

ORDINANCE NUMBER O-04- 14

#### **AN ORDINANCE**

To amend the Code of the City of Douglasville to revise sections 26-18, 26-115 and 26-116 of the Businesses Ordinance to change references to "city clerk" to become "finance director"; to revise section 78-46 of the Taxation Ordinance to change references to "city clerk" to become "finance director"; to revise various subsections of Appendix B - the Development Code to change references to "city engineer" to become "development official", and to change references to "planning department" to become "zoning department"; to repeal section 9.09 of Appendix B - the Development Code to prevent redundancy with Appendix A - the Zoning Code; to repeal any conflicting ordinances; to provide an effective date; and other purposes.

BE IT ORDAINED by the Mayor and City Council of Douglasville, Georgia, and it is hereby ordained by the authority thereof as follows:

#### **SECTION ONE**

Section 26-18 of the Businesses Ordinance of the Code of the City of Douglasville, are hereby amended to read as follows:

Sec. 26-18. Administration by finance director; subpoena powers.

The occupational tax ordinance shall be enforced by the office of the finance director and its duly designated employees and inspectors shall be classified as deputy marshal-business inspectors with the ability to seek full subpoena powers in conjunction with any violation pertaining to the Occupation Tax Ordinance for 1995 and succeeding years.

#### **SECTION TWO**

Sections 26-115 and 26-116 of Chapter 26, the Businesses Ordinance of the Code of the City of Douglasville, are hereby amended to read as follows:

Sec. 26-115. Applications.

- (a) All peddlers and transient merchants shall file an application for a registration with the office of the finance director. Such application shall include but not be limited to, the following:

- (1) The name and permanent address of the peddler or transient merchant.
  - (2) The name and address of the peddler's or transient merchant's registered agent or office.
  - (3) The type of business to be conducted.
  - (4) The date and place of incorporation, when such peddler or transient merchant is a corporation.
  - (5) The address, location or general area where business is to be conducted.
- (b) At the time the registration application is filed, the applicant shall pay all regulatory fees due under Article I section 26-3. Registrations under this section are not transferable.
- (c) As a part of the registration application, each applicant designating any one or more stationary addresses or locations where business is to be conducted shall, prior to filing of such application with the office of the finance director, submit said application to the building official for approval. The building official shall approve applications designating addresses and locations for business where traffic will not be unduly impeded, and where any stationary non-motorized structures used to store inventory, samples, or other business materials is sufficiently stable to withstand inclement weather.
- (d) As a part of the registration application, each applicant designating any one or more stationary addresses or locations owned by another where business is to be conducted, shall submit with such application a written statement showing the consent of the property owner (and lessee, if any) for the applicant to transact business thereon.
- (e) As a part of the registration application, each peddler or transient merchant is required to obtain a photo identification card bearing a current photograph of the peddler or transient merchant. Such photo identification cards shall be obtainable at the police department. The administrative fee for the photo identification card shall be \$7.50 and shall be collected by the office of the finance director at the time the registration application and regulatory fee is collected. Such photo identification cards shall be displayed at all times while the peddler or transient merchant conducts business in the city.
- (f) A peddler or transient merchant who is 65 years old or older, or one who is handicapped, shall be exempt from all regulatory fees, but shall still be required to make application for a registration with the office of the finance director and obtain and pay the administrative fee for a photo identification card from the police department. Any handicapped applicant will be required to provide proof of handicap either by providing state handicap identification or a letter of handicap from a licensed physician. Any applicant, who is 65 years old or older, shall provide proof of age either by birth

certificate or state identification.

Sec. 26-116. Registered agents for receipt of process, demands or notice.

- (a) Any peddler or transient merchant required to have a registered agent under section 26-114 shall file the name and address for such agent with the office of the finance director at the time application for a registration is made.
- (b) Such registered agent shall be a resident of the state. Such agent may be served with any process, notice, or demand required or permitted by law to be served upon the peddler or transient merchant, in the same manner provided by law for the service of a summons and complaint.
- (c) Such registered agent shall agree in writing to act as such agent and a copy of such agreement shall be filed with the registration application.
- (d) Nothing in this section shall limit or affect the right to serve any process, notice or demand in any other manner permitted by law.

### SECTION THREE

Section 78-46 of Chapter 78, the Taxation Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

Sec. 78-46. Administration and enforcement.

The office of the finance director shall administer and enforce the provisions of this section for the collection of the tax imposed in this article, and in so doing shall have the following powers:

- (1) To examine, or authorize the examination of, the books, papers, records, financial reports, equipment, and other facilities of any operator renting guest rooms to persons subject to the tax, in order to verify the accuracy of any return made, or if no return is made by the operator, to ascertain and determine the amount required to be paid;
- (2) To require the filing of reports by any person having in his possession or custody information relating to rentals of guest rooms which are subject to the tax levied in this article; and
- (3) To allow a credit on any amount due and payable from persons who paid the tax levied in this article but who were erroneously or illegally subjected thereto.

#### SECTION FOUR

Subsection 1.04.01 of Appendix B - the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- 1.04.01. Responsibility for interpretation.
- a. The development official shall be responsible for the interpretation of the requirements, standards, definitions or any other provision of this development code.
  - b. Interpretations of the development official may be appealed to the city council under the provisions of this development code relating to appeals. Upon any request for an interpretation, the development official may decline to provide an interpretation and request a ruling by the city council within 30 days of the request, and such proceeding shall be considered an appeal.

#### SECTION FIVE

Subparagraph 1.04.03.b.(2) of Appendix B - the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- (2) The development official, appointed as such by the city council, or the development official's designee.

#### SECTION SIX

Subparagraph 1.04.03.b.(8) of Appendix B - the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- (8) The zoning official, appointed as such by the city council, or the zoning official's designee.

#### SECTION SEVEN

Subparagraph 1.04.03.c.(2) of Appendix B - the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- (2) Zoning department: References to action by the "zoning department" shall mean action by that administrative official to whom responsibility for that action has been assigned by the zoning official.

## SECTION EIGHT

Subparagraphs 2.03.02.d., e., f., g. and h. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, are hereby amended to read as follows:

- d. When features of other plans adopted by the city council (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, or when these features have not been anticipated by the plans, but are considered essential by the development official and engineering department, such features shall be either dedicated or reserved by the subdivider for acquisition within a reasonable time by the appropriate public agency.
- e. Whenever such reserved land, or any portion thereof is not acquired, obtained or condemned by the appropriate public agency within one year period from the date of recording the subdivision, the subdivider may claim the original reservation, cause it to be subdivided in a manner suitable to the subdivider subject to the provisions of this development code.
- f. The development official and engineering department may disapprove plats when such planned features, as specified by the current plan, are not incorporated into the plat.
- g. The development official and engineering department may waive the reservation requirements whenever the public body responsible for land acquisition executes a written release stating that such a planned feature is not being acquired.
- h. Whenever a plat proposes the dedication of land to public use that the development official and engineering department finds not required or suitable for such public use, the development official and engineering department may either refuse to approve the plat, or it may require the rearrangement of lot so included such land. The development official and engineering department shall notify the land developer of the reasons for such action.

## SECTION NINE

Subparagraph 2.03.05.b. of Appendix B - the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- b. No lot shall be more than six times as deep as it is wide at the building setback line, unless excepted by the development official and engineering department for reasons of topography or irregularity of the entire tract.

## SECTION TEN

Subparagraph 2.03.05.i. of Appendix B - the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- i. Properties adjacent to lakes. The subdividing of land adjacent to or surrounding an existing or proposed lake, shall be such that lots abutting the lake shall be drawn to the centerline of the lake. Such requirements may be waived upon submittal to the development official and engineering department of an acceptable method for the maintenance of the lake and any recreational operations.

## SECTION ELEVEN

Subparagraph 2.03.07.b.(1) of Appendix B - the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- (1) A publicly dedicated storm water easement or drainage easement is to be provided along any drainage channel, stream or water impoundment within a development located outside a street right-of-way. The easement is to be substantially centered on the watercourse or surround the high water line of the impoundment, and shall be of such width as the development official deems necessary for adequate access by maintenance equipment. All easements shall be no less than 20 feet wide when used as an open ditch. Piped storm drainage shall have a minimum easement width of 15 feet wide.

## SECTION TWELVE

Subparagraphs 2.04.01.d., e., f. and g. of Appendix B - the Development Code Ordinance of the Code of the City of Douglasville, are hereby amended to read as follows:

- d. Sidewalks shall be required as provided in section 2.06. The development official or the mayor and council may require additional sidewalks and wider sidewalks within a distance of up to one mile on streets leading to or going through commercial areas, school sites, places of public assembly, and other congested areas.
- e. Street name signs, stop signs and traffic control signs shall be installed by the city at the developer's expense.
- f. Public water service, where in the written opinion of the development official, a public water supply is within a reasonable distance, shall be provided to every lot in a subdivision and to every development for both domestic use and fire protection. Water mains shall be connected

to the existing public water system and extended past each lot. A contractor approved by the WSA shall install all elements of the water system, including mains, valves and hydrants at the developer's expense. The WSA may participate in sharing the costs of construction and installation to the extent that pipe sizes are needed in excess of that size required to exclusively serve the subdivision or development.

- g. Where a public water supply is not available, each lot in a subdivision shall be furnished with a water supply system approved by the development official and the Douglas County Health Department.

### **SECTION THIRTEEN**

Subparagraph 2.06.03.a. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- a. The street pattern character, extent, width, grade and location within a development or subdivision shall provide for the continuation or appropriate projection of the existing street pattern and planned streets at the same or greater width, but in no case less than the required minimum width in the section of the community involved, unless the engineering department deems such extension undesirable. In a situation where topography or other conditions make continuous or conformance to existing streets impossible, conformance to a plan for a neighborhood approved by the development official shall be required.

### **SECTION FOURTEEN**

Subparagraph 2.06.04.h.(5) of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- (5) Islands at intersections shall be subject to individual approval by the development official. In no case shall anything extend more than 30 inches above the back of the curb within the right-of-way of the intersecting street.

### **SECTION FIFTEEN**

Subparagraph 2.06.04.i.(2) of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- (2) Where a subdivision contains a dead-end street, other than a cul-de-sac, the engineering department may require

the subdivider to provide a temporary vehicular turnaround within the right-of-way, when the development official or engineering department considers such to be necessary for effective traffic circulation.

#### **SECTION SIXTEEN**

Subparagraph 2.06.04.j. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- j. Alleys and service drives. Alleys or service drives may be required on any lot used for multifamily, commercial or industrial, but shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the development official or engineering department of the need for alleys or service drives. Where an alley has been specifically authorized or required by the engineering department, it shall comply with the following minimum design standards:
- (1) The roadbed width shall be no less than 20 feet, containing a paved roadway of no less than 20 feet exclusive of gutters.
  - (2) Dead-end alleys shall be provided with a turn-around having a radius of at least 40 feet.

#### **SECTION SEVENTEEN**

Subparagraph 2.06.05.b.(4)(c) of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- (c) The development official and engineering department shall individually approve special curbing design (center islands, etc.).

#### **SECTION EIGHTEEN**

Subparagraph 2.06.05.f.(4) of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- (4) Sidewalks must be offset at least 18 inches from the back of curb, and the offset area shall be filled with stamped concrete or like material approved by the development official, except adjacent to residential property where the offset area may be backfilled and grassed. Areas adjacent to sidewalks and opposite the offset shall be backfilled and grassed.



## **SECTION NINETEEN**

Subparagraph 2.06.05.g. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- g. Streetlights. All developers of residential subdivisions with lots less than five (5) acres in size, and all developers of shopping centers, industrial parks and similar such developments, shall be required to provide streetlights in the public rights of way in such developments. Such developers, at the time of submission of the preliminary plat of the development, or at the time of application for a building permit, which ever shall first occur, shall present a proposed streetlight layout, acceptable to the development official, which details the proposed streetlights for the development.

## **SECTION TWENTY**

Subparagraph 2.06.06.b. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- b. Underground Utilities. Utilities placed underground shall be placed within the right-of-way as approved by the development official and engineering department on construction drawings for the project.
  - (1) 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.
  - (2) All utility manholes and valve boxes shall be brought to the finished grade within the roadway section.
  - (3) 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.

## **SECTION TWENTY-ONE**

Subparagraph 2.09.04. a. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- a. 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 acceptable to the development official. Where the developer chooses to leave the drain open and same is crossed by a driveway, the size of pipe shall be determined by the development official, and no building permit will be approved unless the installation meets the requirements of the city.

#### **SECTION TWENTY-TWO**

Subparagraph 2.09.05. b. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- b. Frames and grates shall be as selected by the development official and engineering department based upon site conditions.

#### **SECTION TWENTY-THREE**

Subparagraph 2.09.08. e. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- e. The development official may determine that the expected long-term maintenance of a surface drainage system could prove impractical, and a storm water pipe collection system may be required.

#### **SECTION TWENTY-FOUR**

Subparagraph 2.09.09. g. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- g. The development official may permit several developers to construct joint facilities. The development official shall approve or disapprove the waiver of on-site drainage or detention facilities on the basis of the engineering feasibility of a combined facility. No use of land or occupancy of buildings within the properties served by these facilities shall be permitted until completion of the retention and drainage structures, except upon specific approval.

#### **SECTION TWENTY-FIVE**

Subparagraph 2.09.09. o. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- o. Detention facilities shall be enclosed with a minimum 4-foot high chain link fence around all facilities having a maximum water or undercut depth of more than four feet or a bank slope greater than 1.5 to 1 and shall be equipped with a minimum 4-foot wide access as necessary for maintenance. Fencing may be waived by the development official and engineering department in other than areas zoned residential and where the pond is more than 500 feet from a residential district.

#### SECTION TWENTY-SIX

Subparagraphs 2.10.01. e. and f. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, are hereby amended to read as follows:

- e. Where connection to the sanitary sewerage system is not feasible in the view of the development official, the lot shall contain adequate area for the installation and safe operation of a septic tank and disposal field, as approved by the health department.
- f. Prior to the construction of any private community sewerage disposal system, the location, size, plans and specifications of such a facility shall be approved by the development official and engineering department, the health department and the State Department of Natural Resources, Environmental Protection Division.

#### SECTION TWENTY-SEVEN

Subparagraph 3.15.01.a. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- a. Minimum standard. On each property for which a tree protection plan is required by this article, existing trees may be retained and new trees shall be planted such that the property shall attain or exceed a tree density standard of 15 units per acre. The trees, both existing and new, where feasible shall be reasonably distributed throughout the site, with emphasis on tree groupings to achieve aesthetic results following professional landscaping standards. Trees may be retained or planted for credit within a public right-of-way if granted approval by the development official.

#### SECTION TWENTY-EIGHT

Subparagraph 3.15.01.b.(3)(a) of Appendix B -the Development Code Ordinance of the Code of the City of

Douglasville, is hereby amended to read as follows:

- (a) A total tree density credit not to exceed twice the units shown on table 3-1, may be granted by the development official for existing trees to be retained which have greater value as outstanding specimen trees or having historic value or being a rare or unique species.

#### **SECTION TWENTY-NINE**

Subparagraph 3.18.01.b. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- b. In cases where approval of the landscaping, buffer and tree conservation plans would cause harmful delay to the start of construction, the development official may authorize footing and foundation permits for the project so that construction may proceed.

#### **SECTION THIRTY**

Subsection 3.20.01. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

3.20.01. Installation of plant materials. Plant materials, as required by the provisions of this article, shall be installed by the date specified on the approved site landscaping plan. The development official may allow one planting season in a 12-month period in which the installation of plant materials shall be completed. For the purposes of this development code, there shall be two planting seasons, which are from February 15 through May 31, and September 15 through November 30. Buffers, if required, shall be installed before an occupancy permit is granted; except where the weather is not suitable for planting, and escrow provisions are made in accordance with guidelines of the engineering department.

#### **SECTION THIRTY-ONE**

Subparagraph 3.20.02.b. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- b. Plants that are not in sound growing condition or are dead shall be removed and replaced with a plant of the same species, variety or cultivator, as acceptable to the development official.

## **SECTION THIRTY-TWO**

Subsection 4.04.01. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

4.04.01. Alternate parking plan; contents. A request for approval of an alternate parking plan is to be submitted to the development official, and must be supported by the following information:

- a. A parking demand study or other data that establishes the number of spaces required for the specific use. Such a study or data may reflect parking for the same use existing at a similar location or for similar uses at other locations. References to published studies or to the guideline standards of this article are acceptable.
- b. If shared parking is proposed for a mixed use development, the sum of peak parking demands by use category shall be accommodated for day and night hours on weekdays and weekends. The guidelines for shared parking contained in this article may be used in lieu of a separate study.
- c. If a remote or off-site parking lot is proposed to meet any portion of the parking required, the site and its current zoning classification must be identified, along with the method to transport parking patrons to the use.
- d. If more parking spaces are proposed than would be allowed under the guidelines for vehicle parking of this article, a landscaping plan shall be submitted that illustrates compliance with the parking lot landscaping requirements of the "landscaping, buffers and tree protection" article of this Code.

## **SECTION THIRTY-THREE**

Subparagraph 4.04.03. a. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- a. Following approval by the development official the requirements of the approved alternate parking plan shall be recorded by the owner in the office of the clerk to superior court prior to issuance of a certificate of occupancy for the development, and shall be included in any sale, lease, or other transfer of right of occupancy affecting any part of the development.

## **SECTION THIRTY-FOUR**

Subparagraph 4.05.02. b. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- b. Mixed use developments. Parking spaces may be shared by more than one use if the development official finds that the total number of spaces will be adequate at the peak hours of the uses they serve. The following ratios may be used in determining the time of day and the day of the week at which the maximum number of spaces will be needed by the uses served by the shared parking facility.

Table 4-2. Percentage of Required Parking Spaces by Time Period.

TABLE INSET SHOWN ON EXHIBIT A

#### SECTION THIRTY-FIVE

Subparagraph 4.05.02. d. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- d. Recordation of shared parking agreement. Shared parking arrangements must be committed to writing in an instrument acceptable to the development official, and approved by the owners of each of the affected properties or uses. The approved instrument shall be recorded and a copy of the recorded document must be supplied to the development official.

#### SECTION THIRTY-SIX

Subparagraph 4.08.02. d. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- d. The parking spaces must meet the "location of parking spaces" requirements of this section, or adequate vehicular transportation must be provided that is acceptable to the development official.

#### SECTION THIRTY-SEVEN

Subparagraph 4.09.06. e. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- e. Time limit. All required off-street 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 development official due to adverse weather conditions.

#### SECTION THIRTY-EIGHT

Subparagraph 4.11.01. a.(4) of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- (4) Such loading and unloading areas shall be attractively screened from all streets or public rights-of-way by any dense planting of evergreens or by an attractive solid wall or fence or combination thereof or as approved by the development official.

#### SECTION THIRTY-NINE

Section 6.21. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

Section 6.21. Notice of timber harvesting.

All persons or firms harvesting standing timber, whether for delivery as pulpwood, logs, poles or wood chips for delivery to any woodyard or processing plant, or for any "agriculture" purpose as defined by Official Code of Georgia Annotated subsection 1-3-3(4.1), shall provide notice to the development official prior to cutting any such timber.

#### SECTION FORTY

Sections 6.24., 6.25., 6.26. and 6.27. of Appendix B - the Development Code Ordinance of the Code of the City of Douglasville, are hereby amended to read as follows:

Section 6.24. Bond or letter of credit.

Prior to cutting any such timber, the owner of such property or such persons or firms harvesting standing timber shall deliver to the development official a bond or letter of credit the amount of \$5,000.00 protecting the city against any damage caused by such person or firm. If a bond is given for this purpose, it shall be a valid surety bond, executed by a surety corporation authorized to transact business in this state. If a letter of credit is given for this purpose, it shall be a valid irrevocable letter of credit issued by a bank or savings and loan association, as defined in Official Code of Georgia Annotated section 7-1-4. For purposes of this division, any such surety bond or letter of credit shall be

valid only for the calendar year in which delivered. The notice required by this division shall not be or remain effective for such harvesting operations during any time period while the required bond or letter of credit is not valid and on file with the city.

Section 6.25. Effective period for notice.

Notice shall be effective for such harvesting operation on such tract within the city upon receipt of the same by the development official and upon compliance with the requirements of section 6.24 and until such time as the person or firm giving such notice has completed the harvesting operation for such tract; provided, however, that any subsequent change in the facts required to be provided for purposes of such notice shall be reported to the development official within three business days after such change.

Section 6.26. Penalties.

Violation of the notice requirements of any ordinance or resolution adopted pursuant to this Code section shall be punishable by a fine not exceeding \$500.00.

Section 6.27. Notification to county.

Upon receipt of any notice required by this division regarding timber harvesting operations to be conducted in whole or in part within the city, the development official shall transmit a copy of such notice to Douglas County Board of Commissioners or their designated agent.

SECTION FORTY-ONE

Subparagraph 7.02.01. a. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- a. Preconstruction activity. Following the approval of plans but prior to 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 by survey stakes, flags, ribbon, or other appropriate markings and shall be inspected and approved by the development official prior to the commencement of any clearing or grading activities.

SECTION FORTY-TWO

Subparagraphs 7.02.02. e., f. and g. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, are hereby amended to read as follows:

- e. Sub-grade of streets. After compaction and receipt of



- test reports by the city. The sub-grade may be roll tested with an 18-ton tandem dump truck and shall pass to the satisfaction of the engineering director.
- f. Street base. After receipt of test reports by the development official, 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 development official.
  - g. Paving. An engineering department inspector shall be on site during the paving process to check consistency, depth, and workmanship, as applicable. For asphalt paving, the temperature of the material will be monitored and the street may be core-d after completion to check thickness and density. Satisfactory test results of the cores shall be delivered to the development official prior to approval of a final subdivision plat or certificate of occupancy.

#### SECTION FORTY-THREE

Subparagraph 7.02.03. a. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- a. 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 development official for review and approval a complete set of record drawings showing "as-built" conditions prepared by a registered land surveyor. These drawings shall show the location, vertical and horizontal alignment, and finished elevations of:
  - (1) Drainage system pipes and channels.
  - (2) Storm water detention facilities.
  - (3) Sanitary sewer system (if any).
  - (4) Water system.
  - (5) 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.

#### SECTION FORTY-FOUR

Subparagraph 7.02.04. a. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- a. Following submission and review of the as-built surveys, the development official shall conduct a final development inspection of the project.

#### **SECTION FORTY-FIVE**

Subparagraph 7.02.05. b. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- b. The amount of the bonds are based on the actual cost of construction of the public improvements shown on the as-built surveys, as more fully described in other sections of this development code. Copies of contractor agreements or actual invoices paid, or as otherwise determined by the development official, shall evidence the cost of construction.

#### **SECTION FORTY-SIX**

Subparagraph 7.03.01. a. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- a. Clearing and grading shall not proceed until issuance of an approved development permit by the development official. See the "plans and permits" article of this development code for details.

#### **SECTION FORTY-SEVEN**

Subparagraph 7.04.03. c. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- c. Should an owner or developer, whichever is the responsible party, fail to maintain the stormwater management facilities in a state of service intended by the stormwater management plan, then the development official shall notify the responsible party in writing of the deficiencies and specific minimum maintenance requirements to remedy such deficiencies.

#### **SECTION FORTY-EIGHT**

Subparagraph 7.05.01. d. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- d. If any sections of the subgrade are composed of unsuitable or unstable material, such material shall be removed to the depth directed by the development official and replaced with suitable, thoroughly compacted material.

## **SECTION FORTY-NINE**

Subsection 7.05.04. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

7.05.04. Testing requirements. It is the responsibility of the developer to insure that all required tests are made and reported to the development official. The cost of all testing and quality control shall be performed at the expense of the developer by qualified testing laboratories.

Table 7-2. Testing Requirements.

TABLE INSET SHOWN ON EXHIBIT B

## **SECTION FIFTY**

Subsection 8.03.03. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

8.03.03. Permit procedures. The development official shall be responsible for administration and enforcement of this article, and shall:

- a. Require development permits within the "area of special flood hazard," and shall review each permit application to determine if the proposed development will be reasonably safe from flooding, and to assure that the requirements of this chapter have been satisfied.
- b. Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.
- c. If available, obtain, review, and utilize any reliable base flood elevation or historic flood level information available from a federal, state or other source, in order to administer this chapter. Base flood elevation information must be derived by standard engineering practices.
- d. Obtain from the permittee an elevation certificate, prepared by a state-licensed surveyor or engineer providing the actual elevation of the lowest floor (including basement) of all new or substantially improved buildings, in relation to both mean sea level and to highest adjacent natural grade. This shall occur at the time the lowest floor is established and shall be a condition for allowing further construction and for granting a certificate of occupancy or completion. For slab-on-grade foundations, the floor elevation shall be

determined after the slab is poured and before wall construction commences. For wood-frame floor systems, the floor elevation shall be determined when the subflooring is in place, prior to any wall framing. NOTE: In unnumbered A Zones, when flood elevations do not exist, the local administrator may measure the distance from floor level to highest adjacent natural grade and complete the elevation certificate.

- e. Maintain all records pertaining to the provisions of this chapter. Such records shall be filed by legal description in the office of the local administrator and shall be open for public inspection.

#### SECTION FIFTY-ONE

Subsections 8.04.08. and 8.04.09. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, are hereby amended to read as follows:

8.04.08. Watercourse alterations. The development official shall notify adjacent communities, the State National Flood Insurance Program Coordinating Office, Douglas County, and the regional planning agency, water management district or flood control district, as applicable, prior to permitting any alteration or relocation of a watercourse. A copy of the notice, the construction plans, the engineering hydraulic analysis, and the list of agencies contacted shall be submitted to the FEMA Region IV office at the time the permit is issued. The city shall assure that the flood-carrying capacity of said watercourse is not diminished by the proposed alteration or relocation.

- 8.04.09. Floodplain map interpretation and updating.
- a. Where there appears to be a conflict between the mapped boundary of the area of special flood hazard and actual field conditions, the development official shall make the necessary interpretation utilizing the most accurate topographic mapping or survey information available. Where base flood elevations are available, they shall be used to delineate the boundary of the floodplain. This determination is for regulatory purposes only, and may result in either the exclusion or inclusion of lands within the area of special flood hazard. [Note: Property may not be excluded from the area of the special hazard as a result of filling, unless a Letter of Map Revision has been issued by FEMA].
  - b. Where the development official has determined that all or a portion of a property is located outside of the area of a special flood hazard, the applicant shall be advised of the need to obtain a letter of map amendment or revision from the FEMA Region IV office and shall be given an application packet utilizing forms provided by FEMA.

[Note: While the property may be exempt from the requirements of this article, flood insurance will remain mandatory until FEMA issues a letter of map amendment or revision].

- c. The development official shall submit any newly-available flood information to the FEMA Region IV office within six months of receiving it. As a condition of project approval, the development official shall require an applicant to submit detailed base flood information developed in accordance with standard engineering practice to the FEMA Region IV office for a conditional letter of map revision utilizing forms provided by FEMA. The applicant shall then be required to submit as-built certifications to obtain a final letter of map revision.

#### **SECTION FIFTY-TWO**

Subparagraph 8.05.04.g. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- g. The development official shall maintain the records of all appeal actions and shall report any variances to the FEMA Region IV office.

#### **SECTION FIFTY-THREE**

Subparagraph 9.03.02. a. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- a. The development official is responsible for administering the review and approval process for preliminary subdivision plats and site plans.

#### **SECTION FIFTY-FOUR**

Subparagraph 9.03.03. g. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- g. When the engineering 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 development official 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 engineering department.

#### SECTION FIFTY-FIVE

Subparagraphs 9.03.04. c. and d. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, are hereby amended to read as follows:

- c. The preliminary subdivision plat or site plan shall be clearly and legibly drawn at a standard engineering scale of not less than 100 feet to one inch. Sheet size may not exceed 48 inches by 36 inches nor be less than eight and one-half inches by 11 inches; however, the development official may approve other sheet sizes and graphic scales as appropriate.
- d. In subdivisions of over 100 acres, preliminary plat specifications may be modified to exclude information relating to contours, and ground elevations, if in the judgment of the development official, presentation of detailed data relating thereto is not necessary to evaluate the entire subdivision proposal. In such cases, however, a long-range development schedule for the entire development and a preliminary plat in accordance with the specifications for the sections of the subdivision not excepted shall be submitted. It is the intent of this provision that in all cases sufficient information shall be provided for an adequate evaluation of the public service needs in the area.

#### SECTION FIFTY-SIX

Subparagraph 9.04.04. c. (2) of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- (2) When required by the development official, provide a soils investigation for all sites proposed as ponds or impoundments or for stormwater detention.

#### SECTION FIFTY-SEVEN

Subsection 9.04.07. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

9.04.07. Public utility plans.

- a. Water system 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 development official, including:
  - (1) Size and material of water main construction.

- (2) Location of all valves, fire hydrants, fittings, thrust blocks, etc.
- (3) Location of all service lines.
- (4) Street R.O.W.'s with street names.
- (5) Lots and lot numbers.
- (6) Existing mains being tied into and nearest existing fire hydrant or distance to nearest existing fire hydrant.
- (7) Easements if off of R.O.W.
- b. Sewage disposal plan.
  - (1) 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 development official, such as:
    - (a) Existing ground profile.
    - (b) Finished ground profile.
    - (c) Slope of pipe.
    - (d) Pipe size and material.
    - (e) Scales (horizontal and vertical).
    - (f) Plan view of the line.
    - (g) Manhole designations.
    - (h) Invert elevations in and out of each manhole.
  - (2) 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.

#### **SECTION FIFTY-EIGHT**

Subparagraph 9.05.03. b. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- b. The application will be checked for completeness within 14 days of its submission. Incomplete applications, as determined in the sole discretion of the development official, will be returned to the applicant.

#### **SECTION FIFTY-NINE**

Subparagraph 9.05.03. h. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- h. Civil design and construction plans rejected three successive times without completing review due to failure to comply with city standards or good engineering

practice as determined by the development official shall be ineligible for resubmittal for a period of not less than 90 days.

#### SECTION SIXTY

Subparagraph 9.07.01. a. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- a. development official shall be responsible for coordination of the approval process for a final subdivision plat.

#### SECTION SIXTY-ONE

Subsection 9.07.02. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

9.07.02. Procedures for final plat approval.

- a. Prior to submission of an application for final subdivision plat approval, either:
  - (1) 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 development official as required in the "land development activities" article of this Code; or,
  - (2) A guarantee in lieu of completed improvements shall have been received by the engineering department and approved by the mayor and council as provided under the "project design standards" article of this development code.
- b. An application for a final subdivision plat approval shall be made to the development official. The application shall include:
  - (1) The name and address of the person to whom the notice of approval shall be sent.
  - (2) A properly completed application form, as furnished by the development official, requesting final subdivision plat review.
  - (3) Seven copies 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.
  - (4) Payment of all applicable final subdivision plat filing and recording fees, as established by the mayor and council from time to time.
  - (5) 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.

- (6) A maintenance bond providing adequate surety for the maintenance of all public improvements required by this development code in the subdivision for a period of 24 months following the date of approval of the final plat.
  - (a) Upon submission of the final plat, the subdivider must have proof in writing that a maintenance bond, cash deposit or letter of credit in an amount of no less than \$300.00 per lot, has been provided, payable to the city to repave and repair all roads, storm sewers, and appurtenances in said subdivision. If a letter of credit is provided, the same shall be in a form approved by the city attorney and drawn upon a duly licensed bank or savings and loan association with an office in Douglas County, Georgia. The amount of the bond, cash deposit, or letter of credit shall be set by the building official and development official after taking into account the width of the road, the paving process used, and any other reasonable standards. The duration of aforementioned bond, cash deposit, or letter of credit shall be for the latter of: (i) 24 months from the date of final plat approval by the mayor and council; or (ii) until the contemplated structures or buildings on at least 80 percent of the lots in the subdivision are completed or "built out," as determined by the building official.
  - (b) All repaving, and repair to all roads, storm sewers, and appurtenances in said subdivision that shall be completed within 24 months of final plat approval by mayor and council or when the contemplated structures or buildings on at least 80 percent of the lots in a subdivision are completed or "built out," as determined by the building official, whichever occurs sooner.
- c. The engineering department shall review the application for completeness at the time of submission. Incomplete applications will be returned to the applicant.
- d. Within two weeks following receipt of the application, the engineering department shall indicate on the drawing or in writing all comments related to compliance with this development code.
- e. 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 engineering department. Resubmission of all revised drawings shall be made to the development official.
- f. When all of the requirements of this development code, and any conditions of zoning approval, have been met, the

plat shall be submitted to the development official, and upon approval by the mayor and council, the mayor shall sign and date the certificate of final plat approval stamped or printed on a reproducible copy of the final subdivision plat.

- g. Once the final subdivision plat has been so certified, an electronic copy in a form compatible with AutoCAD Release 13 - AutoCAD 2000 shall be submitted to the engineering department, and the plat shall be recorded by the engineering department with the clerk of superior court.
- h. Subsequent to the recording of the final plat, one copy with all certificates endorsed thereon shall be retained with the records of the engineering department. The map book, volume and page numbers where the plat is recorded shall also be indicated on the copy.

#### SECTION SIXTY-TWO

Subparagraph 9.07.08. d. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- d. Upon certification by the development official 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 city manager shall release the maintenance bond and accept the public improvements into perpetual maintenance.

#### SECTION SIXTY-THREE

Subparagraph 9.07.09. a. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- a. Procedure for revising final plat.
  - (1) When it becomes necessary to revise a recorded final plat due to some error, required adjustment, or desired adjustment, the developer shall confer with the development official and other city departments as necessary to verify if the proposed revision will comply with the requirements of the zoning ordinance and this development code.
  - (2) If it is established that the revision is feasible, the developer shall have the necessary corrections made on the original mylar of the final plat. The subdivision name, date and book and page number of the original recording shall be noted on the new plat.
  - (3) The revised plat shall be filed with the development official, along with any filing fee as may be established by the mayor and council from time

- to time. The development official shall forward this plat to the proper city departments that would be involved in checking and certifying the revision.
- (4) Upon receipt of certification by the proper authorities in the various city departments involved, the revised plat shall be signed by the mayor.
  - (5) The approved revised plat will be recorded by the engineering department and returned to the developer.
  - (6) Any revised plat that does not receive approval shall be returned to the developer with written notification stating the reason for denial attached thereto. The developer may appeal any denial to the board of adjustments and appeals.

#### SECTION SIXTY-FOUR

Subparagraph 9.08.02.b. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

b. Except for single-family residential dwellings in an approved subdivision for which the final plat has been filed for recordation, zoning verification shall be obtained from the zoning department. The following shall be attached to the zoning verification application:

- (1) For a single-family detached or two-family dwelling, a plat or other indication of the location of the lot.
- (2) For a multi-family or non-residential building, the site plan for which project approval was granted by the mayor and council.

#### SECTION SIXTY-FIVE

Section 9.09 of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby repealed.

#### SECTION SIXTY-SIX

Section 10.02. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

10.02. Appeals of an administrative decision.

10.02.01. Initiation.

- a. An appeal of an administrative decision or interpretation may be initiated by any person aggrieved by such action. Such appeal shall be taken within 30 days of the administrative decision or interpretation by filing such

- appeal in writing with the development official.
- b. It is the intention of this development code that all questions arising in connection with the interpretation of this ordinance shall be presented first to the development official, from whom an appeal can then be taken to the city council.

10.02.02. Appeals of permit decisions. 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 grant with condition of a land disturbance or development permit by the development official 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 development permit or building permit conditions.
- c. The determination that the holder is in violation of any other provision of this development code.

10.02.03. Interpretations by city council. The city council, upon appeal of an aggrieved party or at the request of the development official, is authorized to:

- a. Interpret the use of words or phrases within the context of the intent of this development code.
- b. 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 ordinance is alleged.
- c. Interpret such other provisions of this development code as may require clarification or extension in specific or general cases.

#### SECTION SIXTY-SEVEN

Subsection 10.03.03 of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

10.03.03. Administrative variances.

- a. The development official is authorized to grant variances from the terms of this development code, where, in his or her opinion, the intent of the ordinance can be achieved and equal or better performance obtained by granting the variance, and subject to the standards for approval set out by this section. The authority to grant such variances shall be limited to variances from the following requirements to the extent indicated:
  - (1) Width of frontage landscape strip. Variance not to exceed two feet.
  - (2) Width of side and rear yard landscape strip.

- Variance not to exceed five feet.
- (3) Distance between buildings on the same lot.  
Variance not to exceed ten feet.
- b. An appeal from an adverse decision of the development official may be taken to the board of adjustments and appeals at the request of the applicant. All requests for appeal shall be filed in writing with the development official within 30 days of the decision of the development official.

#### SECTION SIXTY-EIGHT

Subparagraph 10.03.04. b. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- b. An appeal from an adverse decision of the board of adjustments and appeals may be taken to the city council at the request of the applicant. Such request must be filed in writing with the development official within 30 days of the decision of the board of adjustments and appeals.

#### SECTION SIXTY-NINE

Subsection 10.04.01. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

##### 10.04.01. Receipt of appeal.

- a. Upon receipt of an appeal from an administrative decision or a request for a variance, the development official shall assemble such memos, papers, plans, or other documents as may constitute the record for the appeal or as may provide an understanding of the issues involved.
- b. An application for an appeal shall include such descriptions, maps or drawings as needed to clearly illustrate or explain the action requested. The development official may request such additional information from the appellant as necessary to provide a full understanding of the applicant's request.
- c. Once the record has been assembled, the development official shall schedule the appeal or request for variance promptly for a public hearing at a meeting of the board of adjustments and appeals or the city council, as appropriate to the request.

#### SECTION SEVENTY

Subsection 10.04.04. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby

amended to read as follows:

10.04.04. Withdrawal of appeal. Any appellant wishing to withdraw an appeal or request for variance prior to the public hearing shall file a written request for such withdrawal with the development official. The appeal shall thereupon be withdrawn and the request shall have no further effect.

#### SECTION SEVENTY-ONE

Subparagraph 10.04.05. c. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- c. The development official shall submit the assembled record of the appeal or variance. The development official shall provide such information or explanation as appropriate to the circumstances of the appeal or variance.

#### SECTION SEVENTY-TWO

Subparagraph 10.04.05. h. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- h. After the public hearing and any information presented by the development official, action on the appeal shall be considered.
  - (1) A motion to approve or deny an appeal or variance must be approved by an affirmative vote of a majority of the members in order for the motion to be approved.
  - (2) If a motion to approve an appeal or variance fails, the appeal or variance is automatically denied. If a motion to deny an appeal or variance fails, another motion would be in order.
  - (3) Tie votes.
    - (a) In the case of the board of adjustments and appeals, a tie vote on a motion for approval of an appeal or variance shall be deemed a denial of the appeal or variance. A tie vote on any other motion shall be deemed to be no action, and another motion would be in order.
    - (b) In the case of the city council, the mayor casts his or her vote when a tie vote occurs among the council members. If the mayor abstains or otherwise casts no vote, a tie vote on a motion for approval of an appeal or variance shall be deemed a denial of the appeal or variance, while a tie vote on any other motion

shall be deemed to be no action, and another motion would be in order.

- (4) If no action is taken on an appeal, it shall be considered tabled and action deferred to the next regular meeting.

### SECTION SEVENTY-THREE

Section 11.01. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

Section 11.01. Purpose of article XI.

This article sets out the structure for administering and enforcing this development code, including the creation, powers and duties of the board of adjustment and appeals, and the responsibilities and procedures of the development official in carrying out enforcement activities.

### SECTION SEVENTY-FOUR

Subparagraph 11.05.01. a. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- a. The development official 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.

### SECTION SEVENTY-FIVE

Subsection 11.05.03. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

11.05.03. Stop-work orders, permit modifications and suspensions. The development official and the building official shall have the authority to issue the following:

- a. A stop work order stopping work indefinitely for an entire project; or  
b. A cease and desist order stopping any activity within the project or to stop work on any portion of the project for a definite or indefinite period;

where work on any project is being done contrary to the provisions of this development code, contrary to the provisions of the permit or in a dangerous or unsafe manner, and the permit, if any, shall be suspended or modified. All

cease and desist orders issued for a duration of more than three days, and all stop work orders, shall be issued in writing and shall be delivered to any responsible party present at the property, and shall state the conditions under which work may be resumed. Failure of personal delivery of the notice shall not constitute grounds for termination of the order. Said written notice shall further be mailed by certified mail to the owner within three working days of issuance of the order. Orders may be terminated by the development official or building official upon confirmed satisfaction of the stated conditions for resumption or for other good cause. Where in the opinion of the development official or the building official an emergency exists, no written notice shall be required.

#### **SECTION SEVENTY-SIX**

Subparagraph 11.06.01. b. of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby amended to read as follows:

- b. Within ten days of the issuance of such notice, the recipient shall have a right to make a written request for and to be heard at a review hearing before the board of adjustments and appeals on a date to be scheduled and held within ten days after the date the written request is received by the development official or the building official.

#### **SECTION SEVENTY-SEVEN**

Subparagraph 1.04.03. b.(4) of Appendix B -the Development Code Ordinance of the Code of the City of Douglasville, is hereby repealed and reserved.

#### **SECTION SEVENTY-EIGHT**

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

#### **SECTION SEVENTY-NINE**

This ordinance shall become effective on the date after its enactment.



Ordained this 19th day of April, 2004.

Roy J. Mims  
Councilmember

Charles J. Bond  
Councilmember

Henry H. Bell  
Councilmember

William H. Bell  
Councilmember

Franklin D. Bell  
Councilmember

\_\_\_\_\_  
Councilmember

Paul M. Thompson  
Mayor

Attest:

Dee Stone  
City Clerk

DELIVERED TO MAYOR April 19, 2004 CITY CLERK JS  
RECEIVED FROM MAYOR April 20, 2004 CITY CLERK JS

## EXHIBIT A

*Table 4-2. Percentage of Required Parking Spaces by Time Period.*

	Weekdays		Weekends		Nighttime
	6 a.m. to 5 p.m.	5 p.m. to 1 a.m.	6 a.m. to 5 p.m.	5 p.m. to 1 a.m.	1 a.m. to 6 a.m.
Office	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment/Recreation	40%	100%	80%	100%	10%
Church	10%	25%	100%	100%	10%

## EXHIBIT B

Table 7-2. Testing Requirements.

Type of Test to be Performed	Minimum Number of Tests	Testing Standards
Sub-grade Compaction	Each 500 linear feet of roadway	95% Max Density ASTM-1557 Field Tests ASTM D-1556 F-2922 and D-2167
Base Compaction	Each 500 linear feet of roadway	100% Max Density ASTM-1557 Field Tests ASTM D-1556 F-2922 and D-2167
Asphalt Density	Each 1,000 linear feet of roadway	92% Laboratory Density
Asphalt Thickness	Each 500 linear feet of roadway	Deficient in thickness not more than $\frac{1}{4}$ "