropriate, for their review and comment. The planning and community development department shall provide all comments to the applicant for resolution, and shall issue the development permit when all requirements of this Development Code are met.
- (4) Approval of plans by the planning and community development department shall not imply or transfer acceptance of responsibility for the application of the principles of engineering, architecture, landscape architecture or any other profession, from the professional, corporation or individual under whose hand or supervision the plans were prepared.
- (5) The completion of inspections and authorization for work continuation shall not transfer responsibility for the quality of the work performed or materials used from the owner, nor imply or transfer acceptance of responsibility for project design or engineering from the professional, corporation or individual under whose hand or supervision the plans were prepared.
- (6) No development permit shall be interpreted to relieve any owner of the responsibility of maintaining full compliance with all applicable codes, ordinances and other regulations. Any development permit issued in error or in contradiction to the provisions of this Development Code shall be considered to have been null and void upon its issuance.
- (7) *Liability.*
 - a. The approval of an erosion and sedimentation control plan or other plans under the provisions of this Development Code, the issuance of a development permit, or the compliance with any other provisions of this Development Code shall not relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the board of commissioners, County staff, or the soil and water conservation district for damage to any person or property.
 - b. The fact that any activity for which a development 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 Development Code or the terms of the development permit.

(b) Development activities authorized.

- (1) *Activities authorized by permit.* A development permit shall be issued to authorize all activities associated with development activity regulated by this Development Code, including, but not limited to, clearing and grubbing, grading and the construction of such improvements as streets, surface parking areas and drives, stormwater drainage facilities, sidewalks, or other structures permanently placed on or in the property except for buildings, signs, or other structures requiring the issuance of a building permit.

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- (2) *Two-step process.* Approval of a development shall initially authorize only the placement of erosion control measures, stormwater detention facilities, and the identification in the field of tree save areas or individual trees to be protected. Upon inspection and approval by the county, other land development activities authorized by the development permit may proceed.
- (c) *Clearing and grubbing permit.* A development permit authorizing clearing and grubbing shall not be issued prior to project approval of a preliminary plat for a subdivision or prior to approval of a site plan for a multi-family or nonresidential development project. Issuance of a development permit authorizing clearing and grubbing shall require approval of a grading plan for the development, a soil erosion and sediment control plan, and a landscaping, buffers and landscaping plan.
- (1) A soil erosion and sediment control plan prepared in accordance with the requirements of the soil erosion control ordinance shall also be submitted and approved prior to the issuance of a clearing and grubbing permit. All soil erosion control measures as shown and as approved must be in place and maintained at all times during the clearing and grubbing activities.
- (2) A permit for clearing and grubbing shall expire unless activities are commenced within 60 calendar days of issuance of the permit or if activities lapse and the project is abandoned for a period exceeding 30 calendar days.
- (3) The planning and community development director may approve one extension not to exceed 30 calendar days.
- (4) Said permit shall be limited to the removal of vegetation and stumps and 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.
- (5) No grading or construction activities may be started under a clearing and grubbing permit. The approval of a clearing and grubbing permit shall not imply the approval of or authorization to construct any improvements, buildings, or other structures on the property.
- (d) *Grading permit.* A grading permit, which may include clearing and grubbing, shall not be issued prior to project approval of a preliminary plat for a subdivision or prior to approval of a site plan for a multi-family or nonresidential development project. Issuance of a development permit authorizing grading shall require approval of a grading plan for the development, a soil erosion and sediment control plan, and a landscaping, buffers and tree conservation plan.
- (1) A grading permit may also be issued for earth borrow, where no development or construction is proposed or imminent, based on approval of grading plan, soil erosion and sediment control plan, and hydrology study.
- (2) A permit authorizing grading shall expire unless activities are commenced with 60 days of issuance of the permit or if activities lapse and the project is abandoned for a period exceeding 30 calendar days.
- (3) The planning and community development director may approve one extension not to exceed 30 days. Said permit shall be limited in its authorization to land grading activities along with associated clearing and grubbing, and demolition activities, and may authorize the construction of storm drainage improvements and soil erosion and sedimentation facilities as allowed by the permit itself.
- (e) *Process for approval of development permit.* An application for a development permit may proceed simultaneously with an application for a preliminary subdivision plat or site plan, but may not be issued prior to project approval of such plat or plan by the planning and community development department.
- (1) *General.*
- a. The property owner, developer and designated planners and engineers shall review the general development plans and detailed plans of Town of Carl that affect the tract to be developed and the area surrounding it. They shall review the zoning ordinance, stormwater management ordinance, development regulations, flood damage prevention ordinance, this article, and other ordinances which regulate the development of land within the jurisdictional boundaries of Town of Carl. However, the operator is the only party who may obtain a permit.
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- b. An "operator" is defined as 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 day-to-day operational control of those activities that are necessary to ensure compliance with a stormwater pollution prevention 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 stormwater pollution prevention plan or to comply with other permit conditions.
- (2) The application for a development permit shall be submitted to the planning and community development department and must include the following:
- a. Application on the form furnished by the planning and community development department, requesting review for issuance of a development permit, in a number of copies as required by the planning and community development department.
 - b. Evidence that the applicant has complied with the "Notice of Intent" (NOI) requirements of the Georgia General Stormwater Permit for authorization under the National Pollution Discharge Elimination System (NDPES) to discharge stormwater associated with construction activity (if applicable). A copy of the NOI form and a copy of the certified mail return receipt request card indicating receipt by the Georgia Environmental Protection Division.
 - c. The following plans in a number of copies as required by the planning and community development department:
 - 1. The preliminary plat or site plan requesting or reflecting project approval by the planning and community development department.
 - 2. The civil design and construction drawings prepared in conformance with the specifications and standards in section 89-1318 of this Development Code.
 - d. *Applicable fees, as follows:*
 - 1. Payment of any county development permit fee, as established from time to time by the board of commissioners.
 - 2. In addition, fees will also be assessed pursuant to O.C.G.A. § 12-5-23(a)(5), in the amount of \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. Pursuant to O.C.G.A. § 12-7-8(a), one-half of such fees levied shall be submitted to Town of Carl and one-half to the EPD; except that any and all fees due from an entity which is required to give notice pursuant to O.C.G.A. § 12-7-17(9) or (10) shall be submitted in full to the EPD.
 - e. *Certification.* All applications shall contain a certification stating that the erosion and sedimentation control plan preparer or the designee thereof visited the site prior to creation of the plan or that such a visit was not required in accordance with rules and regulations established by the Georgia Board of Natural Resources.
- (3) The application will be checked for completeness within five days of its submission. Incomplete applications will be returned to the applicant.
- (4) Upon acceptance of a development permit application, the planning and community development department shall refer the soil erosion and sedimentation control plan to the soil and water conservation district for its review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan.
- a. The soil and water conservation district shall approve or disapprove the plan within 35 days of receipt. Failure of the district to act within 35 days shall be considered an approval of the pending plan. The results of the district review shall be forwarded to Town of Carl.

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- b. No development permit will be issued unless the soil erosion and sedimentation control plan has been approved by the district, and any variances and bonding, if required, have been obtained.
- (5) The applicant may be required by the planning and community development department to secure development approval from other agencies if they are affected by the development. Development approval may be required from but not limited to:
- a. Director of public works.
 - b. Reserved.
 - c. County health department.
 - d. Soil and water conservation district.
 - e. Georgia Department of Transportation.
 - f. Georgia Department of Natural Resources.
 - g. U.S. Army Corps of Engineers.
 - h. U.S. Environmental Protection Agency.
- (6) Upon receipt of comments from other departments and agencies, the planning and community development department will indicate on a copy of the civil design and construction drawings or in writing all comments related to compliance with this Development Code, conditions of zoning approval, and other regulations or ordinances, as appropriate.
- (7) The planning and community development department will forward its comments to the applicant.
- (8) The applicant will be responsible for compliance with all codes, regulations and zoning requirements and for the satisfaction of all of the comments received. The owner will also be responsible for obtaining approval from all other agencies affected by the project.
- (9) No development permit will be issued unless the applicant provides a statement by the county tax commissioner's office certifying that all ad valorem taxes levied against the property and due and owing have been paid.
- (f) *Required performance surety.*
- (1) *Stormwater performance surety.* Upon approval of the stormwater management plan, but before the issuance of a building permit or subdivision plat approval, the applicant shall be required to post a performance bond, cash escrow, certified check or other acceptable form of performance security.
- a. The amount of the surety shall not be less than the total estimated construction cost of the facilities required by the stormwater management plan.
 - b. The performance bond or other securities shall not be released until the following requirements have been met. The planning and community development director shall:
 - 1. Perform a final inspection of the facilities and determine that they have been constructed in compliance with the stormwater management plan.
 - 2. Determine that all provisions of the stormwater management plan have been faithfully executed.
 - c. A provision may be made for partial release of the amount of the bond pro rata upon completion and acceptance of various stages of development as specifically delineated, described and scheduled in the stormwater management plan. The applicant shall notify the Planning and Community Development Department upon completion of each stage that is ready for inspection.
- (2) *Erosion and sedimentation performance surety.* If the applicant has had two or more violations of previous development permits, this Development Code or the Georgia Erosion and Sedimentation Act, as amended, within three years prior to the date of filing of the application under consideration, the

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- planning and community development director shall refer the development permit application to the board of commissioners.
- a. The board of commissioners may deny the development permit application; or,
 - b. The board of commissioners may require the applicant to post a performance bond in the form of government security, cash, irrevocable letter of credit or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the development permit. If the applicant does not comply with this Development Code or with the conditions of the development permit after issuance, the board of commissioners 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.
 - c. The board of commissioners may approve issuance of the development permit and waive or reduce any performance bond requirement after consideration of such factors as proof of financial ability of the developer or the record of performance of compliance by the developer since the last violation, or any other factors the board of commissioners considers relevant to the protection of the public from potential erosion or sedimentation violations.
- (g) *Exemptions to land disturbance permits.* The disturbance of the land, including clearing, grubbing, or grading activities, shall not commence or proceed except in accordance with the provisions of these regulations, unless the activity is either an agricultural activity or is for the construction of an individual single-family residence, and is otherwise exempt from the soil erosion and sedimentation control requirements of the land development activities article of this Development Code.
- (h) *Issuance of development permit.*
- (1) Following satisfaction of all comments, receipt of approvals from all affected agencies and receipt of all required bonds, the planning and community development department shall issue a development permit authorizing development activities to begin based on the approved civil design and construction drawings.
 - (2) Permits shall be issued or denied as soon as practicable but in any event not later than 45 days after receipt by the planning and community development department of a complete application, providing variances and bonding are obtained where necessary.
 - (3) No development permit shall be issued unless the erosion and sedimentation control plan has been approved by the soil and water conservation district, project approval has been granted by the planning and community development department, and the planning and community development department has affirmatively determined that the plan is in compliance with all requirements of this Development Code, any stream buffer variances approved by the EPD director have been obtained, bonding requirements, if necessary, as per subsection (f) are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of Town of Carl are met. If the development permit is denied, the reason for denial shall be furnished to the applicant.
 - (4) If the tract is to be developed in phases, then a separate development permit shall be required for each phase.
 - (5) The development permit may be suspended, revoked or modified, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this Development Code. A holder of a development permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan or the conditions contained in the development permit.
 - (6) Development activities shall be limited to those authorized by the applicable permit and as may be further restricted by conditions of approval pertaining thereto by the planning and community development director or other department or agency as may have authority or jurisdiction over said activities in whole or in part.

(i) *Expiration of development permit.*

- (1) A development permit shall expire if the development activity described in the permit is not begun within 12 months from the date of issuance, or if such authorized activities lapse for a period exceeding 60 days.
- (2) Any development permit that has expired may be renewed once by the planning and community development department within six months of expiration. Activity must commence within three months or the permit shall expire.
- (3) If a development permit has expired for more than six months, the applicant shall be required to apply for a new development permit under the development permit approval process of this Development Code.

(Ord. of 10-13-2020)

Sec. 89-1320. Flood area permit.

- (a) *Flood area permit required.* If development or construction is proposed within or affecting an area of special flood hazard, approval of a flood area permit application shall be required. An application for a flood area permit may be included with and reviewed along with a development permit application.

(b) Application process for a flood area permit.

- (1) Application for a flood area permit shall be made to the planning and community development department on forms furnished by them prior to any development activities.
- (2) The application for a flood area permit is to include the following:
 - a. Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question.
 - b. Location of existing or proposed structures, fill, storage of materials and drainage facilities.
 - c. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings.
 - d. Elevation in relation to mean sea level to which any nonresidential building will be floodproofed.
 - e. Design certificate from a registered professional engineer or architect that any nonresidential floodproofed building will meet the floodproofing criteria in the flood damage prevention section of the land development activities article of this Development Code.
 - f. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 - g. Construction stage:
 1. For all new construction and substantial improvements the permit holder shall provide to the planning and community development director an as-built certification of the regulatory floor elevation or floodproofing level immediately after the lowest floor or floodproofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for nonresidential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.
 2. Any work undertaken prior to submission of these certifications shall be at the permit holder's risk. The planning and community development director shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being

allowed to proceed. Failure to submit certification or failure to make said corrections requires hereby, shall be cause to issue a stop-work order for the project.

(Ord. of 10-13-2020)

Sec. 89-1321. Driveway permit.

(a) *Driveway permit; when required.*

- (1) No driveway connecting to a public street or a public right-of-way or public property shall be repaired or installed without first having approval from the public works department. If the driveway connects to a state or U.S. numbered highway, approval of the Georgia Department of Transportation shall be required prior to county approval.
- (2) Applications shall be made to the building official's office and referred to the public works department for review and approval.

(b) *Driveway permit; expiration.* A permit shall expire for work not started within 90 days or completed within six months after issuance of a permit, and a new permit shall be required before beginning or completing the work.

(Ord. of 10-13-2020)

Sec. 89-1322. Right-of-way encroachment permit.

(a) *Right-of-way encroachment permit; when required.*

- (1) Any utility work, encroachments into a public right-of-way or easement, pavement cuts and associated road or lane closures must be reviewed, approved and permitted by the director of public works.
- (2) Applications may be made to the director of public works.

(b) *Right-of-way encroachment permit; expiration.* A right-of-way encroachment permit shall expire for work not started within 90 days or completed within six months after issuance of a permit, and a new permit shall be required before beginning or completing the work.

(Ord. of 10-13-2020)

Sec. 89-1323. Sign permits.

See the sign regulations article of this Development Code regarding the issuance of sign permits.

(Ord. of 10-13-2020)

Sec. 89-1324. Final subdivision plat.

(a) *Responsibility.*

- (1) The planning and community development director shall be responsible for coordination of the approval process for all final subdivision plats.
- (2) The final subdivision plat shall be certified and sealed by a registered land surveyor.
- (3) The owner is responsible for compliance with all requirements of this Development Code. Approval of a final subdivision plat and acceptance of the public improvements and dedications therein shall not relieve the owner of this responsibility.

(b) *Procedures for final plat approval.*

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- (1) Prior to submission of an application for final subdivision plat approval, either:
 - a. All public improvements shall have been properly installed and completed in accordance with all requirements and standards of this Development Code (other than traffic signs, street name signs, street striping, and signalization) and as-built surveys of the improvements shall have been approved by the public works director as required in the land development activities article of this Development Code; or
 - b. A guarantee in lieu of completed improvements shall have been received by the public works department as provided under the project design standards article of this Development Code.
 - (2) An application for a final subdivision plat approval shall be made to the planning and community development department. The application shall include:
 - a. The name and address of the person to whom the notice of approval shall be sent.
 - b. A properly completed application form, as furnished by the planning and community development department, requesting final subdivision plat review.
 - c. Executed stormwater management facility maintenance agreement.
 - d. A number of copies, as established by the planning and community development director, of the final subdivision plat drawing prepared in conformance with the specifications in this section, the original of which shall be drawn in permanent ink on cloth or film.
 - e. The as-built surveys of the improvements as required in the land development activities article of this Development Code if the surveys have not been previously received and approved.
 - f. Payment of all applicable final subdivision plat filing and recording fees, as established by the board of commissioners from time to time.
 - g. Payment for materials and installation of traffic signs and street name signs. Payment of the cost of street striping or signalization, if required and not completed by the owner, shall also be included in the application.
 - h. Executed deeds for the dedication of all street rights-of-way, easements and other public properties.
 - i. A maintenance surety providing adequate surety for the maintenance of all public improvements required by this Development Code in the subdivision for a period of at least 1.5 years following the date of approval of the final plat. See the land development activities article of this Development Code for information regarding maintenance surety.
 - (3) The planning and community development department shall review the application for completeness at the time of submission. Incomplete applications will be returned to the applicant.
 - (4) If the subdivision includes or abuts a U.S. or state numbered highway, unless all of the lots in the subdivision contain five acres or more and no new street is involved, review by the Georgia Department of Transportation (DOT) is required under O.C.G.A. § 32-6-151. If the subdivision is an exempt or minor subdivision or otherwise was not submitted for review as a preliminary plat, two additional copies of the final plat must be submitted to the planning and community development department for forwarding to DOT. The owner or subdivider must respond to the recommendations of the DOT prior to final plat recording. If the written recommendations of the DOT are not made within 30 days of receipt of the plat by DOT, their approval shall be assumed as provided under state law.
 - (5) Within two weeks following receipt of the application, the planning and community development department shall indicate on the drawing or in writing all comments related to compliance with this Development Code. The planning and community development director shall have sole authority to determine the applicability of any provisions of this Development Code to the final plat.
 - (6) The owner shall be responsible for compliance with all codes, regulations and zoning requirements, and for the satisfaction of all the noted and written comments of the planning and community development

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- department. Resubmission of all revised drawings shall be made to the planning and community development department.
- (7) When all of the requirements of this Development Code, and any conditions of zoning approval, have been met, the planning and community development director shall sign and date the certificate of final plat approval stamped or printed on a reproducible copy of the final subdivision plat.
 - (8) Once the final subdivision plat has been so certified, it shall be recorded by the planning and community development department, or by the applicant with the planning and community development director's approval, with the clerk of the superior court.
 - (9) The planning and community development director will forward the executed deeds for the streets, easements and dedication of other public properties, and the conservation easement, if applicable, to the board of commissioners for approval and recording. The planning and community development director will also coordinate the creation of any special tax district by the board of commissioners as may be required by this Development Code.
 - (10) Subsequent to the recording of the final plat, one copy on cloth or film and one additional copy with all certificates endorsed thereon shall be filed with the records of the planning and community development department. The map book, volume and page numbers where the plat is recorded shall also be indicated on the copies.
- (c) *General standards for final plats.*
- (1) The final subdivision plat shall be drawn on an appropriate material and sheet size, and using minimum line weights and letter heights as required by Georgia law for the recordation of maps and plats (O.C.G.A. § 15-6-67), and as acceptable to the clerk of the superior court.
 - (2) Final subdivision plats must be at least 8½ inches by 11 inches in size to be recorded. The maximum sheet size is 18 inches by 24 inches to the sheet edge, with a maximum image area of 17 inches by 22 inches.
 - (3) The final subdivision plat shall substantially conform to the preliminary subdivision plat and may constitute only that portion of the approved preliminary subdivision plat that the owner proposes to record at any one time, provided that such portion conforms to the requirements of this Development Code.
- (d) *Final plat requirements.* The final subdivision plat shall contain all caption information and plat data required by Georgia law pertaining to the recordation of maps or plats (O.C.G.A. § 15-6-67, as amended), as well as the additional information required in this subsection.
- (1) *Caption.* The maps or plats shall have a title or name, including the name of the subdivision, which shall be contained in the caption, and the caption shall also provide the following information:
 - a. The county, tax map and parcel number, and subdivision, if the property lies within a particular subdivision;
 - b. The date of plat preparation;
 - c. The scale, stated and shown graphically;
 - d. The name, address, telephone number, and registration number of the land surveyor or the statement that he is the county surveyor and is not required by law to be a registered surveyor; and
 - e. All reproductions of original maps or plats shall bear the original signature, in black ink, of the registrant placed across the registration seal in order to be a valid or recordable map or plat.
 - (2) *Plat data.* Maps or plats shall be made in a professional manner and in accordance with the standards of good drafting procedures and shall show the following information, as specified:
 - a. All maps or plats shall show the direction and distance from a point of reference to a point on the boundary of the individual survey, and such additional data as may be required to relocate the boundary point from the point of reference with the same degree of accuracy required of the parcel

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- surveyed. The point of reference shall be an established, monumented position which can be identified or relocated from maps, plats, or other documents on public record;
- b. All maps or plats of boundary surveys or subdivision surveys shall show bearings of all lines of the boundary or lot lines, and distances of all boundary or lot lines, and area of the parcels expressed in acres or square feet;
 - c. All maps or plats shall show the width and the former widths, if pertinent, of all rights of way adjacent to or crossing the property or adjacent to any point of reference;
 - d. All maps or plats shall show easements and apparent encroachments, if pertinent;
 - e. In the case of curved lines, the curve shall be defined by curve data to include the radius, arc length, chord bearing, and distance for regular curves. Chord distances and directions shall be given for irregular curves;
 - f. All land lot lines, land district lines, land section lines, and Town boundaries intersecting or adjacent to the surveyed property shall be indicated by lines drawn upon the map or plat with appropriate words and figures;
 - g. All corner markers and markers of pertinent reference points shall be fully described and indicated as to their material or types and shall be constructed of a permanent material such as iron, steel, concrete, or stone, as required for survey monuments under the project design standards article of this Development Code;
 - h. An arrow shall be shown on the map or plat to indicate the principal meridian, and a notation shall be made as to the reference of bearings to magnetic north, astronomic north, or grid north. A grid north reference shall indicate the zone;
 - i. All linear distances shown on maps or plats shall be horizontal;
 - j. All angular directions shown on maps or plats shall be represented in degrees and minutes. Where plats state or surveys require accuracy in excess of one in 5,000, the angular directions shall be represented in degrees, minutes, and seconds. All angular directions shall be referenced to the principal meridian; and
 - k. All maps or plats shall show the state plane coordinates of at least two permanent monuments thereon, when a National Geodetic Survey monument is within 500 feet of any point on the property mapped or platted, or any point of reference shown thereon.
- (3) *Additional data.* The following is to be shown on the final plat in addition to the caption information and plat data required by Georgia law:
- a. Street names including both the name and the suffix, such as "street", "avenue", etc.;
 - b. Name of the former subdivision if any or all of the property has been previously subdivided;
 - c. Location sketch;
 - d. Lot lines with dimensions to the 1/100 (0.01) foot, necessary internal angles, arcs, and chords and tangent or radii of rounded corners;
 - e. Building front setback lines with dimensions as to length across each lot and distance from the street right-of-way;
 - f. Lots or sites numbered in numerical order and blocks lettered alphabetically;
 - g. Location, dimensions and purpose of all easements, including slope easements, if required, and any areas to be reserved, donated, or dedicated to public use;
 - h. The extent of any area of special flood hazard, as defined in this Development Code; and
 - i. The street address number of each lot.

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- (4) Curve data shall be required for all roadway centerline curves of greater than ten degrees on new roads. Centerline data including the radius, central angle, arc length, chord bearing and distance, and tangent distance between curves must be given for regular curves. Chord distances and directions shall be given for irregular curves on preexisting roads.
 - (e) *Certification by health department.* Certification by the health department shall be printed or stamped on the plat, as appropriate to the source of water supply and method of waste disposal approved. For lots not served by public sewerage or public water, the certification by the health department is to read as shown on Figure 12.4 and signed in blue ink on the original drawing. For developments with public sewerage and public water systems, this certification may be omitted.
 - (f) *Surveyor and owner certificates.* Each final subdivision plat shall carry the following certificates printed or stamped on the plat to read as shown on Figure 12.5. The original certificates on the reproducible copy of the final plat shall be signed and dated.
 - (1) Surveyor's certificate, signed in blue ink on the original drawing.
 - (2) Surveyor's seal. The reproducible final subdivision plat drawing shall bear the original signature, in black ink, of the registered land surveyor placed across the surveyor's seal in order to be valid and recordable.
 - (3) Owner's certificate, signed in blue ink on the original drawing.
 - (g) *Statement of private covenants.* A statement of the private covenants, if applicable and if they are brief enough to be put directly on the plat; otherwise, a statement as follows: "This plat is subject to the covenants set forth in the separate document(s) attached hereto dated _____, which hereby becomes part of this plat".

<i>For a subdivision with lots 5 acres in size or smaller:</i> HEALTH DEPARTMENT CERTIFICATION The lots shown have been reviewed by the Barrow County Health Department and are approved for subdivision development as noted. Each lot must be reviewed and approved for on-site sewage management system placement prior to the issuance of a building permit. Dated this ____ Day of _____, 20____. By _____ Title _____ <i>For a subdivision with lots larger than 5 acres in size:</i> HEALTH DEPARTMENT CERTIFICATION The lots shown have been reviewed by the Barrow County Health Department and are approved for subdivision development as noted. Each lot must be reviewed and approved for on-site sewage management system placement prior to the issuance of a building permit. A Level III soil report from an approved soil scientist is required at the time of permit application. Dated this ____ Day of _____, 20____. By _____ Title _____	SURVEYOR'S CERTIFICATE It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown thereon 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. The following type of equipment was used to obtain the linear and angular measurements used in the preparation of this plat: _____ This plat has been calculated for closure and is found to be accurate within one foot in _____ feet. By (name): _____ Registered Georgia Land Surveyor No. _____ Address: _____ Telephone Number: _____ Date: _____ OWNER'S CERTIFICATE State of Georgia County of Barrow The undersigned certifies that he or she is the fee simple absolute owner of the land shown on this plat and that the plat and the public improvements contained therein or associated therewith meet all applicable requirements and standards of the Barrow County Unified Development Code. Owner's name: _____ Owner's address: _____ _____ Date _____ (Owner's signature)

Figure 12.9 Health Department, Surveyor, and Owner Certificates

- (h) *Certificate of final subdivision plat approval.* The certificate of final plat approval shall be stamped or printed on the final subdivision plat for execution upon its approval by the planning and community development director. Appropriate certificates for different types of subdivisions are shown in Figure 12.10.

For Exempt and Minor Subdivisions:

CERTIFICATE OF FINAL PLAT APPROVAL
FOR RECORDATION

All requirements of the Barrow County Unified Development Code having been represented as being fulfilled by this plat, the undersigned acting under authority of the Board of Commissioners of Barrow County, Georgia, hereby approves this plat for recordation by the Clerk of the Superior Court.

(Signature, Director of Planning) Date_____

For Major Subdivisions:

CERTIFICATE OF FINAL PLAT APPROVAL
FOR RECORDATION

All requirements of the Barrow County Unified Development Code having been represented as being fulfilled by this plat [and the related as-built surveys approved on (date)_____], the undersigned acting under authority of the Board of Commissioners of Barrow County, Georgia, hereby approves this plat for recordation by the Clerk of the Superior Court [along with the accompanying deeds of dedication of all streets, easements and other public areas and improvements shown thereon], subject to maintenance and guarantee by the owner for two years from the date of this approval.

This approval recognizes the receipt of appropriate surety by the Board of Commissioners of Barrow County in the amount of \$_____ to assure the completion and maintenance of all streets and drainage facilities appurtenant to this subdivision.

(Signature, Director of Planning) Date_____

Figure 12.10 Certificate of Plat Approval

- (i) *Creation of homeowners association.* If required by provisions of this Development Code, a homeowners' association shall be created and the instruments of such creation and financial endowment shall be recorded at the time of final plat recording. A copy of the recorded instruments shall be filed with the Planning and Community Development Department.
- (j) *Acceptance of public improvements.*
 - (1) If construction of any required public improvements was deferred at the time of final plat approval, said work must be completed within nine months.
 - (2) The developer shall maintain the improvements in the development for a period of 1.5 years. The 1.5-year maintenance period shall begin upon recordation of the final subdivision plat or upon completion of all deferred improvements, whichever occurs later.
 - (3) Prior to expiration of the maintenance period, a final acceptance inspection of the public improvements shall be conducted by the planning and community development department.

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- (4) The owner must correct all defects or deficiencies in materials or workmanship and make such repairs as necessary to approximate the as-built condition of the improvements. If any lands are shown on the final plat for dedication to Town of Carl other than street rights-of-way or easements, a warranty deed transferring title of said land in fee simple shall be submitted with the final plat applications.
 - (5) Upon certification by the planning and community development director that the public improvements depicted on the as-built surveys are in conformance with the specifications of this Development Code and are in good repair, the board of commissioners shall release the maintenance bond and accept the public improvements into perpetual maintenance.
 - (k) *Erosion control plan* prepared in accordance with the requirements of the soil erosion and sediment control ordinance. Erosion control measures may be shown on the grading plan, if desired.
- (Ord. of 10-13-2020)

Sec. 89-1325. Building permitting.

- (a) *Building permit required.* A building permit issued by the building official is required in advance of the initiation of construction, erection, moving or alteration of any building or structure in accordance the provisions of the Building Code. No building permit shall be issued and no building shall be erected on any lot in the county unless access has been established in accordance with this Development Code. No building permits shall be issued before approval of the final plat. All structures shall comply with the requirements of this Development Code, whether or not a building permit is required.
- (b) *Procedures to obtain a building permit.*
 - (1) *Procedure for approval.* The building official is responsible for administering and enforcing the building codes of the county.
 - a. Prior to issuance of a building permit the owner shall have received a development permit if required by this Development Code.
 - b. Zoning verification shall be obtained from the planning and community development department. The following shall be attached to or included within the zoning verification application:
 - 1. A street address number as shown on the final plat or as assigned by the county; the tax map and parcel number, verified by tax office; and a plat, location sketch map or other graphic indication of the location of the lot.
 - 2. For a single-family detached or two-family dwelling, a building site plan drawn to scale shall be submitted with the application, showing the following:
 - i. Identity, address and phone number of the owner of the lot, the applicant for the building permit, and the person responsible for all construction and land-disturbing activities on the property;
 - ii. Lot dimensions with property line monuments located thereon, minimum principal building setback lines, the lot width measured at the minimum front setback line, and the lot frontage measured along the street right-of-way line;
 - iii. Shape, size, height and location of the structure(s) proposed to be erected, demolished, altered, or moved, and of any buildings already on the lot;
 - iv. The use of structures, including the number of dwelling units and minimum floor area within each structure;
 - v. Easements (public and private) including natural resource or conservation easements established under the requirements of the environmental protection article of this Development Code;
 - vi. Watercourses, stream buffers and the limits of the 100-year floodplain;

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- vii. Erosion control and tree protection measures proposed to be placed and maintained on the property;
 - viii. Street names and street right-of-way lines; and
 - ix. Other information regarding abutting property as directly affects the application;
 - 3. For a multi-family or nonresidential building, the site plan upon which was granted project approval by the Planning and Community Development Department under subsection 89-1315(9).
 - (2) Application for a building permit shall be made to the building official. The application shall include:
 - a. Application on the form furnished by the building official, requesting issuance of a building permit.
 - b. A copy of the zoning verification approved by the planning and community development department.
 - c. Architectural plans for principal multi-family or nonresidential buildings, prepared in conformance with this Development Code and the applicable building codes. Plans shall be prepared by or under the supervision of an architect registered in Georgia, who shall sign and seal each sheet in the original set of drawings.
 - d. County health department approval if an on-site sewage disposal system has been allowed.
 - e. Payment of the building permit application and review fee.
 - f. Water meter receipt issued by the applicable public water jurisdiction, if applicable.
 - g. For applications to move a house, structure or building, the following additional information is required:
 - 1. The name of the person performing the moving;
 - 2. The origin and destination of the moving;
 - 3. The names of the owners of the property from which the house is removed and of the property to which it is moved;
 - 4. A detailed outline of the route to be followed and the equipment to be used; and
 - 5. An estimate of the time involved, including the time of the day when said operation shall be conducted.
 - 6. Any application for a permit must be made at least 48 hours prior to the proposed moving.
 - 7. In addition to a fee charged for permits, the mover of any house, building or structure shall deposit with the building official \$400.00 for each house, to be returned to the mover within five days after such moving if no damage is done to public property.
 - 8. The county sheriff's department shall furnish a police escort if he deems it necessary
 - (3) *Issuance of building permit.*
 - a. The application will be checked by the building official for completeness within five days of receipt. Incomplete applications will be returned to the applicant.
 - b. Within two weeks following receipt of a complete application, the building official shall indicate on the architectural plans approval or disapproval and attest to same by his signature. One copy shall be returned to the applicant and the original copy shall be retained by the building official.
 - c. The owner shall be responsible for compliance with this Development Code and all building code requirements, regulations, and for the satisfaction of all of the comments of the building official. Notwithstanding the county's role in accepting and approving submissions specified in this

ordinance, the owner is not entitled to rely on approval from the county of any documents as evidence that the development and building plans are all internally consistent or compliant with applicable health and safety codes. Nothing herein is intended to create an actionable duty on the part of county staff.

- d. At such time as the owner has addressed the comments to the satisfaction of the building official and the state fire marshal, a building permit will be issued for the structure.
 - e. Plumbing, electrical and mechanical permits shall be issued separately by the building official or separately identified on the building permit. Such permits must be issued prior to commencement of work by each affected trade.
 - f. If the work authorized by a building permit has not begun within six months from the date of issuance the permit shall expire, unless it is renewed under the provisions of the building code.
- (4) *Standards for approval.*
- (5) Building permits shall be issued only on buildable lots of record, as defined in this Development Code.
- (6) Building permits shall be issued in conformance with the adopted technical codes and supplements that constitute the county's building code. Conformance to this Development Code is also required as a prerequisite to issuance of a building permit.
- (c) *Certificate of occupancy.*
- (1) It is unlawful to use or occupy or permit the use or occupancy of any part of a building, structure, or premises, until a certificate of occupancy has been issued stating that the building or structure or premises conforms to the requirements of the building codes and this Development Code.
 - (2) A certificate of occupancy shall be required for any of the following:
 - a. Occupancy and use of a building or structure constructed or enlarged.
 - b. Change in use of existing buildings to uses of a different classification.
 - c. Any change in use of a nonconforming use, lot or building.
 - (3) Upon completion of construction but prior to occupancy or use for the purpose constructed and prior to utility hookup, the property owner or his agent shall notify the building official and request final inspection of the premises.
 - (4) The building official shall conduct such inspection as quickly as is reasonably practicable after said request and shall issue a certificate of occupancy only if he finds said construction comports with all applicable local, state or national rules, regulations, statutes, laws, ordinances, and the terms of this resolution.
 - (5) Permanent electric power may not be supplied to any structure until a certificate of occupancy shall have been issued and the power company contacted by the building official.
 - (6) A record of all certificates of occupancy shall be maintained by the building official and a copy shall be furnished upon request to any person.

(Ord. of 10-13-2020)

Sec. 89-1326. Sexually oriented establishment permit.

- (a) *Filing of application; application fee.*
- (1) Any person desiring to obtain a permit to operate, engage in, conduct or carry on any sexually oriented establishment shall make application to the county or its designated representative. Prior to submitting such application, a nonrefundable fee, established by resolution of the board of commissioners, shall be paid to the county to defray, in part, the cost of investigation and report required by this section. The

county shall issue a receipt showing that such application fee has been paid. The receipt or a copy thereof shall be supplied to the county at the time such application is submitted.

- (2) The application for a permit does not authorize the engaging in, operation of, conduct of or carrying on of any sexually oriented establishment.

(b) *Contents of application.*

- (1) Each application for a sexually oriented establishment permit shall contain the following information:
- a. The full true name and any other names used by the applicant.
 - b. The present address and telephone number of the applicant.
 - c. The previous addresses of the applicant, if any, for a period of five years immediately prior to the date of the application and the dates of residence at each.
 - d. Acceptable written proof that the applicant is at least 18 years of age.
 - e. The applicant's height, weight, color of eyes and hair, and date and place of birth.
 - f. Two photographs of the applicant at least two inches by two inches in size, taken within the last six months.
 - g. Business, occupation or employment history of the applicant for the five years immediately preceding the date of application; and business or employment records of the applicant, partners in a partnership, directors and officers of a corporation and, if a corporation, all shareholders holding more than five percent of the shares of corporate stock outstanding.
 - h. The business license history of the applicant, and whether such applicant, in previous operations in this or any other county, state or territory under license, has had such license or permit for an sexually oriented business or similar type of business revoked or suspended, the reason therefore, and the business activity or occupation subsequent to such action of suspension or revocation.
 - i. All convictions, including ordinance violations, exclusive of traffic violations, stating the dates and places of any such convictions.
 - j. If the applicant is a corporation, the name of the corporation, set forth exactly as shown in its articles of incorporation or charter, together with the place and date of incorporation, and the names and addresses of each of its current officers and directors, and each stockholder holding more than five percent of the stock in the corporation. If the applicant is a partnership, the applicant shall set forth the name, residence address and dates of birth of the partners, including limited partners. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership filed with the county clerk. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporations shall apply. The applicant corporation or partnership shall designate one of its officers or general partners to act as its responsible managing officer. Such designated persons shall complete and sign all application forms required of an individual applicant under this section, but only one application fee shall be charged.
 - k. The names and addresses of the owner and lessor of the real property upon which the business is to be conducted and a copy of the lease or rental agreement.
 - l. Such other identification and information as the sheriff's department may require in order to discover the truth of the matters specified in this subsection as required to be set forth in the application.
 - m. The age and date of birth of the applicant, of any partners, or of any and all officers, of any stockholders of more than five percent of the shares of the corporation stock outstanding and directors of the applicant, if the applicant is a corporation.
 - n. Whether the applicant, any partners or any of the officers or stockholders holding more than five percent of the outstanding shares of the corporation, or the directors of the applicant, if the applicant is a corporation, have ever been convicted of any crime constituting a felony, or any

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- crime not a felony involving moral turpitude, in the past five years, and, if so, a complete description of any such crime, including the date of violation, the date of conviction, jurisdiction and any disposition, including any fine or sentence imposed and whether the terms of disposition have been fully completed.
- o. For individual applicants, the fingerprints of the applicant, furnished by the applicant.
 - p. If the applicant is a person doing business under a trade name, a copy of the trade name properly recorded; and if the applicant is a corporation, a copy of authority to do business in Georgia, including the articles of incorporation, trade name affidavit, if any, and last annual report, if any.
 - q. At least three character references from individuals who are in no way related to the applicant or individual shareholders, officers or directors of a corporation and who are not or will not benefit financially in any way from the application if the permit is granted and who have not been convicted of any felony or a violation of this Development Code involving moral turpitude in the past five years. The licensing officer shall prepare forms consistent with the provisions of this subsection for the applicant, who shall submit all character references on such forms.
 - r. The address of the premises for which the permit is to be issued.
 - s. Whether the premises are owned or rented and if the applicant has a right to legal possession of the premises, copies of those documents giving such legal rights.
 - t. A plat by a registered land surveyor licensed by the state, showing the location of the proposed premises in relation to the neighborhood, the surrounding zoning and its proximity to any church, school, public park, governmental building or site or other business regulated under this section.
- (2) Each application for a sexually oriented establishment permit shall be verified and acknowledged under oath to be true and correct as follows:
- a. If the applicant is an individual, by the individual.
 - b. If the applicant is a partnership, by the manager or general partner.
 - c. If the applicant is a corporation, by the president of the corporation.
 - d. If the applicant is any other organization or association, by the chief administrative official.
- (c) *Personal appearance by applicant.* The applicant for a permit under this section, if an individual, or designated responsible managing officer if a partnership or corporation, shall personally appear at the county and produce proof that a nonrefundable application fee, established by resolution of the board of commissioners, has been paid and shall present the application containing the information described in subsection (b).
- (d) *Investigation.*
- (1) The county shall have 30 days to investigate the application and the background of the applicant. Upon completion of the investigation, the board of commissioners or the planning and community development director may grant the permit if it finds that:
- a. The required fee has been paid.
 - b. The application conforms in all respects to the provisions of this section.
 - c. The applicant has not knowingly made a material misrepresentation in the application.
 - d. The applicant has fully cooperated in the investigation of his application.
 - e. The applicant, if an individual, or any of the stockholders of the corporation or any officers or directors, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, has not been convicted in a court of competent jurisdiction of an offense involving conduct or convicted of an attempt to commit any of the offenses mentioned in subsection (b), or convicted in any state of any offense which, if committed or attempted in this

state, would have been punishable as one or more of the offenses mentioned in subsection (b), or any crime involving dishonesty, fraud, deceit or moral turpitude.

- f. The applicant has not had a sexually oriented establishment permit or other similar license or permit denied or revoked for cause by this county or any other county located in or out of this state prior to the date of application.
 - g. The building, structure, equipment or location of such business as proposed by the applicant would comply with all applicable laws, including but not limited to health, zoning, distance, fire and safety requirements and standards.
 - h. The applicant is at least 21 years of age.
 - i. The applicant or his employee, agent, partner, director, officer, stockholder or manager has not, within five years of the date of the application, knowingly allowed or permitted any of the specified sexual activities as defined in this Development Code to be committed or allowed in or upon the premises where such sexually oriented establishment is to be located or allowed the premises to be used as a place in which solicitations for the specified sexual activities as defined in this Development Code openly occur, except as allowed under a previous adult entertainment permit or sexually oriented establishment permit issued by Town of Carl.
 - j. On the date the business for which a permit is required in this section commences, and thereafter, there will be a responsible person on the premises to act as manager at all times during which the business is open.
 - k. The proposed premises meets the standards for distancing and location as set forth in subsection 89-135(e) of this Development Code.
 - l. The grant of such permit will not cause a violation of this section, this Development Code, or any other ordinance or regulation of the county, the state or the United States.
- (2) The county may make any other inquiry deemed necessary or desirable by the county to ensure the health, safety, and welfare of the citizens of the public or the preservation of its neighborhoods.
- (e) *Restrictions on permit issuance.*
- (1) *Persons ineligible for permit.* No permit provided for by this section shall be issued to or held by:
 - a. An applicant who has not paid all required fees and taxes for a business at that location, or property taxes.
 - b. Any person who is not of good moral character.
 - c. Any corporation, any of whose officers, directors or stockholders holding over five percent of the outstanding issued shares of capital stock are not of good moral character.
 - d. Any partnership or association, any of whose officers or members holding more than five percent interest therein are not of good moral character.
 - e. Any person employing, assisted by or financed in whole or in part by any person who is not of good moral character.
 - f. Any applicant who is not qualified to hold and conduct a business according to the laws of the United States, the state or the county.
 - (2) *Number of permits.* Should there be a sufficient number of current permits to meet the needs and desires of the inhabitants of the county, no new permit shall be issued. In determining the needs and desires of the inhabitants, the standard of review shall be that the market is virtually unrestrained as defined in *Young v. American Mini Theaters, Inc.*
- (f) *Issuance or denial; appeals; compliance with zoning regulations.*
- (1) The process for application for a permit to operate an enterprise regulated as a sexually oriented establishment shall be the procedure set forth in this Development Code for approval of special uses, and

the procedure for review and appeals shall be governed by the provisions of the appeals article of this Development Code. No sexually oriented establishment permit shall be issued until special use approval has been granted by the board of commissioners.

- (2) Nothing in this section shall be construed as relieving any applicant of the terms, conditions or strictures of the zoning district within which the sexually oriented establishment is located, and all other requirements and restrictions of this Development Code.
- (g) *Renewal.* Permits for sexually oriented establishments may be renewed on a year-to-year basis, provided that the permittees continue to meet the requirements set out in this section relating to the issuance of such permits, and the requirements of this Development Code for sexually oriented establishments. The renewal fees for sexually oriented establishment permits shall be established by resolution of the board of commissioners from time to time.
- (h) *Transfer.* No sexually oriented establishment permit may be sold, transferred, or assigned by a permittee, or by operation of law, to any other person. Any such sale, transfer or assignment or attempted sale, transfer or assignment shall be deemed to constitute a voluntary surrender of such permit, and such permit shall thereafter be null and void; provided and excepting, however, that if the permittee is a partnership and one or more of the partners should die, one or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner or partners without effecting a surrender or termination of such permit, and in such case the permit, upon notification to the county, shall be placed in the name of the surviving partner. An sexually oriented establishment permit issued to a corporation shall be deemed terminated and void when either any outstanding stock of the corporation is sold, transferred or assigned after the issuance of a permit or any stock authorized but not issued at the time of the granting of a permit is thereafter issued and sold, transferred or assigned.
- (i) *Change of location or name; expansion of business.*
 - (1) No sexually oriented establishment shall move from the location specified on its permit until a change of location fee, as established by resolution of the board of commissioners, has been deposited with the county and approval has been obtained from the planning and community development director and the planning and community development director. Such approval shall not be given unless all requirements and regulations as contained in this Development Code have been met.
 - (2) No permittee shall operate, conduct, manage, engage in, or carry on a sexually oriented establishment under any name other than his or her name and the name of the business as specified on his or her permit.
 - (3) Any application for an extension or expansion of a building or other place of business where a sexually oriented establishment is located shall require inspection and shall comply with the provisions and regulations of this section and this Development Code.
- (j) *Employees.*
 - (1) *Qualifications.* Employees of a sexually oriented establishment shall not be less than 18 years of age. Every employee must be of good moral character as defined in this Development Code. Any employee who is convicted of a crime constituting a felony or a crime not a felony involving moral turpitude while employed as an sexually oriented establishment employee shall not thereafter work on any premises for which a permit has been issued under this section for a period of five years from the date of such conviction, unless a longer time is ordered by a court of competent jurisdiction. For purposes of this section, the term "convicted" shall include an adjudication of guilt or a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime, and the terms "employed on the premises for which a permit has been issued under this section" and "work on any premises for which a permit has been issued under this section" shall include work done or services performed while in the scope of employment elsewhere than on the premises for which a permit has been issued under this section.
 - (2) *Investigation; approval of employment.* Before any person may work on premises for which a permit has been issued under this section, he or she shall file a notice with the licensing officer of his or her intended employment on forms supplied by the licensing officer and shall receive approval of such

employment from the licensing officer. The prospective employee shall supply such information as the licensing officer requires, including a set of fingerprints, on regular county or United States Department of Justice forms. Upon approval, the employee may begin working on the premises. If approval is denied, the prospective employee may, within ten days of the denial, apply to the licensing officer for a hearing. The decision of the licensing officer after hearing may be appealed to the board of commissioners, which may issue such order as is proper on the premises. An investigation fee of \$50.00 shall accompany the notice of intended employment or a receipt of the licensing officer evidencing the payment of such fee shall be presented at the time the notice is filed.

- (3) *Suspension or revocation of license.* Violation of the provisions of this Development Code, the ordinances of the county, the laws and regulations of the state or the rules and regulations of the county shall subject an employee of a sexually oriented establishment to suspension or revocation of his or her license.
- (4) *Independent contractors.* For the purpose of this section, independent contractors shall be considered as employees and shall be licensed as employees, regardless of the business relationship with the owner or licensee of any sexually oriented establishment.

(Ord. of 10-13-2020)

Sec. 89-1327. Developments of regional impact.

- (a) *Types of approvals covered.* The provisions of this section apply to any type of governmental action requested by a private party related to a development project, such as a land use plan amendment, rezoning or special use approval, special exception variance or hardship variance approval, project approval of a subdivision or site plan, issuance of a development permit or building permit, or hookup to a public utility.
- (b) *Thresholds for regional review.* Any development project for which any governmental action is requested that meets or exceeds any of the development thresholds adopted by the Georgia Department of Community Affairs (DCA) shall be considered a development of regional impact (DRI).
- (c) *Process for DRI review.*
 - (1) Submission to the regional commission.
 - a. First request for project approval.
 - 1. Upon determination by the planning and community development director that an application qualifies for DRI review, the applicant shall provide such information as necessary for the DRI review on forms available from DCA.
 - 2. The DRI review forms prepared by the applicant shall be submitted by the planning and community development director to the Northeast Georgia Regional Commission (NEGRC).
 - 3. Once the NEGRC has accepted the DRI forms as complete, the 30-day review period officially begins.
 - 4. Throughout the DRI process, the applicant shall coordinate with the planning and community development department and the NEGRC and provide such additional information as may be needed to complete the DRI evaluation.
 - b. Subsequent requests for project approval. Once the development project has been reviewed by the NEGRC and the first governmental action has been granted, no further reviews by the NEGRC of subsequent governmental actions need to be reviewed by the NEGRC unless the project is revised by an increase of ten percent or more in the applicable threshold factor.
 - (2) *Final action by the county.* Approval of the first request for governmental action by the county shall not be made on a development of regional impact until either:
 - a. Any interjurisdictional conflicts related to the DRI have been brought to a conclusion; and

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- b. A report has been received from the NEGRC reflecting its public findings and comments, if any;
or
 - c. Said report is not received within 30 days of official determination by the NEGRC that the DRI application is complete.

(Ord. of 10-13-2020)

Sec. 89-1328. Temporary suspension of permitting during zoning change.

Upon initiation or submission of a valid application for a rezoning or special use approval on a property, or the initiation of a text amendment, no permits shall be issued nor shall any actions be undertaken on the property that may be affected by the outcome of such application.

(Ord. of 10-13-2020)

Secs. 89-1329.—89-1380. Reserved.

ARTICLE XIII. APPEALS

Sec. 89-1381. Purpose of article.

This article describes the process for addressing unusual situations or unique problems that may arise from the strict interpretation or enforcement of this Development Code, including appeals from an administrative decision, for a special exception, for unique hardships restricting reasonable use of a property, and for relief from flood damage prevention restrictions.

(Ord. of 10-13-2020)

Sec. 89-1382. Appeals; general.

- (a) *Types of appeals.* Persons may appeal to the board of appeals for relief under the following circumstances:
 - (1) When aggrieved by an action or an interpretation of the planning and community development director or any other administrative official of the county made under this Development Code, including the denial of a permit authorized under this Development Code.
 - (2) When an exception is desired for a particular property from certain requirements of this Development Code, as specified in this article.
 - (3) When compliance with the requirements of this Development Code would create a particular and unique hardship.
 - (4) When the requirements for flood damage prevention would create an exceptional hardship or adversely affect an historic structure.
- (b) *Restrictions.*
 - (1) The board of appeals shall not be authorized to grant a density variance or a use variance to permit a use in a district in which the use is prohibited.
 - (2) The board of appeals shall not be authorized to grant a variance to any condition of approval established by the board of commissioners for a particular rezoning or special use approval. Changes to conditions of approval established by the board of commissioners shall be considered only through the same process through which the conditions were first approved (See the procedures and permits article of this Development Code).

Sec. 89-1383. Appeals of an administrative decision.

(a) *Initiation of administrative appeal.*

- (1) Any person aggrieved by an administrative decision affecting their property or request for a permit may initiate an appeal of the administrative action or interpretation to the board of appeals. Such appeal shall be taken within 30 days of the action or interpretation appealed from, by filing the appeal in writing with the planning and community development director. The planning and community development director shall transmit a notice of said appeal to the board of appeals specifying the grounds thereof.
- (2) It is the intention of this Development Code that all questions arising in connection with the enforcement of this Development Code shall be presented first to the director of the Planning and Community Development Department and that such question shall be presented to the board of appeals only on appeal from the decision of the planning and community development director.
- (3) The holder of or applicant for a development permit or a building permit may appeal any of the following actions taken by an administrative official:
 - a. The suspension, revocation, modification or approval with conditions of a development permit by the planning and community development department upon finding that the holder is not in compliance with the approved erosion and sedimentation control plan or other approved plans.
 - b. The determination that the holder is in violation of a development permit or building permit conditions.
 - c. The determination that the holder is in violation of any other provision of this Development Code.
- (4) Advance notice of the board of appeals' hearing on appeal shall take the form of such notice or advertising as is required by state or other local laws or ordinances.
- (5) The planning and community development director shall coordinate the review of each variance request by all other affected county departments and shall summarize such comments or recommendations as may be received to the board of appeals for final action in their normal course of business.

(b) *Action by board of appeals.* The board of appeals, upon appeal of an aggrieved party or at the request of the planning and community development director, shall:

- (1) Decide appeals from any order, determination, decision or other interpretation by any person acting under authority of this Development Code, where a misinterpretation or misapplication of the requirements or other provisions of this Development Code is alleged.
- (2) Interpret the use of words or phrases within the context of the intent of this Development Code.
- (3) Determine the boundaries of the various zoning districts where uncertainty exists.
- (4) Interpret such other provisions of this Development Code as may require clarification or extension in specific or general cases.

(c) *Temporary suspension of legal proceedings.* An appeal of an administrative decision stays all legal proceedings in furtherance of the action appealed from, unless the officer or department head from whom the appeal is made certifies to the board of appeals, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order granted by a court of competent jurisdiction.

(d) *Decision final.* A decision of the board of appeals shall be final and may be appealed only to a court of competent jurisdiction. Such appeal must be taken within 30 days of the decision of the board of appeals.

Sec. 89-1384. Special exception variances.

- (a) *Generally.* General limitations on relief special exception variances shall be limited to relief from the following requirements of this Development Code:
- (1) Minimum building setbacks.
 - (2) Maximum building height.
 - (3) Minimum lot width.
 - (4) Minimum separation between agricultural and residential uses.
 - (5) Public street frontage.
 - (6) Buffers and screening.
 - (7) Signage, in accordance with a master sign plan.
 - (8) Minimum or maximum parking requirements.
 - (9) Underground utilities installation required in the HCO district.
- (b) *Standards for approval.* A special exception variance may be granted upon a finding that the relief, if granted:
- (1) Would not cause substantial detriment to the public good; and
 - (2) Would not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity; and
 - (3) Would not diminish or impair property values within the surrounding neighborhood; and
 - (4) Would not impair the purpose and intent of the Development Code.
- (c) *Administrative approval.*
- (1) Special exception variances shall be considered by the board of appeals unless the variance is approved administratively. Only those variances listed in this subsection, below, and within the parameters stated, may be considered for administrative approval.
 - (2) The planning and community development director, upon a finding that a special exception variance meets the standards for approval contained in this section, may administratively approve such special exception variance within and not exceeding the following parameters:
 - a. Minimum building setbacks, not to exceed a reduction in the minimum setback required by 25 percent and may not be approved for more than 25 percent of the lots in the recorded subdivision.
 - b. Variance not to exceed ten feet for distance between buildings on same lot.
 - c. Maximum building height, not to exceed an additional five feet above the maximum allowed.
 - d. Parking requirements, not to exceed a reduction from the minimum required by five percent, nor an increase in the maximum allowed by five percent.
 - e. Variance limited to reducing minimum single-family lot area required to be above intermediate regional flood contour elevation to 50 percent and distance of dwelling unit from intermediate regional flood contour elevation to minimum yard requirements of applicable zoning districts and only upon written approval of the director of public works.
 - (3) In granting a variance, the planning and community development director may attach thereto any conditions which may be deemed advisable so that the purpose of this Development Code will be served, public safety and welfare secured, and substantial justice done.

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- (d) *Restriction on refiling if denied.* If denied, an appeal for a special exception variance affecting the same property shall not be reconsidered for a period of 12 months from the date of denial; provided, however, that the board of appeals may reduce the waiting period under extenuating circumstances or on its own motion.
 - (e) *Limitations on approval.* In no case shall a special exception variance be granted from the conditions of approval imposed on a property through a zoning change granted by the board of commissioners.
- (Ord. of 10-13-2020)

Sec. 89-1385. Hardship variances.

- (a) *Hardship variances; general.*
 - (1) Relief from the application of the provisions of this Development Code may be granted by the board of appeals upon a finding that compliance with such provision will result in a hardship to the property or owner that is substantially unwarranted by the protection of the public health, safety or general welfare, and the need for consistency among all properties similarly zoned.
 - (2) Such relief may be granted only to the extent necessary to alleviate such unnecessary hardship and not as a convenience to the applicant nor to gain any advantage or interest over similarly zoned properties.
 - (3) *Concurrent variance and rezoning consideration.* A hardship variance associated with a rezoning application may be heard by the board of commissioners which may concurrently grant approval of rezoning and variance, if warranted, in accordance with Article XII.
- (b) *Standards for approval.* A hardship variance may be granted in whole or in part, or with conditions, in individual case of unnecessary hardship only upon a finding by the board of appeals that all of the following conditions exist:
 - (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; or
 - (2) There are conditions that are peculiar to the property involved which adversely affect its reasonable use or usability as currently zoned; and
 - (3) The application of this Development Code to the particular piece of property would create an unnecessary hardship; and
 - (4) The variance will not result in an increase of the impervious surface of the development beyond that prescribed in the environmental protection article of this code; and
 - (5) Relief, if granted, would not cause substantial detriment to the water quality of the Mulberry River, protected watersheds or stream buffers; and
 - (6) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Development Code.
- (c) *Conditions.* The board of appeals board of appeals may, as a condition of the variance approval, require that alternative measures be taken by the applicant such that the purposes of this Development Code may be achieved through alternative means.
- (d) *Limitations on approval.* In no case shall a hardship variance be granted for any of the following:
 - (1) A condition created by the applicant, including the result of an unwise investment decision or real estate transaction.
 - (2) A change in the conditions of approval imposed through a zoning change granted by the board of commissioners.
 - (3) Reduction of a minimum lot size required by a zoning district.

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- (4) A use of land or buildings or structures that is not permitted by the zoning district that is applicable to the property.
 - (5) Any increase in the number of dwelling units or nonresidential building floor area otherwise permitted by the zoning district that is applicable to the property.
 - (e) *Restriction on refiling if denied.* If denied, an appeal for a hardship variance affecting the same property shall not be reconsidered for a period of 12 months from the date of denial; provided, however, that the board of appeals may reduce the waiting period under extenuating circumstances or on its own motion.
 - (f) *Fair Housing Act accommodation variance.* Notwithstanding any other provisions in this article XIII to the contrary, the board of appeals may grant a variance to the limitations on personal care homes contained in section 89-179 and the definitions referenced therein if the applicant for such a variance shows a documented need for accommodation based on medical or scientific studies, that the requested accommodation is the minimum necessary variance from the restrictions of the UDC, that the requested accommodation does not impose an undue burden or expense on the county or its citizens, and that the requested accommodation does not effectively create a fundamental alteration of the existing zoning scheme. An application for a Fair Housing Act accommodation variance shall comply with all other procedural requirements for consideration and approval of hardship variances.

(Ord. of 10-13-2020)

Sec. 89-1386. Flood protection variances.

- (a) *Flood damage prevention variances; general.*
 - (1) A flood damage prevention variance may be considered when there is an alleged error in any requirement, decision or determination made by the county in the enforcement or administration of the flood damage prevention provisions of this Development Code.
 - (2) A flood damage prevention variance may be considered for the reconstruction, rehabilitation or restoration of a building listed on the National Register of Historic Places or the State Inventory of Historic Places provided that the proposed reconstruction, rehabilitation or restoration will not result in the building losing its historical designation.
- (b) *Standards for approval.* In passing upon a flood damage prevention variance, the board of appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Development Code relating to flood damage prevention, and the:
 - (1) Danger that materials may be swept onto other lands to the injury of others;
 - (2) Danger to life and property due to flooding or erosion damage;
 - (3) Susceptibility of the facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) Importance of the services provided by the facility to the community;
 - (5) Necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - (6) Availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (7) Compatibility of the use with existing and anticipated development;
 - (8) Relationship of the use to the comprehensive plan and floodplain management program for that area;
 - (9) Safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) Expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

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- (11) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(c) *Limitations on approval.*

- (1) Upon consideration of the standards listed above, and the purposes of this Development Code, the board of appeals may attach such conditions to the granting of the variance as it deems necessary to further the purposes of flood damage prevention.
- (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (3) Conditions for variances are as follows:
 - a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of an historical building, a determination that the variance is the minimum necessary so as not to destroy the historical character and design of the building.
 - b. Variances shall only be approved upon:
 1. Showing of good and sufficient cause;
 2. Determination that failure to grant the variance would result in exceptional hardship; and
 3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or development codes.

(d) *Requirements if approved.*

- (1) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the building is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (2) The Planning and Community Development Department shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(Ord. of 10-13-2020)

Sec. 89-1387. Process for granting an appeal.

(a) *Application and initial actions.*

- (1) Upon receiving a notice of an appeal, the planning and community development director shall assemble such memos, papers, plans, or other documents as may constitute the record for the appeal or as may provide an understanding of the issues involved.
- (2) An application for an appeal shall include such descriptions, maps or drawings as needed to clearly illustrate or explain the action requested. The planning and community development director may request such additional information from the appellant as necessary to provide a full understanding of the appellant's request.
- (3) Once the record has been assembled, the planning and community development director shall:
 - a. Review appeals from an administrative decision and special exception variances eligible for administrative approval for possible resolution or approval, respectively; and

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- b. Schedule unresolved appeals for consideration at the next meeting of the board of appeals for which adequate public notice can be given.
- (b) *Public notice.*
- (1) At least 15 days but not more than 45 days prior to the public hearing, notice shall be published in a newspaper of general circulation within the county. The notice shall state the time, place and purpose of the hearing.
 - (2) A request for an unresolved special exception variance, a hardship variance or a flood damage prevention variance shall be heard at a public hearing only upon:
 - a. The published notice, in addition to the requirements above, shall include the location of the property, the present zoning classification of the property, and the nature of the requested action; and
 - b. At least 15 days prior to the public hearing, the planning and community development department shall post a sign or signs on the property stating the date, time and place for the public hearing, the present zoning classification and the nature of the requested action, and shall send a letter by first class mail to the applicant or his attorney notifying the appellate of the date, time and place of the public hearing. One such sign shall be placed in a conspicuous location along each street frontage of the subject property. If the property has no street frontage, the sign shall be placed on each street at the location from which access will be gained to the property.
- (c) *Withdrawal.* Any appellant wishing to withdraw an appeal prior to the meeting of the board of appeals shall file a written request for such withdrawal with the planning and community development director. The appeal shall thereupon be removed from the board's agenda and the request shall have no further effect.
- (d) *Board of appeals public hearing.*
- (1) The chair or the board of appeals' designee, who shall act as the presiding official, shall convene the public hearing at the scheduled time and place.
 - (2) The presiding official may administer oaths and compel the attendance of witnesses by subpoena.
 - (3) The planning and community development director shall submit the assembled record of the appeal to the board of appeals. The planning and community development director, or other appropriate party if the appeal was taken from an administrative action or interpretation, shall provide such information or explanation as appropriate to the circumstances of the appeal.
 - (4) At the public hearing, the appellant may appear in person or may be represented by counsel. The following rules shall obtain in the conduct of the public hearing:
 - a. The presiding official shall conduct the public hearing informally, as strict adherence to the rules of evidence is not required. A goal is a fair hearing.
 - b. The appellant shall first present evidence to the board. After the appellant has completed the presentation of evidence, opponents shall present such relevant evidence as they think appropriate after being recognized by the presiding official.
 - c. All parties participating in the public hearing shall introduce only relevant evidence.
 - d. All parties participating shall have the right to present witnesses and to cross-examine witnesses.
 - e. The appellant shall have an opportunity to present rebuttal evidence, but such evidence shall be limited to points or issues raised by the opponents.
 - f. The public hearing shall be recorded in order to provide a verbatim record of the hearing.
 - (5) Within 30 days of the public hearing, the board of appeals shall provide a written decision with reasons supporting the decision. Such decision shall reflect the vote of the board, as follows:
 - a. A motion to approve or deny an appeal must be approved by an affirmative vote of at least a quorum of the members in order for the motion to be approved.
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- b. If a motion to approve an appeal fails, the appeal is automatically denied. If a motion to deny an appeal fails, another motion would be in order.
 - c. A tie vote on a motion for approval of an appeal shall be deemed a denial of the appeal. A tie vote on any other motion shall be deemed to be no action, and another motion would be in order.
- (6) In taking action on an appeal, the board of appeals may:
- a. Approve, approve with changes, or deny the request; or,
 - b. Table the appeal for consideration at its next scheduled meeting; or,
 - c. Allow withdrawal of the appeal at the request of the appellant.

(Ord. of 10-13-2020)

Sec. 89-1388. Temporary suspension of permitting during appeals.

Upon submission of a valid application for the granting of an appeal on a property, no permits shall be issued nor shall any actions be undertaken on the property that may be affected by the outcome of such application.

(Ord. of 10-13-2020)

Secs. 89-1389—89-1440. Reserved.

ARTICLE XIV. ADMINISTRATION AND ENFORCEMENT

Sec. 89-1441. Purpose of article.

This article sets out the structure for administering and enforcing this Development Code, including the responsibilities and procedures of the various enforcement officers in carrying out enforcement activities and in amending the text of this Development Code.

(Ord. of 10-13-2020)

Sec. 89-1442. Schedules and fees.

From time to time, the board of commissioners may adopt fees for the issuance of permits, the submission of applications, and such other activities and authorizations as regulated by this Development Code, and may adopt schedules of dates, times and places as appropriate and necessary to regulate the application, review and hearing processes required by this Development Code.

(Ord. of 10-13-2020)

Sec. 89-1443. Administrative roles.

- (a) *Planning and community development director.* The planning and community development director is responsible for the receipt, review and processing of all applications for rezoning, special use approval, project approval of subdivisions and site plans, text amendments, and appeals filed with the county. The planning and community development director is responsible for all administrative and enforcement activities related to the use or occupancy of land and buildings, and continuing conformance to the provisions of this Development Code. The planning and community development director serves as the secretary to the planning commission and to the board of appeals.
- (b) *Public works director.*

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- (1) The public works director is responsible for the review of submittals related to land disturbance and the development of projects; the construction of streets, drainage facilities and other public facilities; the control of erosion and sedimentation; and any other activities within public rights-of-way.
 - (2) The of public works director is responsible for enforcement of all requirements and restrictions of this Development Code relating to the engineering design of subdivision improvements and development projects, the construction of streets and stormwater management systems, their continued maintenance and operation, and coordination of the installation of public utilities.
- (c) *Building official.* As the issuing agent for all building and sign permits, the building official is responsible for the proper construction of buildings and structures, and continuing compliance with permit requirements after construction is complete. While building officials examine land development project plans for compliance with the technical codes and all other pertinent laws or ordinances, the owner shall ultimately remain responsible for the design of the project. Notwithstanding the building official's role in accepting and approving submissions specified in this ordinance, the owner is not entitled to rely on approval from the county of any documents as evidence that the plans are all internally consistent or compliant with applicable health and safety codes and standards. Nothing herein is intended to create an actionable duty on the part of the building officials.
- (Ord. of 10-13-2020)

Sec. 89-1444. Planning Commission.

- (a) *Creation and appointment.* The Town of Carl Planning Commission as heretofore established by the Town of Carl Board of Commissioners is hereby reestablished as a seven-member commission.
- (1) Members of the planning commission shall be appointed so as to provide a member from each of the six county commission districts and one at-large appointment.
 - a. Each district member of the planning commission must be a resident of the county commission district from which such member is appointed and maintain residency in that commission district. The at-large member of the planning commission must be a resident of Town of Carl and maintain residency in the county.
 - b. A district member who moves his or her residency out of the commission district from which he or she was appointed shall be deemed to have automatically resigned his or her membership on the planning commission as of the date of such move. If the at-large member moves his or her residency out of the county, the member shall be deemed to have automatically resigned his or her membership on the planning commission as of the date of such move.
 - c. Each member appointed to the planning commission shall serve for a period equal to the term of office of the county commissioner who represents the county commission district from which the planning commission member is appointed, or until such member's successor is appointed, whichever last occurs. The reelection of a county commissioner shall constitute a new term of office, as shall the special election of a county commissioner to fill an unexpired term.
 - (2) A new member appointed to fill a vacancy on the planning commission shall be appointed from the same county commission district, or at large, as the member who previously filled the position.
- (b) *Officers; chairman and secretary.* The planning commission shall elect a chairman and vice-chairman (who shall be acting chairman in the absence of the chairman) on an annual basis. The chairman may not succeed himself or herself.
- (1) The chairman (or in his or her absence the vice-chairman) shall preside at all meetings and hearings of the planning commission and decide all points of order or procedure. The chairman shall appoint any committees which may be found necessary.
 - (2) The planning and community development director shall serve as secretary to the planning commission and shall conduct all correspondence of the commission; keep a minutes book recording attendance, the

vote of each member upon each question, or if absent, the failure to vote, indicating such fact; and keep records of examination and hearing and other official action; and shall carry out such other official duties as may be assigned by the board of commissioners.

(c) *Meetings.*

- (1) The regular meeting of the planning commission shall be held the third Thursday of the month at 7:00 p.m., unless there is no cause for holding such meeting. Whether there is or is not to be a regular meeting, the secretary shall inform the members of the planning commission at least 15 days in advance.
- (2) Special meetings may be called by the chairman provided that at least 48 hours' notice of such meeting is given each member and that such other public notice as required by law is provided.
- (3) Four members shall constitute a quorum for the conduct of all business.
- (4) Public hearings shall be held at each regular meeting of the planning commission for applications for land use plan amendments, rezonings, special use approvals and such other business that may require a public hearing to be properly considered by the planning commission. Such public hearings and the standards to be considered in making a recommendation shall follow the requirements applicable to each such application contained in the procedures and permits article of this Development Code.

(d) *Bylaws.* The planning commission shall be free to adopt bylaws not inconsistent with the provisions of this Development Code to further govern the conduct of their meetings, including the order of business at such meetings and the rules of order for deliberations and the making of motions.

(e) *Removal of members.*

- (1) Members of the planning commission shall be removable for cause by the board of commissioners upon written notice and after public hearing, or at the convenience of the board of commissioners upon majority vote.
- (2) Failure to attend three consecutive meetings or any ten meetings per term of the planning commissioner, shall be considered automatic resignation from the planning commission. Upon such automatic resignation or upon the creation of other vacancies on the planning commission, the chairman shall inform the county commission of such occurrence as promptly as possible, so that the board of commissioners may appoint a replacement to fill the unexpired term.
- (3) Failure of a member of the planning commission to comply fully with the Georgia Open Meetings Act (O.C.G.A. §§ 50-14-1 et seq.), the Georgia Conflict of Interest in Zoning Act (O.C.G.A. §§ 36-67A-1 et seq.), the powers and procedures of this Development Code relating to the planning commission, or other provisions of this Development Code applicable to property owned by, operated by or occupied by the member of the planning commission, shall constitute cause for removal by the board of commissioners.

(Ord. of 10-13-2020)

Sec. 89-1445. Board of appeals.

(a) *Creation and appointment.* The Town of Carl Board of Appeals as heretofore established by the Town of Carl Board of Commissioners is hereby reestablished as a seven-member commission.

- (1) Members of the board of appeals shall be appointed so as to provide a member from each of the six county commission districts and one at-large appointment.
 - a. Each district member of the board of appeals must be a resident of the county commission district from which such member is appointed and maintain residency in that commission district. The at-large member of the board of appeals must be a resident of Town of Carl and maintain residency in the county.

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- b. A district member who moves his or her residency out of the commission district from which he or she was appointed shall be deemed to have automatically resigned his or her membership on the board of appeals as of the date of such move. If the at-large member moves his or her residency out of the county, the member shall be deemed to have automatically resigned his or her membership on the board of appeals as of the date of such move.
 - c. Each member appointed to the board of appeals shall serve for a period equal to the term of office of the county commissioner who represents the county commission district from which the board of appeals member is appointed, or until such member's successor is appointed, whichever last occurs. The reelection of a county commissioner shall constitute a new term of office, as shall the special election of a county commissioner to fill an unexpired term.
 - (2) A new member appointed to fill a vacancy on the board of appeals shall be appointed from the same county commission district, or at-large, as the member who previously filled the position.
 - (b) *Officers; chairman and secretary.* The board shall elect a chairman and vice-chairman (who shall be acting chairman in the absence of the chairman) on an annual basis. The chairman may not succeed himself or herself.
 - (1) The chairman (or in his or her absence the vice-chairman) shall preside at all meetings and hearings of the board of appeals and decide all points of order or procedure. The chairman shall appoint any committees which may be found necessary.
 - (2) The planning and community development director shall serve as secretary to the board of appeals and shall conduct all correspondence of the board; keep a minutes book recording attendance, the vote of each member upon each question, or if absent, the failure to vote, indicating such fact; and keep records of examination and hearing and other official action; and shall carry out such other official duties as may be assigned by the board of commissioners.
 - (c) *Meetings.*
 - (1) The regular meeting of the board of appeals shall be held the second Thursday of the month at 7:00 p.m., unless there is no cause for holding such meeting. Whether there is or is not to be a regular meeting, the secretary shall inform the members of the commission at least 15 days in advance.
 - (2) Special meetings may be called by the chairman provided that at least 48 hours' notice of such meeting is given each member and that such other public notice as required by law is provided.
 - (3) Four members shall constitute a quorum for the conduct of all business.
 - (4) Public hearings shall be held at each regular meeting of the board of appeals for applications for appeals and such other business that may require a public hearing to be properly considered by the board of appeals. Such public hearings and the standards to be considered in making a decision shall follow the requirements applicable to each such application contained in the appeals article of this Development Code.
 - (d) *Bylaws.* The board of appeals shall be free to adopt bylaws not inconsistent with the provisions of this Development Code to further govern the conduct of their meetings, including the order of business at such meetings and the rules of order for deliberations and the making of motions.
 - (e) *Removal of members.*
 - (1) Members of the board of appeals shall be removable for cause by the board of commissioners upon written notice and after public hearing, or at the convenience of the board of commissioners upon majority vote.
 - (2) Failure to attend three consecutive meetings or any ten meetings per term of the member shall be considered automatic resignation from the board of appeals. Upon such automatic resignation or upon the creation of other vacancies on the board of appeals, the chairman shall inform the county commission of such occurrence as promptly as possible, so that the county commission may appoint a replacement to fill the unexpired term.

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- (3) Failure of a member of the board of appeals to comply fully with the Georgia Open Meetings Act (O.C.G.A. §§ 50-14-1 et seq.), the powers and procedures of this Development Code relating to the board of appeals, or other provisions of this Development Code applicable to property owned by, operated by or occupied by the member of the board of appeals, shall constitute cause for removal by the board of commissioners. Members of the board of appeals are also expected to comply with the Georgia Conflict of Interest in Zoning Act (O.C.G.A. §§ 36-67A-1 et seq.); failure to comply shall constitute cause for removal by the board of commissioners.

(Ord. of 10-13-2020)

Sec. 89-1446. Inspection and enforcement.

(a) *Enforcement officer.*

- (1) Representatives of the planning and community development director, the director of public works and the sheriff's office shall have the power to conduct such investigations as may reasonably be deemed necessary to assure or compel compliance with the requirements and provisions of this Development Code, and for this purpose to enter at reasonable times upon any property for the purpose of investigation and inspection.
- (2) No person shall refuse entry or access to any authorized representative or agent of the county, the Georgia Soil and Water Conservation Commission, the soil and water conservation district, or the Georgia Environmental Protection Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

(b) *Citations.* Any violation of this Development Code may be tried upon a citation issued by the sheriff or any other authorized representative of the county pursuant to the provisions of this development code and state law. Without limitation, builders, developers, contractors, property owners, and such other parties responsible for the violation may be cited for violation of any provisions of this Development Code.

(c) *Land development activities.*

(1) *Periodic inspections.*

- a. The planning and community development director will periodically inspect the sites of land-disturbing activities for which development permits have been issued to determine if the activities are being conducted in accordance with the erosion and sediment control plan and if the measures required in the plan are effective in controlling erosion and sedimentation.
- b. In addition, the planning and community development director shall regulate both primary and secondary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities.
- (2) *Notice of violation.* If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved erosion and sediment control plan, with development permit conditions, or with any other provisions relating to land development activities of this Development Code, a written notice to comply shall be served upon that person (which notice may consist of a stop-work order). The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Development Code and deemed to have forfeited any required performance bond if required to post one under the provisions of this Development Code. The county may call the performance 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.

(3) *Stop-work orders.*

- a. For the first and second violations of the provisions of this article, the planning and community development director (or designee) shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the planning and community development director shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the planning and community development director shall issue an immediate stop-work order in lieu of a warning;
 - b. For a third and each subsequent violation, the planning and community development director shall issue an immediate stop-work order; and;
 - c. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Stop-work orders may be either personally served or posted at the primary entrance of the land-disturbing activity.
 - d. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by planning and community development director or his or her designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop-work order shall be issued by the planning and community development director or his or her designee. All such stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop-work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.
 - e. Upon the issuance of a stop-work order, the permittee shall also be served with a citation and summons specifying the violation(s) and returnable to the county magistrate court.
- (4) *Bond forfeiture.* If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this article and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of section 89-1329 of this Development Code. Town of Carl 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) *Land use and other provisions.*

- (1) *Inspection.* If the planning and community development director finds that a provision of this Development Code is being violated relating to the use or occupancy of land or structures, lot standards, landscaping, buffers, tree conservation, parking, signage, flood damage prevention or any other standard or provision (other than land development activities as may be authorized by a development permit), or relating to a condition of approval established in connection with a grant of variance or zoning change, he or she shall authorize notification to the person responsible for such violation in writing (which notification may consist of an order to cease and desist the violation). The notification shall indicate the nature of the violation and order the action necessary to correct it. Upon continuing noncompliance, or initially in the case of an immediate threat to the public health or safety, the planning and community development director shall have authority to prosecute violations in court.
- (2) *Cease and desist orders.* The planning and community development director shall order discontinuance of illegal use of land, buildings or structures; removal or relocation of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of illegal work being done; or shall

take any other appropriate or necessary action to ensure compliance with or to prevent violation of the provisions of this Development Code.

- (e) *Removal of illegal signs.* The building official may order the removal of any sign in violation of this Development Code by written notice to the permit holder; or if there is no permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, then to the sign erector and any party that procured the erection of the sign. If a permit was issued, such notice shall operate to revoke the permit. The removal order shall be issued only after the appropriate party fails to comply within seven days after the county gives written notice of noncompliance.
- (1) *Procedure following removal order.* An aggrieved party may appeal the removal order within ten days from the date that the notice was mailed. Such appeal shall be made to the board of commissioners. If the sign is not removed within 30 days after the order of removal (or 30 days after the date any appeal becomes final), the building official is authorized to remove or cause to be removed the sign and to collect the costs thereof as provided below.
- (2) *Removal without notice.*
1. The building official or any other agent of the county having jurisdiction under the circumstances may remove or direct the removal of any sign in violation of this Development Code, without giving notice to any party, if:
 2. Said sign is upon the public right-of-way or upon other public property; or
 3. Said sign poses an immediate safety threat to the life or health of any members of the public.
 4. Following such removal, the county may collect the costs as provided in the following section.
- (3) *Costs of removal.*
- a. Removal of any sign found in violation shall be without liability to the county, its officers, agents, and employees. The permit holder shall be primarily responsible for the costs of removal. If there is no permit holder, then the sign owner shall be responsible. If the sign owner cannot be determined, then the costs of removal shall be the responsibility of the sign erector and any party that procured the erection of the sign.
 - b. If payment or arrangement to make payment is not made within 60 days after the receipt of a statement of removal costs, the building official shall certify the amount thereof for collection to the county attorney. In the event the removed sign(s) remains unclaimed for more than one year from the date of impound, the sign(s) shall be disposed of in accordance with state law.
 - c. Costs of removal shall be charged in accordance with a fee schedule adopted by the board of commissioners from time to time, or at the actual cost to the county, whichever is more appropriate to the action taken.
- (f) *Referral to sheriff.* Any violation alleged under this Development Code may be referred to the sheriff's office for investigation, citation and enforcement.

(Ord. of 10-13-2020)

Sec. 89-1447. Violation and penalties.

- (a) *Violation of a misdemeanor.* Violation of any provision of this Development Code, including violation of conditions of approval established in connection with grants of variance or zoning changes, shall constitute a misdemeanor.
- (b) *Failure to obtain a development permit for land-disturbing activity.* If any person commences any land-disturbing activity requiring a development permit as prescribed in this Development Code without first obtaining said development permit, the person shall be subject to revocation of his authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the county.

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- (c) *Monetary penalties.* Any person who is determined by the court to have violated any provisions of this Development Code, or any permit condition or limitation established pursuant to this Development Code, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the planning and community development director issued as provided in this Development Code shall be liable for a civil penalty as follows:
- (1) Pursuant to O.C.G.A. § 12-7-15, the magistrate court shall be authorized to impose a penalty not to exceed \$2,500.00 for each violation. Each day during which a violation or failure or refusal to comply continues shall be a separate violation.
 - (2) Notwithstanding any other provision of law as to penalties that can be assessed for violations of county laws, the court shall be authorized to impose monetary penalties for such violations in accordance with the maximum penalty provided by state law, but not to exceed \$2,500.00 for each violation. Each day the violation continues shall constitute a separate offense.
- (d) *Additional remedies.* Nothing contained in this section shall prevent the county from taking such other lawful actions as are necessary to prevent or remedy any violation, such as injunction, mandamus or other appropriate action.
- (e) *Administrative appeal/judicial review.*
- (1) *Administrative remedies.* The suspension, revocation, modification or grant with condition of a permit by Town of Carl upon finding that the holder is not in compliance with the approved erosion and sediment control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the Town of Carl Board of Commissioners within 60 days after receipt by the planning and community development director of written notice of appeal. Unless enjoined by a court of competent jurisdiction, all work must cease during the appeal process.
 - (2) *Judicial review.* Any person, aggrieved by a decision or order of the county Board of Commissioners, after exhausting his administrative remedies, shall have the right to appeal de novo to the Superior Court of Town of Carl.

(Ord. of 10-13-2020)

Sec. 89-1448. Liability.

- (a) Neither the approval of a plan under the provisions of this Development Code, nor the issuance of a permit, nor the compliance with provisions of this Development Code, shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the county for damage to any person or property.
- (b) The fact that a land-disturbing activity for which a development 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 Development Code or the terms of the development permit.
- (c) No provision of this Development Code shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, as amended, the Georgia Water Quality Control Act, or the rules and regulations promulgated and approved under such laws or pollute any waters of the state as defined by said acts.

(Ord. of 10-13-2020)

Secs. 89-1449—89-1500. Reserved.

ARTICLE XV. RESERVED

Secs. 89-1501—89-1600. Reserved.

ARTICLE XVI. HIGHWAY CORRIDOR OVERLAY DISTRICT

Sec. 89-1601. Purpose of article.

The purpose of the Highway Corridor Overlay District is:

- (a) To promote the general health, safety, and welfare of the community.
- (b) To improve the efficient operation of traffic around Town of Carl.
- (c) To promote safe and efficient movement within the Overlay District for persons using all modes of travel - motorized vehicles, bicycles, and walking.
- (d) To create an attractive gateway that is aesthetically appealing and environmentally responsible.
- (e) To encourage innovative development projects that set standards for landscaping, open space, community design, streetscapes, and public amenities.
- (f) To establish consistent and harmonious design standards for public improvements and private property development within the Overlay District so as to unify the distinctive visual quality of the Highway Corridor.

(Ord. of 10-13-2020)

Sec. 89-1602. Boundaries.

This article applies to land parcels of record within unincorporated Town of Carl as depicted on Exhibit "A" which is attached hereto and incorporated herein by reference. All property contained within any parcel subject to this ordinance on the date of adoption of this Ordinance shall continue to be subject to this article, even if the parcel is subdivided in the future.

- (a) The Highway Corridor Overlay District shall include all properties within the boundaries of unincorporated Barrow with frontage along the following corridors: SR 124, SR 11, Hwy 211, Hwy 53, Hwy 81, or Hwy 316/US 29.
- (b) Upon written application pursuant to Article 13, the board of appeals may grant exemptions from these requirements for parcels or portions of a parcel that would otherwise be included in the Highway Corridor Overlay District, based on one or more of the following findings:
 - (1) The subject property to be exempted lies more than 750 feet from the centerline of SR 124, SR11, 211, 53, 81 or 316 as applicable.
 - (2) The property to be exempted does not have access to SR 124, SR 11, 211, 53, 81 or 316 as applicable and will not require access to SR 124, SR 11, 211, 53, 81 or 316, as applicable when developed.
 - (3) Due to site topography, development of the property to be exempted will not be visible from SR 124, SR11, 211, 53, 81 or 316 as applicable.
 - (4) Due to the location, size, and shape of the property, development of the parcel under its current zoning and in conformity with the requirements of the Highway Corridor Overlay District would present a severe and unique hardship.

(Ord. of 10-13-2020)

Sec. 89-1603. Effect of highway corridor overlay district provisions.

- (a) *Application.* This overlay district is supplemental to the underlying zoning district classifications established in the Town of Carl Unified Development Code governing all properties and approvals within this overlay district. The provisions of this article shall be overlaid upon and shall be imposed in addition to said underlying zoning regulations and other Town of Carl ordinances.

The planning and community development director is authorized to promulgate and enforce such rules, regulations, guidelines, and standards as may be reasonably necessary or desirable to give effect to the provisions of this article.

- (b) *Relationship to underlying zoning district standards and other provisions of Unified Development Code.* In any case where the standards and requirements of the highway corridor overlay district conflict with those of the base-zoning district or with other provisions of the Unified Development Code, the standards and requirements of the highway corridor overlay district shall govern.
- (c) *Exceptions.* The provisions of this article shall not apply to the following:
- (1) Completion of work subject to preliminary plats, site development plans, construction plans, building permits, or interior finish permits approved prior to the effective date of this article for those parcels not previously covered within the Highway overlay district previously known as the SR 124 and 211 Corridor Overlay District.
 - (2) Improvements and additions that are made to a single-family residence previously permitted and built on a lot of record prior to enactment of this article for those parcels not previously covered within the Highway overlay district previously known as the SR 124 and 211 Corridor Overlay District.
 - (3) Construction of a single-family dwelling on an existing lot of record within a single-family residential subdivision with final plat approved prior to enactment of this article, for those parcels not previously covered within the overlay district previously known as the SR 124 and 211 Corridor Overlay District, provided that the new construction shall be of a similar floor area, materials and design as the single-family dwellings on adjacent lots in the same subdivision.
 - (4) Construction, rehabilitation, restoration, repair of a non-residential structure, interior renovations or interior finishes within an existing structure, or addition to an existing non-residential structure that was permitted prior to the enactment of this article for those parcels not previously covered within the highway overlay district previously known as the SR 124 and 211 Corridor Overlay District shall not be subject to the provisions of the highway corridor overlay district, provided that such construction is on a lot of record and does not affect a change to more than 20 percent of the existing permitted structure or 5,000 square feet, whichever is less.
- (d) *Building plan application.*
- (1) All building plans submitted pursuant to an application for a building permit should clearly indicate all of the proposed building materials and colors for each facade as described in section 89-1604(k) of this article.
 - (2) The plans should clearly show the location and calculate the amount/percentages of all building materials per facade.
 - (3) Groups of buildings on the same parcel of land may be reviewed and permitted as a single project rather than individual buildings.

(Ord. of 10-13-2020)

Sec. 89-1604. Property development standards.

- (a) *Prohibited uses.*

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- (1) Self service storage or mini-warehouse.
 - (2) Salvage, junk, wrecking and scrap yards.
 - (3) Adult bookstore.
 - (4) Sexually oriented businesses or establishments.
 - (5) Pawnshop or loan brokers, other than mortgage loan brokers.
 - (6) Rooming and boarding houses.
 - (7) Automotive repair and maintenance, except car washes.
- (b) *Special uses.* The following use shall require special use approval in accordance with the procedures of article XII:
- (1) Outdoor commercial recreation.
 - (2) Car washes.
 - (3) Outdoor storage or display.
 - (4) Commercial buildings in excess of 150,000 square feet.
 - (5) Exceptions to building height standards as set forth in subsection (l)(6) below.
- (c) *Ground floor area limitation.* New commercial buildings may not exceed 150,000 gross square feet in ground floor area. New commercial buildings greater than 150,000 gross square feet must obtain special use approval. In determining whether to grant an increase in ground floor size beyond 150,000 square feet, the board of commissioners shall consider the following factors, in addition to those listed in article XII:
- (1) The site has safe, immediate access to the highway corridor overlay district as applicable.
 - (2) The building site will provide convenient inter-connections with adjacent uses and properties that serve both pedestrians and automobiles.
 - (3) The floor area of the proposed building is the smallest feasible to serve the function of the proposed use.
 - (4) The architectural design of the building reduces the perceived size of the building by appropriate articulations and variations in the massing, façade, roofline, materials, colors, and textures of the building exterior.
 - (5) The building and site meets or exceeds all other standards set forth in this ordinance and by the Town of Carl Unified Development Code.
- (d) *Lot standards.*
- (1) Minimum lot size shall be as follows:
 - a. For outparcels or stand-alone commercial projects: 1 acre.
 - b. For commercial lots within a common development with shared parking and interconnectivity: ½ acre.
 - (2) Minimum commercial lot frontage: 175 feet along an arterial.
 - (3) Non-residential lots shall be generally rectangular with a ratio of depth to frontage not greater than 4:1.
 - (4) Residential subdivisions shall comply with one of the following two requirements (see section 1606, Design Guidelines, Figure 1):
 - a. Reverse-fronting lots are required for residential subdivisions along streets classified as arterials or collectors, subject to subparagraph (b) below. Reverse-fronting residential lots shall be platted with a landscaped access easement restricting vehicular access placed adjacent to the public right-of-way. Such easement shall be a minimum of 20 feet in depth and include one of the following:

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1. A continuous four-foot high solid wall constructed entirely of brick or stone masonry.
 2. A four-foot high fence constructed of a combination of brick or stone masonry pillars with iron pickets.
 3. A vegetated strip of canopy trees, shrubs, and groundcover that provide a full landscape buffer.
- b. If a residential lot is separated from the arterial or collector street by a minimum 20-foot wide landscaped strip and a residential street, a residential lot may face an arterial or a collector street.
- (e) *Access management standards.*
- (1) *Driveways.* Driveway connections to public streets shall be consistent with the following standards:
- a. Driveway connections shall not be permitted within the controlled access zone of an intersection (See section 1606, Design Guidelines, Figure 2)
 - b. Outparcels with less than 200 feet of road frontage are restricted to internal access only.
 - c. Driveways that enter a major thoroughfare at traffic signals must have at least two outbound lanes (one for each turning direction) of at least 11 feet in width, and one inbound lane with a maximum width of 11 feet.
 - d. No residentially developed property may have a curb cut in excess of 30 feet in width, and no non-residential property may have a curb cut in excess of 40 feet without approval of the public works director.
 - e. Except for single-family and two-family residences, driveway grades shall conform to the requirements of the Georgia Department of Transportation Regulations for Driveway and Encroachment Control.
 - f. Except where driveways are on opposite sides of a raised median, driveways on opposite sides of a street shall either directly align or have offsets of a minimum of 125 feet, as measured between the extended centerlines of such driveways.
 - g. Whenever possible, driveways on undivided arterials, collector streets, or local streets should align with driveways (if any) on the opposite side of such street.
 - h. On a divided arterial street that includes a median, driveways should align with median breaks whenever possible. Driveways not meeting this standard shall be limited to right turn access and right turn egress.
 - i. Driveway throat length. The length of a driveway or "throat length" for a commercial or office development shall be designed in accordance with the vehicle storage required for entering and exiting vehicles to prevent vehicles from backing

into the flow of traffic on the public street or causing unsafe conflicts with on-site vehicle circulation. The throat lengths specified in Table 16.1 are generally acceptable guidelines intended for the major entrance driveway of a commercial development (see section 1606, Design Guidelines, Figure 3)

Table 16.1: Driveway Throat Length for Commercial Centers

Commercial Center Total Gross Floor Area	Throat Length of Principal Driveway*
Under 25,000 square feet	50 feet - 60 feet
25,000 - 50,000 square feet	60 feet - 85 feet
51,000 - 100,000 square feet	85 feet - 135 feet
101,000 - 150,000 square feet	135 feet - 180 feet

151,000 - 200,000 square feet	180 feet - 200 feet
Over 200,000 square feet	200 feet or more
Note: * For driveways that allow right turns only the throat length may be reduced by one third.	

- (2) *Deceleration lanes.*
- a. A major driveway entering a street with a regulated arterial speed greater than 35 miles per hour shall be required to provide a deceleration lane consistent with the standards set forth in Article X.
 - b. An acceleration or deceleration lane that would begin or end within 75 feet of another driveway or intersecting street shall be lengthened so that it connects with the adjacent street or driveway.
- (f) *Landscaped strip to screen parking lots and loading areas.*
- (1) Where a parking lot or loading area for a commercial, industrial, or institutional use is located adjacent to the public right-of-way, it shall be screened from the public right-of-way consistent with Article VIII of this Development Code.
 - (2) Setbacks for screening areas facing the highway corridor overlay district shall be based on future right-of-way consistent with section 1606, Design Guidelines, Figure 7.
- (g) *Environmental controls.*
- (1) Stormwater management design shall comply in all respects with the current edition of the Georgia Stormwater Management Manual.
 - (2) Parking lot landscaping. Parking areas shall incorporate landscaped areas as required in Article 6. Such landscaped areas shall cover at least 12 percent of the parking area.
- (h) *Parking requirements.* Off-street parking shall be required as in Article 6 of the Town of Carl Unified Development Code, except as provided in this subsection:
- (1) Maximum number of parking spaces. The maximum number of parking spaces that may be constructed on impervious surfaces shall be no more than 125 percent of the minimum number of required parking spaces. Parking spaces in excess of 105 percent shall be constructed on pervious surfaces recommended in paragraph (3)(b) of this subsection.
 - (2) Pedestrian circulation. Parking areas shall be designed to facilitate safe and convenient use by pedestrians. Commercial and multi-family developments shall provide designated pedestrian pathways or sidewalks connecting the front entrance of the principal building to the sidewalk along the abutting street, including marked crosswalks across interior driveways. (See section 1606, Design Guidelines, Figures 4 & 5)
 - (3) Paving materials for parking lots.
 - a. All parking areas shall be paved with asphalt, concrete, or pervious materials approved by the planning and community development director.
 - b. Pervious paving. Recommended pervious paving materials include those described in the current edition of the Georgia Stormwater Management Manual as the Porous Concrete or Modular Porous Paver Systems under the Limited Application Stormwater Structural Controls.
 - c. Paving areas shall be of sufficient size and strength to support the weight of service vehicles.
 - (4) On-street parking may be permitted, where appropriate, in accordance with on-street parking standards in Article VI.
- (i) *Dumpsters.*

(1) *Location.*

- a. Dumpsters and trash receptacles shall be located where they are not visible from adjacent residentially-zoned properties and shall be adequately screened from view from all other adjacent properties and streets.
- b. Dumpsters shall be enclosed either within a building or out of sight from public streets or located outside to the rear of the principal building.
- c. Dumpsters shall be set back a minimum of five feet from all property lines. If a buffer is required on the subject property line, the dumpster shall not be located within the buffer.

(2) *Pad.*

- a. Dumpsters shall be placed on concrete pads of sufficient size and strength to support the weight of service vehicles.
- b. Restaurants and other food service establishments shall place dumpsters on concrete pads that are designed to slope into a drain that is equipped with a grease trap.

(j) *Lighting.*

(1) *Streetlights.*

- a. Streetlights shall be provided on all public streets; provided, however, that within the right-of-way of State Routes, SR 124, SR 11, 211, 53, 81 or 316 as applicable, as streetlights are not required.
- b. The spacing of street lights shall be staggered, 150 feet on-center, along both sides of the roadway.
- c. All street lighting shall be subject to review and approval of the Town of Carl Public Works Department.
- d. All roadway lighting, streetlights, and parking lights shall be the full cutoff type. Pedestrian lights shall be the semi-cutoff, cutoff, or full-cutoff type.
- e. Streetlights shall be consistent with Table 16.2 and section 1607, Design Guidelines, Figure 7.

(2) *Parking lot, sidewalk, and building illumination.*

- a. Lighting shall be designed to prevent light spillover on to adjacent properties. All lighting shall be fully shielded, have recessed luminaries, or be cut-off luminary fixtures mounted in such a manner that the cone of light is directed downward and does not cross any property line of the site.
- b. Only incandescent, florescent, light-emitting diode (LED), metal halide, low-pressure sodium, or color corrected, high-pressure sodium may be used. The same type of lighting must be used for the same or similar types of lighting on any one site.
- c. Pedestrian lights shall be consistent with Table 16.2. and section 1606, Design Guidelines, Figure 7
- d. Parking light fixtures shall be the box head type, shall have a maximum height of 35 feet, and shall employ a fluted pole. All parking light fixtures and poles shall be black.

Table 16.2: Lighting Specifications

	Streetlight	Pedestrian Light	Parking Light
Maximum Height	40'	15'	35'
Color	Black	Black	Black
Pole Type	Unspecified	Fluted	Fluted

Fixture Type	Cobra Head	See Figure 7 of the Design Guidelines	Box Head
Shielding	Full-cutoff	Semi-cutoff, cutoff, or full-cutoff	Full-cutoff
Spacing	150' on center	unspecified	unspecified
* Collector streets only. Streetlights on other streets may employ other fixture types per approval of the Public Works Department.			

(3) *Security lighting restrictions.*

- a. Full cutoff luminaires shall be used for all security lighting.
- b. The number of luminaires remaining on for security lighting shall not exceed one fourth the total number of each type of luminaire number by four, any remainder is counted as a whole number.

(4) *Sign illumination.*

- a. Neon signs and internally illuminated window signs are prohibited.
- b. Signs may be illuminated with external lighting fixtures provided that fixtures are directed downward and away from streets and adjacent property and public streets. All lighting shall be fully shielded, have recessed luminaires, or be full cut-off luminary fixtures.
- c. Signs may be illuminated as set forth in section 89-787.

(5) *Drive-under canopies and pump islands at fueling stations.* The luminaire shall be recessed into the canopy ceiling so that the bottom of the luminaire does not extend below the ceiling.

(k) *Architectural standards.* The following design guidelines and standards apply to all newly constructed buildings used for multifamily residential, office or commercial purposes. These standards do not apply to single-family residential, duplex, industrial, storage or warehouse uses.

(1) *General architectural requirements.*

- a. The use of a common palette of building materials should be maintained for building facades to create a consistent and traditional architectural identity. Traditional architecture shall include, for example, the use of brick, pitched roofs, low-profile signage, and subdued colors. For large commercial/retail buildings and multifamily buildings, variations in façade, roofline and depth should be provided to lend the appearance of multi-tenant occupancy. All design and construction shall be subject to architectural review by the county or its designated architect to ensure adherence with this subsection (k) and the structures of traditional architecture.
- b. All ground or roof-mounted mechanical, HVAC, and like systems shall be screened from public street view (within 300 feet) on all sides by an opaque wall or fence made of brick, stucco, split face block, or landscaping.
- c. For all commercial buildings, roof-mounted mechanical, HVAC, and like systems shall be screened from public street view (within 300 feet) on all sides by a raised parapet or pitched roof along the edge of the roofline.
- d. Contrasting accent colors on any single facade shall be limited to no more than ten percent of the total wall area for any single facade.
- e. Permanent mounted exterior neon lights shall not be allowed.
- f. Buildings that are located on outparcels and all accessory buildings shall be constructed of materials complementing the principal building with which they are associated.

- g. Back-lit awnings, roof-mounted lights, and/or roof mounted flag poles are not permitted. Satellite dishes shall be located and painted to blend with the background as much as practical.
- (2) Building materials. Table 16.3 and this sub-section outlines allowed building materials that are may be used and combined to create a consistent, attractive, interesting and long-lasting building design:
- a. *Allowed building materials.*
1. Brick, except that brick veneers that are intended to simulate brick exteriors are not acceptable;
 2. Stone. Natural stone such as, but not limited to, granite, limestone, acid marble are allowed building materials. Terra cotta and/or cast stone, which simulate natural stone, are also acceptable. Painted stone is not allowed;
 3. Split-face block/concrete masonry unit (CMU) is restricted to ten percent of the surface area of the facade;
 4. Tilt/architectural pre-cast concrete is not allowed;
 5. High grade stucco is restricted to 50 percent of the surface area of a facade;
 6. Natural wood and/or cement-based artificial wood siding are allowed only for residential buildings;
 7. Glass;
 8. Exposed concrete block, metal, and tile are not allowed as building materials on a façade.

Table 16.3 Allowable Building Materials

Brick	Stone	Glass	Tilt/Pre-Cast	Stucco	Concrete Blocks	CMU/Split-Face Block	Siding	Metal	Tile
Yes	Yes	Yes	No	Max. 50% per facade	No	Max. 10% per facade	No*	No	No

Note: * Allowed for residential buildings. Buildings must have a minimum 4:12 roof pitch.

- b. *Ratios and amounts of allowed building materials.*
1. *Accent/trim exterior building material.* Small amounts of building materials such as wood, tile, etc., may be used to enhance the facade of the building or for decorative elements, but should not exceed 10% of total wall area per facade.
 2. *Facade calculations.* With the exception of accent/trim materials, there shall be no more than two primary building materials used. When stucco is used as a building material for a façade, it is restricted to 50 percent of the total. The allowed facade materials shall not apply to entry doors and/or roll-up doors.
- c. The amount of permitted material shall be calculated using the gross square footage of wall area per façade.
- For example, a building has a front facade with a gross facade area of 1,200 square feet with 400 square feet consisting of windows and doors. Begin with 1,200 square feet for required building material calculations. A wall area of 1,200 square feet shall have no more than 600 square feet of stucco on the front facade [e.g. (1,200 X 50% = 600)]. The balance shall be brick or other allowed material. Trim or accent material may account for up to ten percent or 120 square feet.

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- (3) Roof requirements. Materials for pitched roofs shall be limited to architectural dimensional grade asphalt shingles, natural slate, natural terra cotta, natural wood shake, copper or factory finished sheet metal.
- a. *Pitched roofs.* All buildings less than 5,000 square feet of gross floor area must have a pitched roof with a minimum pitch of 4:12. All one-story buildings less than 10,000 gross square feet must have a pitched roof (between 3:12 and 12:12); provided, however, that if a pitched roof is not possible, a combination of flat roof and pitched roof is required. Provide a pitched roof on front and side of the building to screen view of any flat roof. Create arcades, drive-under canopies, porches, and other features with pitched roof.
 - b. *Mansard roofs.* Mansard roofs shall have a maximum pitch of 12:12 with a minimum 12-foot vertical surface length.
 - c. *Flat roofs.* Building materials for flat roofs shall meet local codes.
 - d. Exposed metal flashing shall be copper or factory finished sheet metal. If factory finished metal flashing is used, such as standing seam, the color must be subdued to blend with other materials or of a color to simulate weathered copper or bronze. All buildings with flat roofs should include parapet articulation on the front facade(s) of such building. There shall be roof articulations/offsets at a minimum of one per each 125 linear feet of length by a change in the top line of the parapet. Additional articulation may occur at any lesser distance. If the front facade is less than 125 linear feet of length, then a minimum of one roof articulation must occur.
 - e. *Other.* Drive under canopies for gasoline pumps may have flat roof with vertical or factory formed facing of finished sheet metal.
- (4) Arcade/structural canopy for retail use. For any multi-tenant commercial development, a covered arcade/structural canopy shall be provided along the front facade of the building. Arcades are covered walkways connected to the principal building. They should be a minimum of five feet in width and designed to provide covered areas for relief from the weather. Different arcade/structural canopy designs may be used for each individual tenant/business within a multi-tenant commercial development provided that they blend aesthetically with the front facade of the building and has the approval of the building owner and the planning and community development director.
- (5) Street orientation. Principal building entrances shall be oriented to public streets.
- (6) Building height. Any building of which 50 percent or more is located within 250 feet of the centerline of an arterial street shall be no more than three stories in height.

A relief from height restrictions shall only be allowed if special use approval is granted by the board of commissioners, in accordance with procedures in Article XII of the Town of Carl Unified Development Code. In deciding whether to grant a height increase, the board of commissioners shall consider the following factors, in addition to those listed in Article XII.

- a. Proximity and relationship of the proposed building to other buildings that are more than three stories or 35 feet in height.
- b. Impact of the proposed building on single-family residences on nearby tracts.
- c. Topography and vegetation that screen the view of the proposed building.
- d. On-site screening and/or landscaped buffers.
- e. Provision of public open space in exchange for increased building height.
- f. The effect of additional building height on traffic congestion.
- g. Access of the site to major traffic arteries.
- h. Economic development opportunities for the Town of Carl.
- i. The necessity of greater building height to the function of the proposed use.
- j. The quality of the architectural design and its compatibility with its surroundings.

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- (7) *Building massing and modulation.* (See section 1606, Design Guidelines, Figure 6.) The massing of building facades longer than 150 feet that are approximately parallel to the right-of-way and oriented to a public street shall be modulated to increase visual interest, as follows.
 - a. Building facades that are less than 500 feet long shall be modulated at intervals no greater than 100 feet in length.
 - b. Building facades that are more than 500 feet long shall be modulated with intervals no greater than 20 percent of the length of the façade.
 - (8) No non-residential building shall have less than 2,000 square feet of heated floor space.
 - (9) Building design shall include minimum one-foot deep cornices along the entire front façade of buildings and extending for a distance of at least ten feet along the sides of buildings.
 - (10) Building designs shall include a minimum two-foot high contrasting base, along the entire front façade of buildings and extending for a distance of at least ten feet along the sides of buildings.
 - (11) Satellite dish antennae. No satellite dishes shall be permitted within view from public streets.
 - (12) Off-street loading areas. Off-street loading areas shall be located in the rear of buildings and screened from view from adjacent property or streets.
 - (l) *Signage.* Except as provided in this subsection, signage shall comply with the regulations in Article VII of the Town of Carl Unified Development Code.
 - (1) Freestanding and project entrance signs shall be limited to ground signs. round signs shall be limited to base and sign structure shall be constructed of materials such as brick, stone, stucco, wood or metal consistent with the architecture and exterior treatment of the building.
 - (2) The maximum sign area of any ground sign, inclusive of any border and trim, but excluding the base, apron, supports and other structural members shall be:
 - a. Ground signs on lots zoned commercial or industrial, including shared signs, on lots with more than one tenant shall be no greater than 50 square feet in sign area.
 - b. Ground signs on lots zoned commercial or industrial with one tenant shall be no greater than 32 square feet in sign area.
 - c. Ground signs on lots zoned O-I shall be no greater than 32 square feet of sign area.
 - d. Ground signs for single business premises shall be no greater than 32 square feet in sign area.

(Ord. of 10-13-2020)

Sec. 89-1605. Public improvement standards.

Public rights-of-way within the Highway Corridor Overlay District shall be improved in accordance with the following standards:

- (a) *Street standards*—Public rights-of-way located within the Highway Corridor Overlay District shall be classified by type (i.e. Arterial, Collector, Local, or Non-residential Access) and shall be consistent with section 1606 Design Guidelines as follows:
 - (1) *Arterial* (future design for Highway Corridor District—See section 1606, Design Guidelines, Figure 8):
 - a. 45-mph design speed.
 - b. Minimum 150-foot right-of-way.
 - c. 15-foot (minimum) wide landscaped strip outside planned right-of-way (both sides of street), including a six-foot wide sidewalk.

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- d. Pedestrian lights are required in landscaped strip on both sides of arterial.
 - e. Street trees are required in landscaped strip on both sides of arterial.
- (2) *Collector* (See section 1606, Design Guidelines, Figure 9):
- a. 35-mph design speed.
 - b. Minimum 64-foot right-of-way.
 - c. Depending on adjacent land use, lanes shall conform to one of the following two options:
 - 1. Two travel lanes at 12 feet with center turn lane at 14 feet in commercial areas.
 - 2. Two travel lanes at 12 feet with turn lane at intersection and on-street parking provided between intersections for planned developments or residential areas.
 - d. 24-inch wide curb and gutter.
 - e. Five-foot (minimum) wide landscaped strip along outside curb (both sides of street).
 - f. Six-foot (minimum) wide sidewalk outside landscaped strip (both sides of street).
 - g. Streetlights and pedestrian lights are required in landscaped strip on both sides of collector.
 - h. Street trees are required in landscaped strip on both sides of collector.
- (3) *Local streets* (See section 1606, Design Guidelines, Figure 10):
- a. 25-mph design speed.
 - b. Minimum 50-foot right-of-way.
 - c. Two travel lanes at 11 feet each.
 - d. 24-inch wide curb and gutter.
 - e. Five-foot (minimum) wide landscaped strip along outside curb.
 - f. Six-foot (minimum) wide sidewalk outside landscaped strip.
 - g. Streetlights are required in landscaped strip on both sides of local street.
 - h. Street trees are required in landscaped strip on both sides of local street.
- (4) *Non-residential access street* (See section 1606, Design Guidelines, Figure 11):
- a. 15-mph design speed.
 - b. Minimum 50-foot right-of-way.
 - c. Two travel lanes at 11 feet each.
 - d. 18-inch wide curb and gutter.
 - e. Five-foot (minimum) wide landscaped strip along outside curb.
 - f. Six-foot (minimum) wide sidewalk outside landscaped strip.
 - g. Street trees are required in landscaped strip on both sides of local street.
- (5) *Underground utilities are required for all street frontages.* Upon written application pursuant to Article 13, an exception may be granted by the board of appeals in cases where, due to unique topography or the presence of rock, the installation of underground utilities would present a severe and unique hardship.
- (b) *Network standards.*
- (1) *Connectivity.* Within all non-residential or multi-family developments or any single-family residential development of 5 or more acres, the following standards shall apply unless a variance is

sought and obtained from the board of appeals pursuant to Article XIII due to unusual topography or environmental constraints such as major streams and rivers that create a severe and unique hardship:

- a. No local street may be longer than 600 feet without an intersection with another local through street. Cul-de-sac streets shall not count as through streets. (See section 1606, Design Guidelines, Figure 12)
- b. Continuous pedestrian walkways shall be provided to connect building entrances to required sidewalks along street frontage.
- c. A cul-de-sac street that ends within 200 feet of the right-of-way of an adjacent collector or arterial street shall provide a five-foot wide sidewalk in a ten-foot wide easement connecting the sidewalk on the cul-de-sac to the sidewalk on the adjacent collector or arterial street.
- d. Dead-end streets, including cul-de-sac streets, shall not exceed 300 feet in length and shall not serve more than 30 dwelling units.

- (2) *Vehicular access points:* Minimum number of driveways or streets required per Table 16.4 below.

Table 16.4: Minimum Vehicular Access Points

Type of Development	Minimum Number of Vehicular Access Points to Public Streets
Non-residential, less than 50 required parking spaces	1
Non-residential, 50-299 required parking spaces	2
Non-residential, 300-999 required parking spaces	3
Non-residential, 1,000 or more required parking spaces	4 or more

- (3) *Utilization and provision of sub-arterial street connections to and from adjacent developments and developable parcels.*

- a. All development plans shall incorporate and continue all sub-arterial streets stubbed to the boundary of the development plan by previously approved development plans or existing development.
- b. All development plans shall provide for future public street connections to adjacent developable parcels by providing a local street connection spaced at intervals not to exceed 600 feet along each development plan boundary that abuts potentially developable or redevelopable land.

- (4) *Interparcel access.* For developments along an arterial or collector street, except where a variance is sought and obtained from the board of appeals pursuant to Article XIII because of topographic or other site-specific constraints that create a unique and severe hardship, compatible developments, as determined by the planning and community development director, shall provide a network of non-residential access streets that meet the following:

- a. Access streets shall be constructed for a commercial or multifamily residential development that abuts another commercial or multi-family residential development, whether existing or planned. The development of the site shall incorporate the following:
 1. Continuous non-residential access street, where necessary to connect adjacent parcels along the thoroughfare. (See section 1606, Design Guidelines, Figure 1)

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2. Driveway aprons, stub-outs and other design features to indicate that abutting properties may be connected to provide cross access.
 - b. New commercial or multifamily property that abuts a planned, new or existing multifamily residential property shall provide for a five-foot wide sidewalk connecting the two uses.
 - c. New multifamily residential development that abuts a planned, new or existing commercial property shall provide for a five-foot wide sidewalk connecting the two uses.
- (5) *Crosswalks.*
- a. All intersections shall contain crosswalks that connect to sidewalks in all quadrants.
 - b. Crosswalks shall be either demarcated with high-reflectivity thermoplastic paint or brick pavers.
- (c) *Street trees.* Canopy trees shall be provided in street rights-of-way including medians and required landscaped strips adjacent to all streets.
- (1) Appropriate street tree species include the following:

Large trees: Average spacing 40 feet on center:

- Nuttall Oak
- Shumard Oak
- Willow Oak
- Gingko (Variety: President, Autumn Gold, male gender)
- Princeton Elm
- Chinese Elm (varieties Allee, Athena, Drake, Bosque)
- Bald Cypress (variety: Shawnee Brave)
- Zelkova (variety Green Vase or Village Green)
- Northern Red Oak
- Red Leaf Maple

Small trees: Average spacing 20 feet on center:

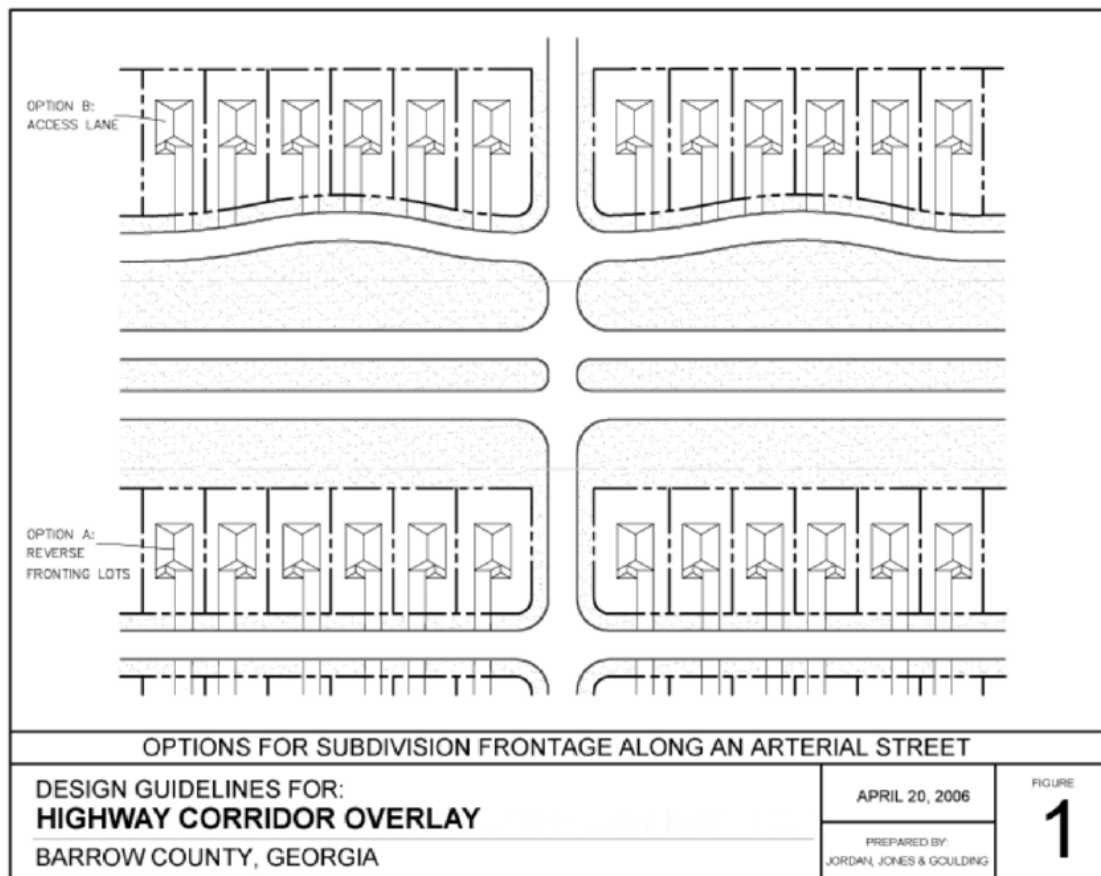
- Crepe Myrtle
 - Saucer Magnolia (variety: Butterflies)
 - Chinese Fringe Tree
 - Golden Rain Tree
 - Texas Redbud (*Cercis reniformis*)
 - Kousa Dogwood
 - Washington Hawthorn 'Princeton Sentry'
 - Zelkova (variety: Wires)
- (2) No more than 25 (or 25 percent of the total number, whichever is greater) of the trees installed may be of any one genus.
 - (3) No more than 25 percent of the street trees used in a single development shall be of the small tree species.
- (d) *Improvement Guarantees.* At the option of Town of Carl, the developer may be required to provide to the county financial security to guarantee the installation of project improvements required in this

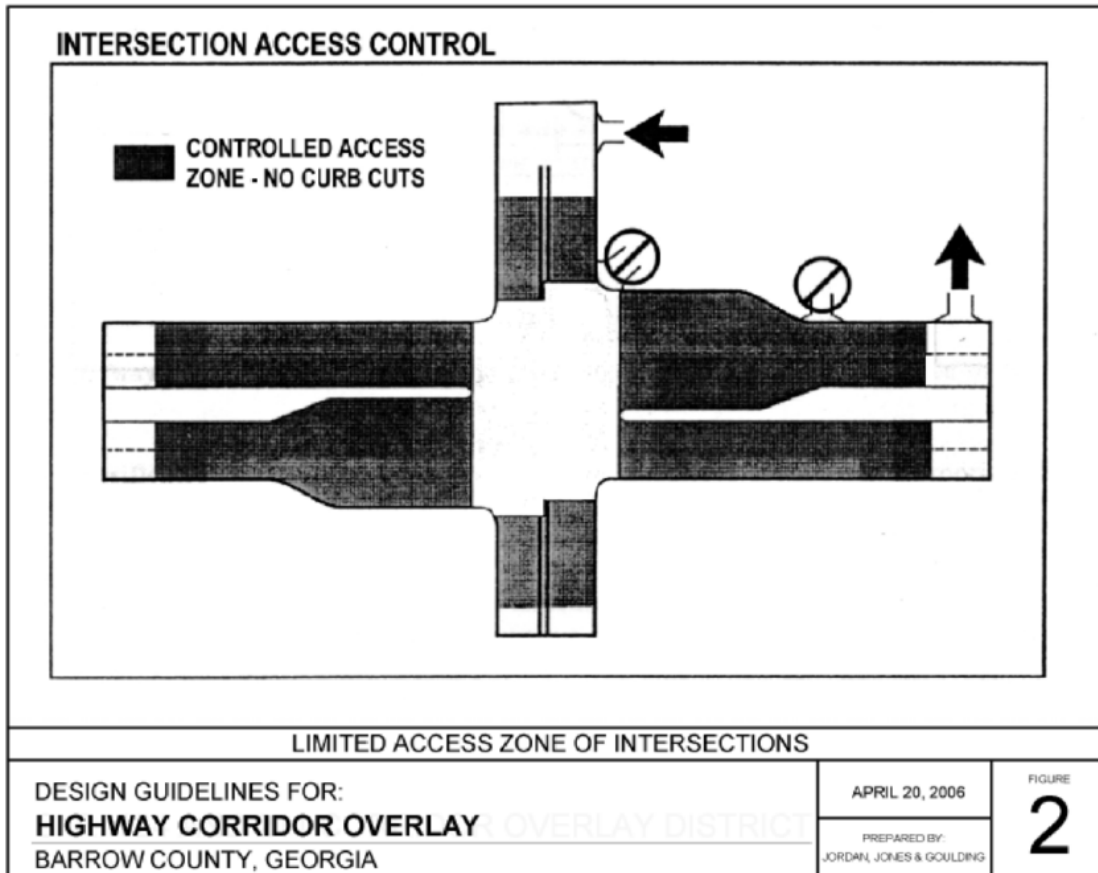
Article. The developer's financial guarantee may be any of the following: (1) An escrow of funds with the county; (2) An escrow of funds with a bank upon which the county can draw; (3) An irrevocable letter of credit or commitment upon which the county can draw; (4) A performance bond for the benefit of the county upon which the county can collect; and (5) Any other form of guarantee approved by the board of commissioners that will satisfy the objectives of this subsection. The guarantee shall be in an amount sufficient to secure the full costs, as determined by the Town of Carl Director of Public Works, of the construction cost of the improvements, based on the most recent edition of Georgia Department of Transportation "Item Means Summary" or other comparable standardized cost estimation procedure.

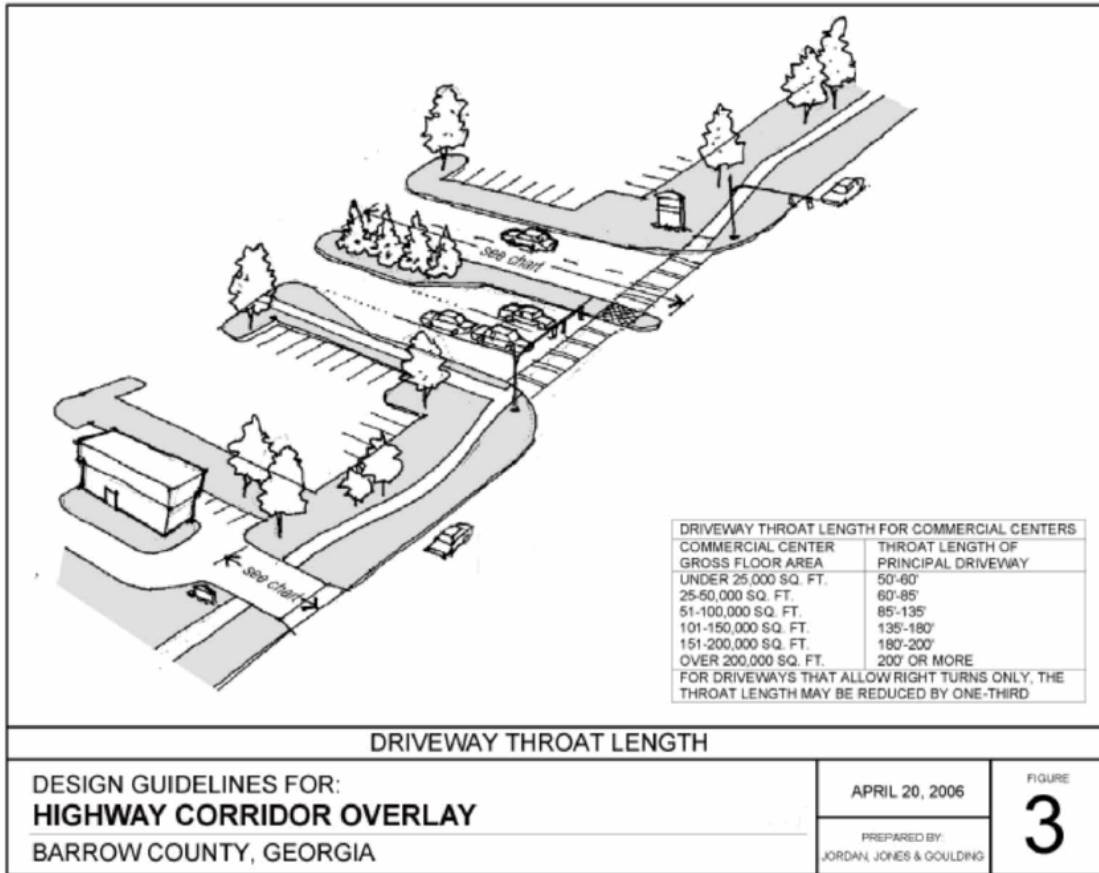
(Ord. of 10-13-2020)

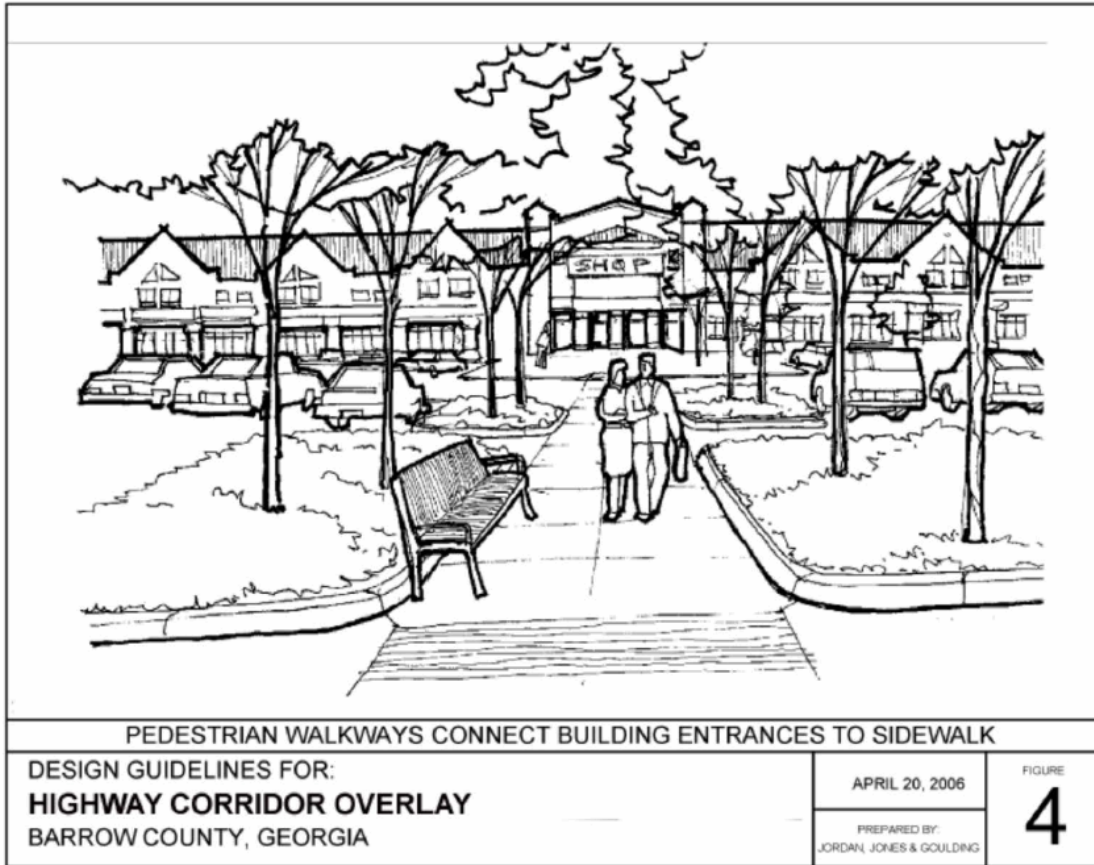
Sec. 89-1606. Design guidelines.

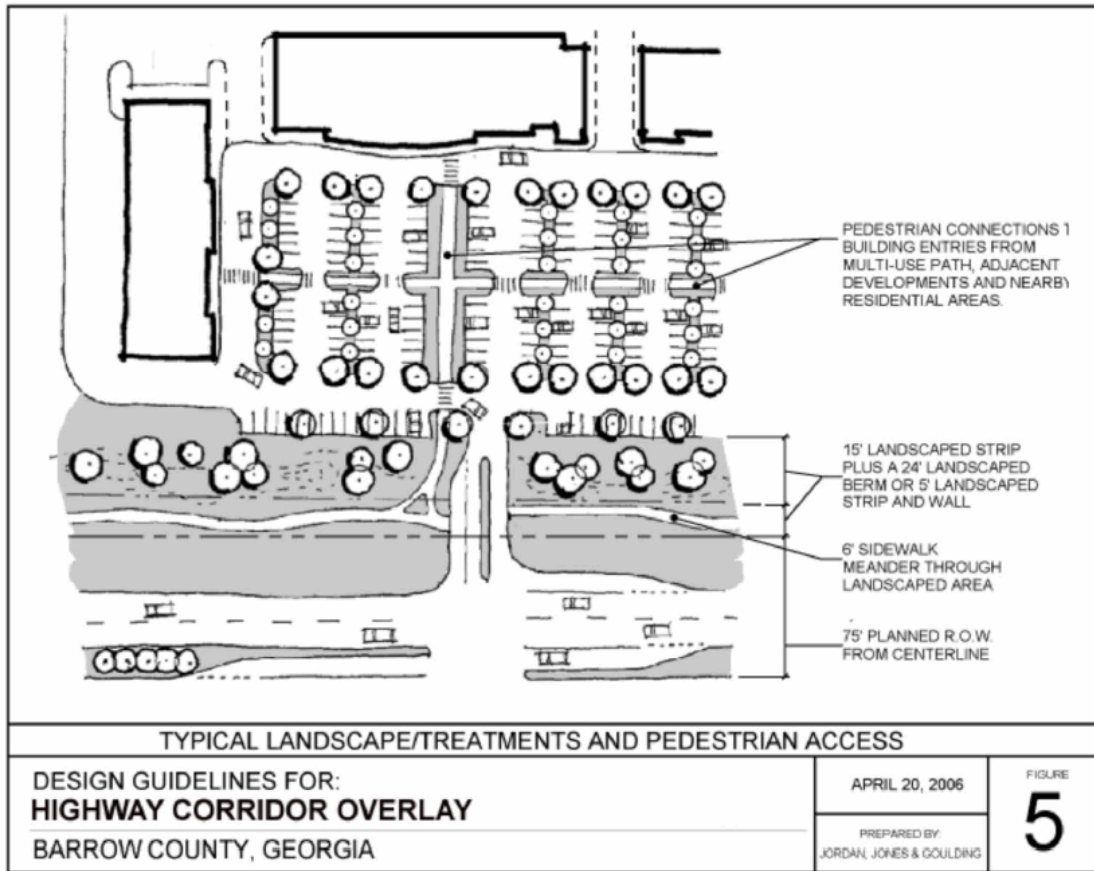
(a) *Property development standards.*

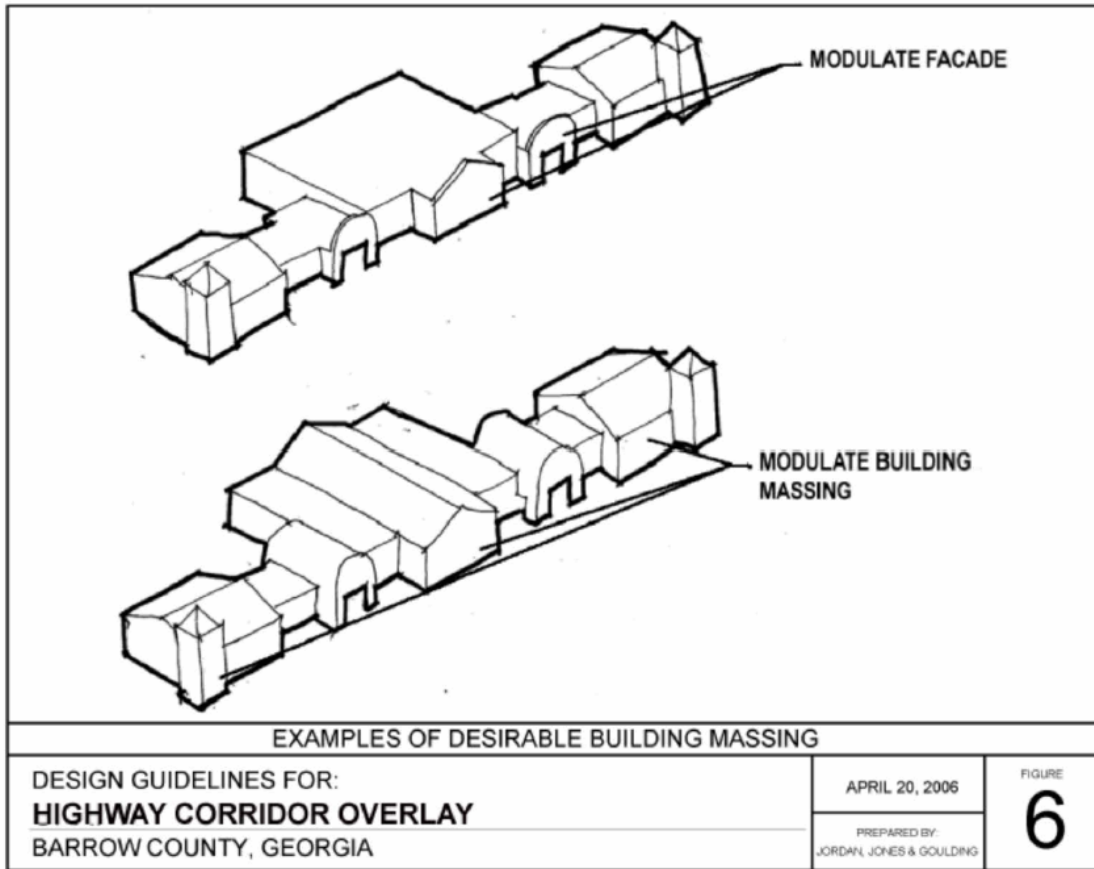


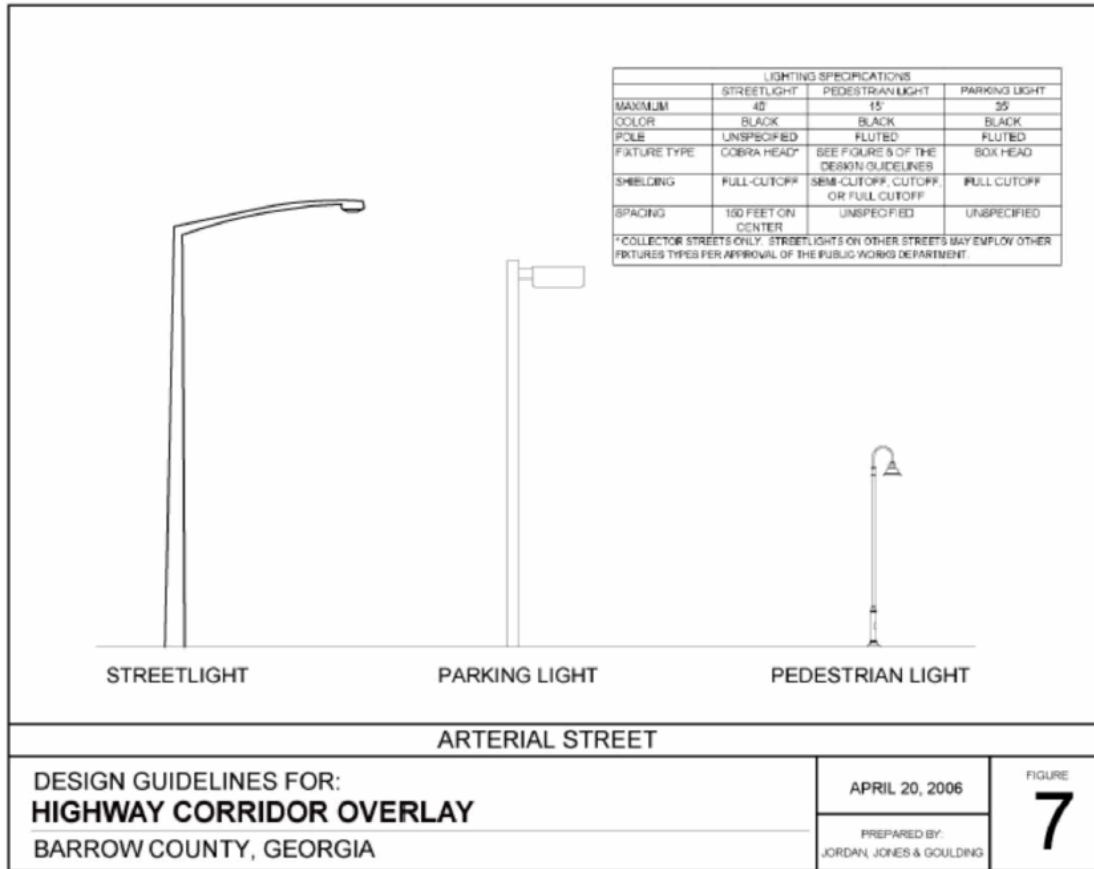




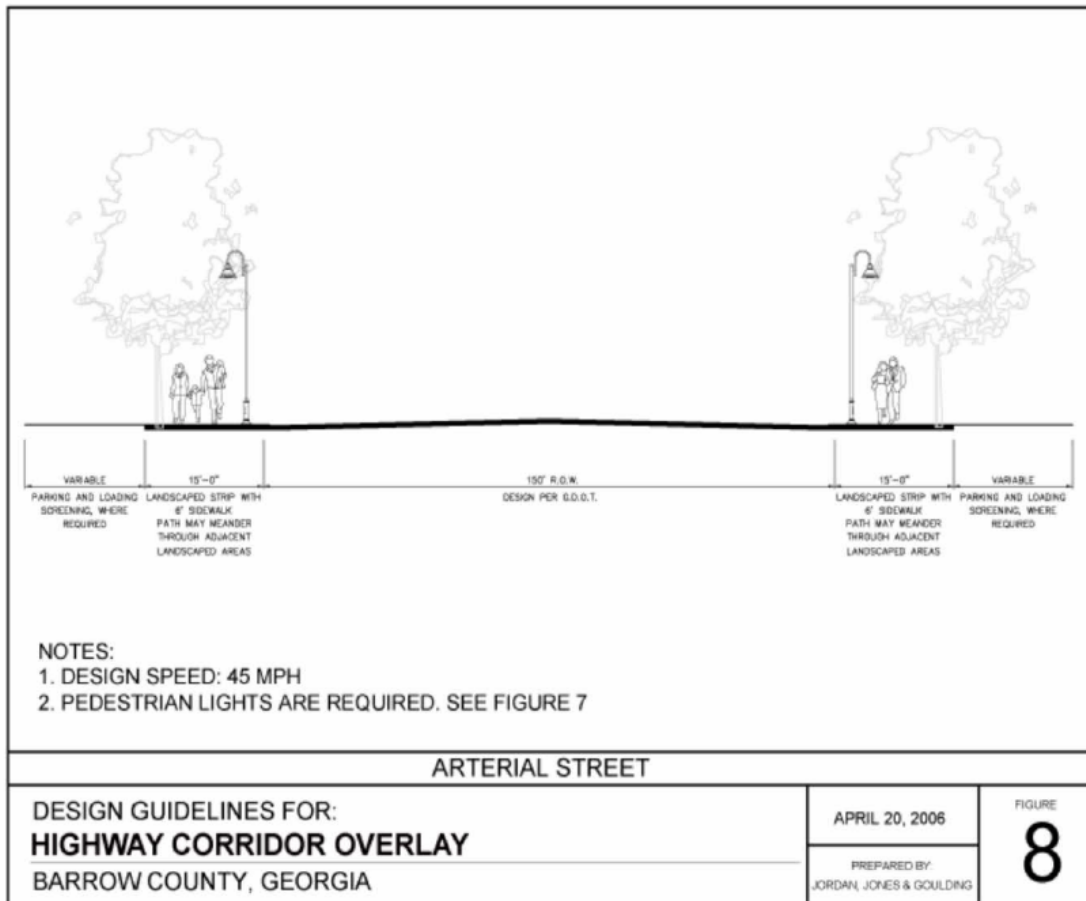


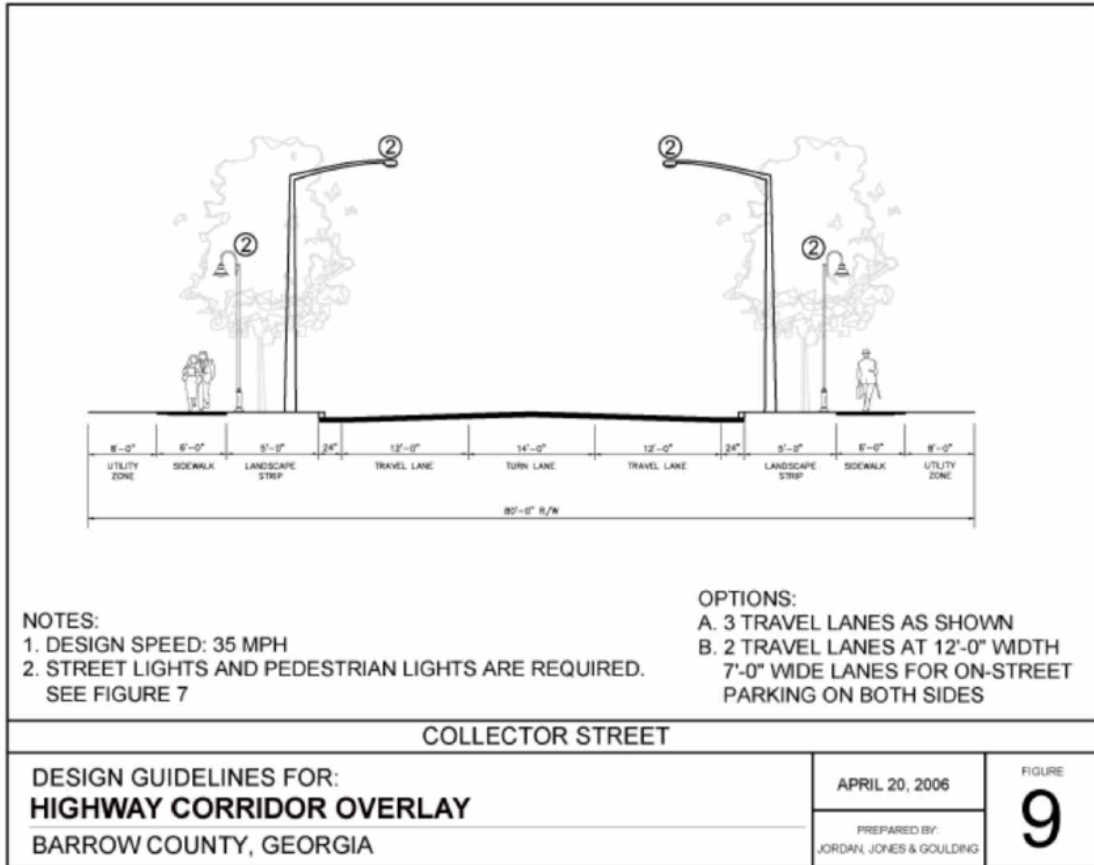


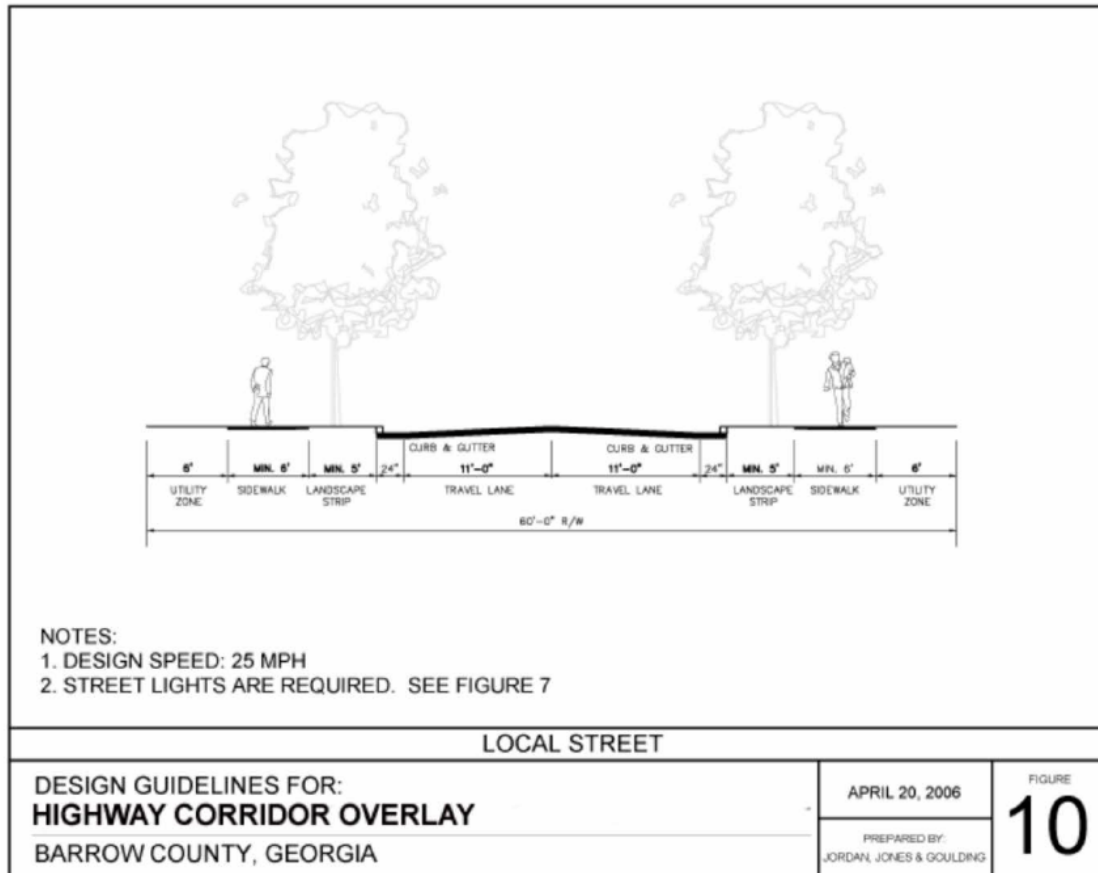


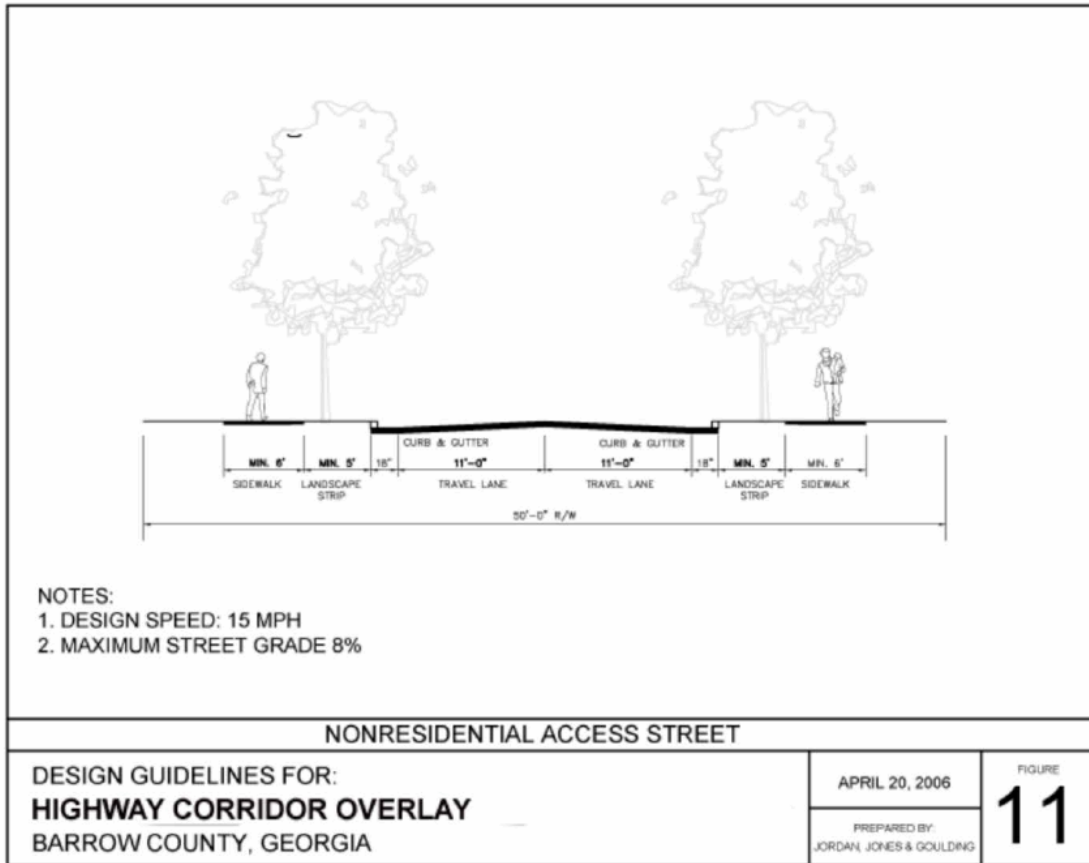


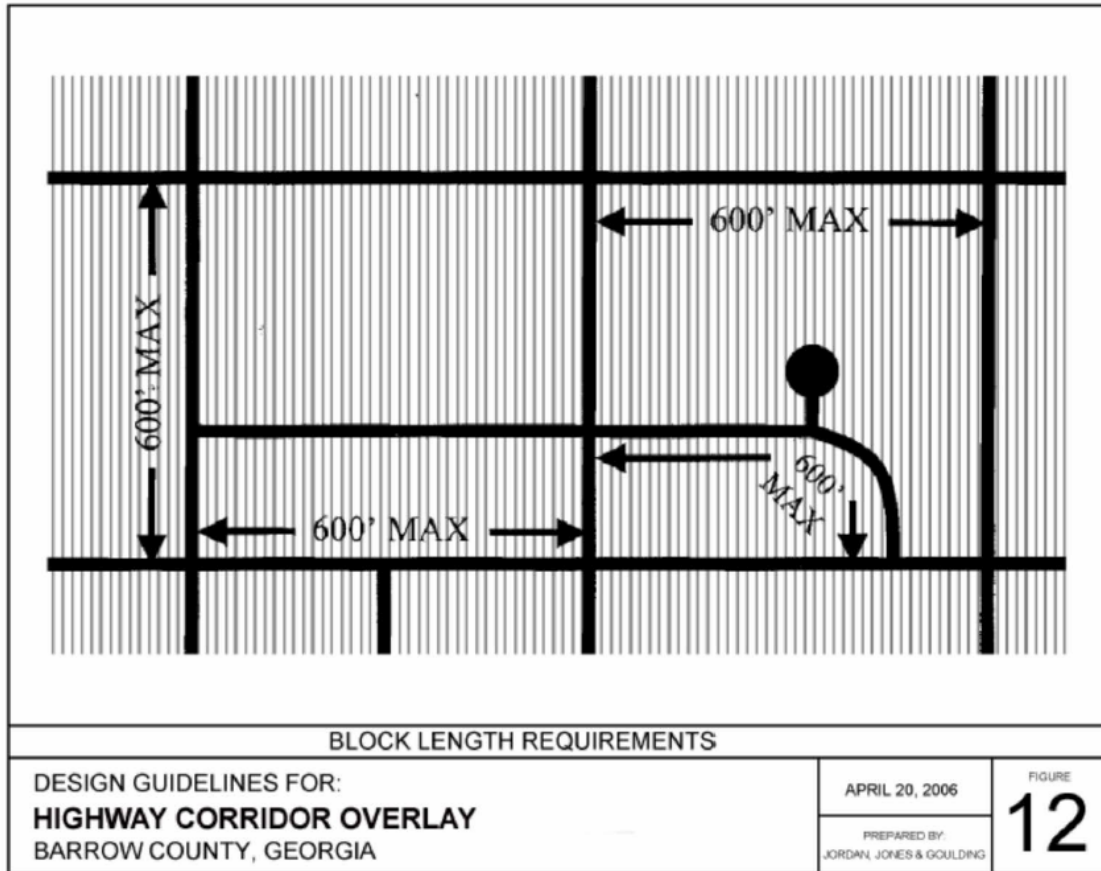
(b) *Public Improvements Standards.*











(Ord. of 10-13-2020)

EXHIBIT A. AIRPORT HAZARD OVERLAY DISTRICT MAP



EXHIBIT B. HIGHWAY CORRIDOR OVERLAY DISTRICT MAP

