

ORDINANCE NUMBER O-01- 39

**AN ORDINANCE**

To amend Article I – General, subsection 1.04.01 – *Responsibility for interpretation*, of Appendix B – the Development Code of the City of Douglasville, to revise the appeals process; to amend Article IX – **PLANS AND PERMITS**, of Appendix B – the Development Code of the City of Douglasville, to revise provisions for development plan approval, project approval, preliminary plat approval, and completion and inspection of public improvements; to amend Article X – **APPEALS**, of Appendix B – the Development Code of the City of Douglasville, to revise the appeals process and to provide for administrative variances; 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**

Article I. – **GENERAL**, Section 1.04 – **Interpretation**, subsection 1.04.01 – *Responsibility for interpretation* of Appendix B – the Development Code of the City of Douglasville is hereby amended to read as follows:

**Section 1.04. Interpretation.**

**1.04.01. *Responsibility for interpretation.***

- a. The city engineer shall be responsible for the interpretation of the requirements, standards, definitions or any other provision of this development code.
- b. Interpretations of the city engineer may be appealed to the city council under the provisions of this development code relating to appeals. Upon any request for an interpretation, the city engineer 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 TWO

Article IX. – **PLANS AND PERMITS**, of Appendix B – the Development Code of the City of Douglasville is hereby amended as shown on Exhibit A attached hereto and incorporated herein.

## SECTION THREE

Article X. – **APPEALS**, of Appendix B – the Development Code of the City of Douglasville is hereby amended as shown on Exhibit B attached hereto and incorporated herein.

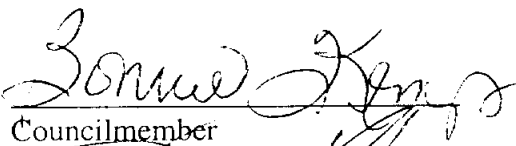
## SECTION FOUR

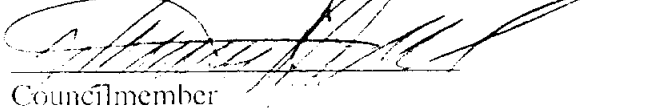
All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

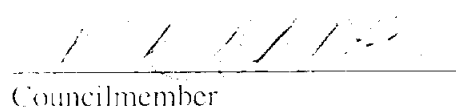
## SECTION FIVE

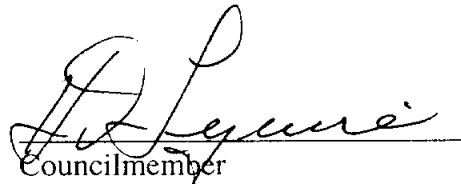
This ordinance shall become effective upon the date of its adoption.

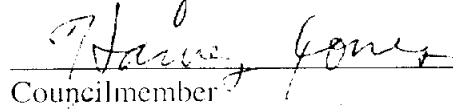
ORDAINED this 18th day of June, 2001.

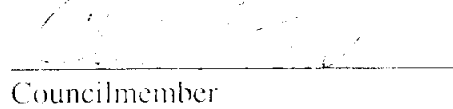
  
Councilmember

  
Councilmember

  
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Councilmember

Cass B.

Councilmember

Tom M. Brown

Mayor

Attest:

Barbara McCravy

City Clerk

**ARTICLE IX. PLANS AND PERMITS****Section 9.01. Purpose of article IX.**

This article describes the approval and permitting process for construction of subdivisions and other land development projects and the procedures for amendments to the text of this development code.

**Section 9.02. Overview--land development.**

The following presents a summary of the plans and procedures involved in the land development approval and construction regulation process.

9.02.01. *Subdivisions with public improvements.* The division of land into two or more lots that will require the construction or extension of public streets, water or other public facilities (other than the direct connection of buildings to existing facilities) shall be conducted as follows:

- a. Development plan approval is granted by the zoning and development committee upon review and formal acceptance of a development plan.
- b. The preliminary plat shall conform to the design and layout shown in the approved development plan. Any significant deviation from the approved development plan shall be cause for rejection of the preliminary plat.
- c. A Development Permit is issued by the engineering department based on review and approval of a preliminary subdivision plat and the subsequent approval of the civil design and construction plans for construction of the subdivision.
- d. Receipt and approval by the engineering department of accurate surveys of the as-built condition of public improvements is required in order to allow filing of a final plat.
- e. Approval of a final subdivision plat by the mayor and council will authorize recordation of the plat with the clerk of superior court.
- f. After recordation of the final plat, the lots may be sold and building permits on the lots may be obtained.
- g. No sooner than one year after recordation or 75 percent of build out, all public improvements shall be completed and will be inspected by the city for permanent dedication.

9.02.02. *Subdivisions not requiring public improvements.* The division of land into two or more lots, each of which will be adequately served by existing public streets, water and other public facilities, shall be conducted as follows:

- a. Approval of a final subdivision plat by the mayor and council will authorize recordation of the plat with the clerk of superior court.
- b. After recordation of the final plat, the lots may be sold and building

permits on the lots may be obtained.

9.02.03. *Multi-family and nonresidential projects.*

- a. A Development Permit is issued by the engineering department based on review and approval of a site plan and civil design and construction plans for construction of the project.
- b. The site plan shall conform to the design and layout shown in the approved development plan. Any significant deviation from the approved development plan shall be cause for rejection of the site plan.
- 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 marshall shall be approved by the fire department prior to issuance of the building permit.
- d. Receipt by the engineering department of accurate surveys of the as-built condition of all public improvements is required in order to authorize permanent water and service.
- 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.

**Section 9.03. Project approval.**

Preliminary plat for subdivision activity or a site plan for development of a multi-family or nonresidential project shall be approved by the engineering department prior to the issuance of a development permit or initiation of any land disturbing or construction activities in order to assure compliance with all zoning requirements and conditions of zoning approval.

9.03.01. *Development plan approval required.* No preliminary plat or site plan shall be approved by the engineering department until the zoning and development committee has approved a development plan. Every development plan shall show the following:

- a. Name and address of the property owner.
- b. Name, address, and telephone number of the applicant.
- c. Date of survey, north point and graphic scale, source of datum, date of plan drawing, and revision dates, as appropriate.
- d. Proposed use of the property, if known.
- e. Location (Land District and Land Lot) and size of the property in acres (or in square feet if less than an acre).
- f. Location sketch of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets or railroads. Location 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.

- g. Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries as appropriate.
- h. Man-made features within and adjacent to the property, including existing streets and names, city 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.
- i. 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.
- j. A statement as to the source of domestic water supply.
- k. A statement as to the provision for sanitary sewage disposal.
- l. The approximate location of proposed storm water detention facilities.
- m. Such additional information as may be useful to permit an understanding of the proposed use and development of the property.

9.03.02. *Responsibility for project approval.*

- a. The city engineer is responsible for administering the review and approval process for preliminary subdivision plats and site plans.
- b. The zoning and development committee shall approve all development plans of residential and nonresidential projects.
- c. A preliminary plat or site plan may be prepared by a professional engineer, a registered land surveyor, or a landscape architect.

9.03.03. *Procedure for project approval.*

- a. An application for project approval may be processed independently or in conjunction with an application for issuance of a development permit.
- b. An application for project approval shall be submitted to the engineering department. The application shall include:
  - (1) The name and address of the person requesting review.
  - (2) A properly completed application form, as furnished by the engineering department, requesting review for project approval.
  - (3) Seven copies of the preliminary subdivision plat or site plan showing the entire ownership drawn to the specifications of this section.
  - (4) Payment of the applicable application and review fees as

established by the mayor and council from time to time.

- c. The engineering department will review the application for completeness within five days of submission. Incomplete applications will be returned to the applicant.
- d. Following receipt of the application, the engineering department will indicate on the drawing or in writing all comments related to compliance with this development code.
- e. The owner is responsible for compliance with all codes, regulations and zoning requirements and for the satisfaction of all the noted and written comments.
- f. The engineering department shall not approve any preliminary subdivision plat or site plan that shows a lot or situation that would clearly require a variance in order to be reasonably usable, whether due to the presence of flood plain, unusual configuration, zoning compliance, or lack of public utilities, without explicit grant of a variance.
- 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 city engineer 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.
- h. The certificate of project approval will remain in effect for a period of one consecutive year 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.

9.03.04. *General standards for project approval.*

- a. 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 city or Douglas County. If shown to the contrary, the mayor and council 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.
- b. The preliminary plat or site plan shall be prepared on a boundary survey of the entire tract to be eventually subdivided or developed showing the location of the boundaries and dimensions of the tract to be developed.
- 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 city engineer 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 city engineer, 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.

9.03.05. *Preliminary plat or site plan requirements.* The preliminary plat or site plan must contain the following:

- a. Proposed name of development and its acreage.
- b. Name and address of the property owner and subdivider or developer.
- c. Name, address, and telephone number of the applicant.
- d. Date of survey, north point and graphic scale, source of datum, date of plan drawing, and revision dates, as appropriate.
- e. Proposed use of the property.
- f. Location (Land District and Land Lot) and size of the property in acres (or in square feet if less than an acre).
- g. Location sketch 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. US. Geological Survey maps may be used as a reference guide for the location sketch.
- h. 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.
- i. Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries as appropriate.
- j. Rezoning or special use application number, date of approval, and conditions of approval, as applicable.
- k. Zoning Variances obtained on the property by application number, date of approval, and conditions of approval, as applicable.
- l. Natural features. Natural features within the property, shall be indicated, including:
  - (1) Ground elevations on the tract based on field surveys or



photogrammetric methods from aerial photographs. The basis for the topographic information shall be shown. Contour lines shall be drawn at intervals of not more than two feet. Contour lines shall be based on a datum plane as approved by the engineering department.

- (2) Drainage channels, bodies of water, wooded areas and other significant natural features such as rock outcroppings and wetlands.
  - (3) On all watercourses leaving the property, the direction of flow shall be indicated, and for all watercourses entering the tract, the direction and acreage of the drainage area above the point of entry shall be noted.
  - (4) A notation clearly stating the water surface elevation of the 100-year flood in relation to mean sea level as approved and accepted by the engineering department. Any lands below this elevation shall be designated on the plat by a heavy contour line, depicting the one hundred-year flood level.
- m. Man-made features. Man-made features within and adjacent to the property, including street right-of-way and pavement widths, names of existing streets, all easements, city and county political boundary lines, and other significant information such as location and dimensions of bridges, utility lines and structures, existing buildings to remain, culverts and other features.
- n. The proposed project layout including:
- (1) 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 principal 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.
  - (2) 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.
- o. The proposed phasing of the development if it is proposed to be built in sections.
- p. A statement as to the provision for sanitary sewage disposal. For those properties that will not be served by a public sanitary sewerage system, location and results of percolation tests as required and approved by the county health department are to be shown.
- q. The approximate location of proposed storm water detention facilities.

- r. The location and width of all sidewalks.
- s. Such additional information as may be reasonably required to permit an adequate evaluation of the development activity proposed in the application.

#### **Section 9.04. Civil design and construction plans.**

##### **9.04.01. *General requirements.***

- a. Persons seeking to undertake development activity shall not commence or proceed until civil design and construction plans are approved and a development permit is issued by the engineering department. The process for approval of a development permit is presented in the following section, below.
- b. The civil design and construction 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:
  - (1) Erosion and sedimentation control plan;
  - (2) Grading plan;
  - (3) Stormwater management plan;
  - (4) Street improvement plan; and
  - (5) Landscaping, buffer and tree conservation plans.
  - (6) Public utility plans.
- c. All civil design and construction 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 professional landscape architect.

##### **9.04.02. *Erosion and sedimentation control plan.*** See the "soil erosion and sedimentation control" article of this development code for plan requirements.

##### **9.04.03. *Grading plan.***

- a. Grading plans shall identify existing and proposed topographic contour lines at 2-foot intervals.
- b. Grading plans shall outline any area that is required to remain undisturbed, such as a natural buffer or tree protection area (as provided under the "landscaping, buffers and tree conservation" article of this development code) or greenway (see "greenways" under the "land development activities" article of this development code) and shall identify and describe the protective fencing, staking or ribbon to be placed surrounding such area.
- c. If the property contains any area of special flood hazard (the 100-year flood plain), grading plans in and around the flood plain shall be designed

in conformance to all requirements relating to flood damage prevention under the "project design standards" article of this development code.

9.04.04. *Stormwater management plan.* The stormwater management plan shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing stormwater runoff. The developer shall certify on the drawings that all clearing, grading, drainage, construction, and development shall be conducted in strict accordance with the plan. The minimum information submitted for support of a stormwater management plan shall be as follows:

- a. Site plan. Provide a site plan drawn to a scale of not less than one inch equals 50 feet with the following characteristics and information:
  - (1) Graphic scale, north arrow, and date. The north arrow shall be identified as magnetic, true, or grid north.
  - (2) Vicinity map showing the site location relative to surrounding landmarks, highway intersections, rivers and streams.
  - (3) Topography showing existing and proposed elevations in accordance with the following:
    - (a) For sites smaller than 1.1 acres 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.
    - (b) For sites of 1.1 acres and larger, show channels or scales at selected points not more than 100 feet apart.
    - (c) For sites of 1.1 acres and larger with slopes of more than two percent, show contours with an interval of not more than two feet.
    - (d) Elevations shall be based on the datum plane established by the United States Coastal and Geodetic Survey.
  - (4) Delineation of property lines and deed record names of adjacent property owners.
  - (5) Location and right-of-way of streets, roads, railroads and utility lines, either on or adjacent to the property to be developed. Specify whether utility lines are in easements or rights-of-way and show the location of towers and poles.
  - (6) Size and location of existing sewers, water mains, drains, culverts or other underground facilities within the tract or within the right-of-way of streets or roads adjoining the tract. Grades and invert elevations of sewers shall be shown.
  - (7) Location of existing buildings and other improvements.
  - (8) Proposed conditions:
    - (a) Layout of proposed streets, roads, alleys, drives, paved

areas and public crosswalks, with widths and road names or designations.

(b) Storm sewer system improvements with grade, pipe size and location of outlet.

(c) Location of proposed buildings and other improvements.

b. The location and size of all proposed drainage improvements shall be designed in accordance with and meet all standards relating to stormwater drainage under the "project design standards" article of this development code. The stormwater management plan shall include:

(1) Location and profiles of all storm drainage pipes and slopes of receiving channels. Hydraulic grade lines to be shown on all pipes that cross streets and on all detention basin outfalls.

(2) Storm sewer profile sheets shall include:

(a) Existing ground profile.

(b) Finished ground profile.

(c) Slope of pipe.

(d) Pipe size and material.

(e) Scales (horizontal and vertical).

(f) Structure type and number (C.B. #1, D.A. #2, etc.).

(g) Drainage area and flow of structure.

(3) Stormwater detention facility design and construction details.

(4) Location and typical construction details of all inlets and catch basins, headwalls and other drainage structures.

(5) The 100-year ponding limits above each street cross drain.

c. The stormwater management plan must also include:

(1) The hydrologic and hydraulic analysis required for the system design under the "project design standards" article of this development code.

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

(3) Provide a reconstruction schedule for both temporary and permanent facilities. Reference the schedule to other development activities such as clearing, rough grading, construction, final grading and vegetation establishment.

(4) Provide a plan for maintenance of the stormwater facilities. Describe specific actions and a recommended schedule of maintenance required to maintain the facilities at a satisfactory level of service.

- (5) Provide a cost estimate for construction of the stormwater management facilities. Provide a separate estimate of the annual cost for maintenance of the proposed facilities.

9.04.05. *Street improvement plan.*

- a. Street plan and profile sheets of all proposed streets shall be required, shown complete in both plan view and profile at the same horizontal scale. 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.
- b. The following shall be included on each plan and profile sheet:
  - (1) Plan:
    - (a) Street width (back of curb to back of curb);
    - (b) Curve data (including P.I.'s, P.C.'s and P.T.'s);
    - (c) Drainage structures;
    - (d) Centerline stationing;
    - (e) Lot numbers;
    - (f) R.O.W. dimensions;
    - (g) Street names;
    - (h) North arrow and scale.
  - (2) Profile:
    - (a) Existing ground profile;
    - (b) Finished street profile;
    - (c) Finished grade elevations every 50 feet;
    - (d) Percent of grade;
    - (e) Vertical curves;
    - (f) Storm drains in the street;
    - (g) Sanitary sewer lines in the street (may be shown on separate sheet);
    - (h) Vertical and horizontal scales.
- c. Where sanitary sewer or storm water sewers are to be installed within a street, the grade, size, location and bedding class of pipe, and the location and invert elevation of manholes shall be indicated on the street profile.
- d. Center line profiles covering streets that are extensions of existing streets shall include elevations at 50 foot intervals for such distance as may be adequate to provide continuity consistent with the standards required by this development code for street improvements, but no less than 200 feet.

- e. All plan elevations shall be coordinated and sited into U.S. Coast and Geodetic Survey or Georgia Department of Transportation bench marks where feasible or into reference monuments established by the Federal Emergency Management Agency.
- f. A street striping plan, showing striping 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.

9.04.06. *Landscaping, buffer and tree conservation plans.*

- a. Landscaping, buffer and tree conservation plans; in general.
  - (1) All proposed landscaping as required by the "landscaping, buffers and tree conservation" article of this Code, and trees to be retained or planted as required by the tree conservation provisions of the same article, shall be illustrated.
  - (2) The plans may be consolidated on one sheet or drawn separately. Each plan is to include:
    - (a) Project name, land district, land lot and parcel number, north arrow and scale.
    - (b) Developer's name, address, and telephone number.
    - (c) The name, address and telephone number of the professional landscape architect or urban forester responsible for preparation of the plan and the seal or statement of professional qualifications of said person, (which may be attached separately).
- b. Site landscaping plan. A site landscaping plan shall be prepared whenever any frontage landscaping strip, side or rear yard landscaping area, parking lot landscaping or street-side landscaping is required by this development code or conditions of zoning approval. The site landscaping plan is to show:
  - (1) Scale at one inch = 20 feet to 50 feet.
  - (2) North reference.
  - (3) The location and size of all utilities on the site.
  - (4) The location of all existing and proposed parking areas, sidewalks and other paved surfaces.
  - (5) The location of all existing and proposed buildings and structures.
  - (6) The boundaries of each required landscape strip or area.
  - (7) A planting plan showing the location, size and common name of proposed plant materials.
  - (8) The location, size and common name of all existing plant materials to be retained that contribute to meeting the minimum requirements of this Code for landscaping.

- c. Buffer plan. A buffer plan shall be prepared for any structural buffer required in accordance with the specifications and standards contained in this development code. Plans shall not be required for natural buffers, which are to be shown on the grading plan, but must be delineated on the buffer plan sheet. The buffer plan shall show:
- (1) The boundaries of each required buffer area.
  - (2) All grading and construction details for earthen berms, walls and fences that are proposed as part of the visual screen.
  - (3) A planting plan showing the location, size and type of proposed plant materials.
  - (4) The location, size and common name of all existing plant materials to be retained that contribute to meeting the minimum requirements of this Code for buffers.
  - (5) 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.
- d. Tree conservation plan. A tree conservation plan for any multi-family or nonresidential development shall be prepared. Such plan shall be submitted to the engineering department prior to any clearing, grubbing, grading or other removal of existing vegetation that may affect the health of existing tree coverage. The tree conservation plan shall show the following:
- (1) The extent of the development site or disturbed area.
  - (2) Significant trees.
    - (a) All significant trees (as defined in this development code) that are proposed to be removed.
    - (b) All significant trees that will remain on the development site and be protected during construction.
  - (3) Utility lines.
    - (a) Locations of proposed on-site underground utility lines.
    - (b) Locations of other on and off-site utility lines. Indicate areas where trees cannot be planted because of interference with (1) existing or proposed utilities on public rights-of-way or on utility rights-of-way or easements and (2) existing utilities on adjoining properties.
  - (4) Delineation of all minimum yard areas, buffers, and landscape areas as required by this development code, the zoning ordinance or conditions of zoning approval.
  - (5) Total acreage of the site and total acreage.
  - (6) Delineation of all areas located within the 100-year floodplain.
  - (7) Existing trees to be retained in tree protection areas: Trunk

location and size (to the nearest in diameter at four and one-half feet above the ground) of individual trees proposed to remain for credit toward meeting the minimum tree density standard on the property. Groups of three or more trees whose dripline combine into a single tree protection area may be outlined as a group and their number, by diameter, shown on a summary table. If the number and size of all existing trees to remain on the site exceeds the required tree density standard for the entire site, only those trees required to meet the minimum tree density standard must be shown. All tree protection areas are to be outlined and labeled.

- (8) Tree protection measures:
  - (a) A detail or description of the protective tree fencing, staking or continuous ribbon and the location of such measures, which at a minimum shall follow the dripline of all trees to be retained along the adjoining areas of clearing, grading, or other construction activity.
  - (b) Measures to be taken to avoid soil sedimentation intrusion into tree protection areas and the location of such devices.
  - (c) Proposed location of temporary construction activities such as equipment or worker parking, material storage, burnholes, equipment washdown areas and entrance pads.
  - (d) Proposed type and location of any tree save area signs or other pertinent signage.
- (9) If new trees are proposed to be planted in order for the property to achieve the required tree density standard, the new trees shall be shown and their spacing and diameter identified, to the extent needed to achieve the minimum requirements. Trees grouped together in tree planting areas may be listed on the summary table by total number in the grouping, by size.
- (10) A summary table of the number of existing trees to remain and new trees to be planted, by diameter to the nearest inch shall be shown along with calculations showing the tree density achieved for the site. Additional credits shall be noted where applicable. Groupings of trees in tree protection areas and areas for new tree planting may be keyed to the summary table by area rather than having each tree individually labeled on the plan.

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 city engineer, 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 city engineer, 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 9.05. Development permit.**

9.05.01. Responsibility for development actions.

- a. 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 engineering department to perform such activity.
- b. Any person proposing development shall first submit to the engineering department an application for a development permit, including all civil design and construction drawings required by this development code. The application must be authorized by the property owner.
- c. The engineering department is responsible for administering the review and approval process for issuance of development permits. The

engineering 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 engineering 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.

- d. Approval of plans by the engineering 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.
- e. The zoning and development committee shall approve all development plans for nonresidential projects.
- f. 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.
- g. 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.
- h. Liability.
  - (1) 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 mayor and council or the Soil and Water Conservation District for damage to any person or property.
  - (2) 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.

9.05.02. *Development activities authorized.* A development permit shall be issued to authorize all activities associated with development activity regulated by this Code, subsequent to the issuance of a soil disturbance permit, including, but not limited to, the construction of such improvements as streets, surface parking areas and drives, storm water drainage facilities, sidewalks, or other structures permanently placed on or in the property except for buildings, signs, or other

structures requiring the issuance of a building permit.

9.05.03. *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 engineering department.

- a. The application for a development permit shall be submitted to the engineering department and must include the following:
  - (1) Application on the form furnished by the engineering department, requesting review for issuance of a development permit.
  - (2) Six copies of:
    - (a) The preliminary plat or site plan requesting or reflecting project approval
    - (b) The civil design and construction drawings prepared in conformance with the specifications and standards in this development code.
  - (3) Payment of any development permit fee, as established from time to time by the mayor and council.
- b. The application will be checked for completeness within 14 days of its submission. Incomplete applications, as determined in the sole discretion of the city engineer, will be returned to the applicant.
- c. Upon acceptance of a development permit application, the engineering 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. No development permit will be issued unless the plan has been approved by the District, and any variances and bonding, if required, have been obtained.
- d. The applicant may be required by the engineering 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:
  - (1) County health department
  - (2) Soil and Water Conservation District
  - (3) Georgia Department of Transportation
  - (4) Georgia Department of Natural Resources
  - (5) US Army Corps of Engineers
  - (6) US Environmental Protection Agency
- e. Upon receipt of comments from other departments and agencies, the engineering 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.

- f. The engineering department will forward its comments to the applicant.
- g. 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.
- 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 city engineer shall be ineligible for resubmittal for a period of not less than 90 days.
- i. 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.

9.05.04. *Required performance surety.*

- a. *Stormwater performance surety.* Upon approval of the stormwater management plan, but before the issuance of a building permit or land development permit approval, the applicant shall be required to post a performance bond, cash escrow, or other acceptable form of performance security.
  - (1) The amount of the surety shall not be less than the total estimated construction cost of the facilities required by the stormwater management plan.
  - (2) The performance bond or other securities shall not be released until the following requirements have been met. The director of engineering department shall:
    - (a) Perform a final inspection of the facilities and determine that they have been constructed in compliance with the stormwater management plan.
    - (b) Determine that all provisions of the stormwater management plan have been faithfully executed.
  - (3) 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 engineering department upon completion of each stage that is ready for inspection.
- b. *Erosion and sedimentation performance surety.* See the "soil erosion and sedimentation control" article of this development code.

9.05.05. *Issuance of development permit.*

- a. Following satisfaction of all comments, receipt of approvals from all affected agencies and receipt of all required bonds, the engineering department shall issue a development permit authorizing development

activities to begin based on the approved civil design and construction drawings.

- b. 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 mayor and council, and the engineering department has affirmatively determined that the plan is in compliance with all requirements of this development code. If the development permit is denied, the reason for denial shall be furnished to the applicant.
- c. If the tract is to be developed in phases, then a separate development permit shall be required for each phase.
- d. Approved civil design and construction plans. Three sets of reviewed plans shall be retained by the city for record purposes. All plans on the project site for the purpose of construction by contractors, subcontractors or the developer must be plans that are the plans most recently approved by the city as part of the current development permit. No construction other than clearing or rough grading may take place prior to review of the construction plans and then only if the developer has an approved erosion control plan:
- e. Deviation from plans. Upon completion of review of the civil design and construction plans, no deviations from the reviewed plans shall be allowed without a resubmittal of the plans indicating the necessary changes with a letter of explanation as to why the changes were necessary, along with any resubmittal fee as may be set by the mayor and council from time to time.
- f. A holder of a permit shall notify any successor in title to him or her as to all or any portion of the property affected by the approved plan regarding the conditions contained in the permit. Transfer of title to any permitted property, prior to termination of the permit, shall not act to release the original title and permit holder from liability for compliance with the terms of this chapter, unless and until such time as:
  - (1) A new permit has been issued to the successor in title; or
  - (2) The permit has been transferred to the successor in title as follows:
    - (a) The successor in title has submitted a request to the issuing authority in writing that the permit be transferred to him or her; and
    - (b) The successor in title has complied with the bonding requirements of this section; and
    - (c) The city has approved transfer of the permit in writing. Any transfer of a permit under the authority of this subparagraph shall bind the successor permit holder to the same plan, requirements, variances, and permit conditions as the former permit holder. All successors in title to permitted properties shall request in writing a transfer of

the permit or shall apply for a new permit contemporaneously with their receipt of title to the permitted property, or within 20 days thereafter; failure of a successor in title to comply with this requirement, whether or not the permit of the former title holder has been terminated, shall subject the successor in title to any and all penalties prescribed by this development code.

- g. Maintenance of all soil erosion and sedimentation control measures and practices, whether temporary or permanent, shall be at all times the responsibility of the owner.
- h. Subsequent to issuance of a permit, and after all land-disturbing activity has ceased and the property has been stabilized to a permanent and continuous state of compliance with this chapter, the city shall inspect the property and shall terminate the permit and release the requirements for bond and/or letter of credit required by this section. The city shall make such inspections routinely in conjunction with inspections for release of paving bonds and issuance of certificates of occupancy where there is or has been construction in progress on the permitted property. For other permitted properties, inspections shall be made pursuant to request of the permit holder after payment of any required inspection fees.
- i. 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.

**9.05.06. *Expiration of development permit.***

- a. A development permit shall expire if the development activity described in the permit is not begun within six months from the date of issuance.
- b. Any development permit that has expired may be renewed by the engineering department within six months of expiration. 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.

**Section 9.06. Driveway permit.**

- a. 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 engineering department. If the driveway connects to a State or U.S. numbered highway, approval of the Georgia Dept. of Transportation shall be required prior to city approval.
- b. Applications may be made to the engineering department for local streets, or to the Georgia Department of Transportation on State and U.S. numbered highways and other streets over which DOT maintains access control.
- c. 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.

**Section 9.07. Final subdivision plat.**

9.07.01. *Responsibility.*

- a. City engineer shall be responsible for coordination of the approval process for a final subdivision plat.
- b. The final subdivision plat shall be certified and sealed by a land surveyor registered in the State.
- c. 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.

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 city engineer 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 city engineer. 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 city engineer, 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 city engineer 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 city engineer.
- 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 city engineer, 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 format acceptable to the engineering department is to 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.

9.07.03. *General standards for final plats.*

- a. 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 superior court.
- b. 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.

9.07.04. *Final plat requirements.* The final subdivision plat shall contain the following information:

- a. All data required by Georgia law pertaining to the recordation of maps and plats (O.C.G.A. § 15-6-67).
- b. Name of the subdivision.
- c. Street names including both the name and the suffix, such as "street," "avenue," etc.
- d. Accurate location, material and description of monuments and markers.
- e. Name of the former subdivision if any or all of the property has been previously subdivided.
- f. Location sketch 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. US. Geological Survey maps may be used as a reference guide for the location sketch.
- g. Lot lines with dimensions to the  $1/100$  foot, necessary internal angles, arcs, and chords and tangent or radii of rounded corners.
- h. Building front setback lines with dimensions as to length across each lot and distance from the street right-of-way.
- i. Lots or sites numbered in numerical order and blocks lettered alphabetically.
- j. Location, dimensions and purpose of all easements, including drainage and slope easements, if required, and any areas to be reserved, donated, or dedicated to public use.
- k. A statement of the protective covenants, if they are brief enough to be put

directly on the plat; otherwise, a statement that the subdivision is subject to protective covenants and stating the book number and folio number at which the covenants are recorded in the office of the clerk of superior court.

- l. The extent of any area of special flood hazard, as defined in this development code. A notation clearly stating the water surface elevation of the 100-year flood in relation to mean sea level as approved and accepted by the engineering department. Any lands below this elevation shall be designated on the plat by a heavy contour line, depicting the one hundred-year flood level.
  - m. The width and the former widths, if pertinent, of all rights-of-way and easements adjacent to or crossing the property or adjacent to any point of reference.
  - n. 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.
  - o. All land lot lines, land district lines, land section lines, and city and county boundaries intersecting or adjacent to the surveyed property shall be indicated by lines drawn upon the plat with appropriate words and figures.
  - p. All plats shall show the state plane coordinates of at least two permanent monuments thereon, when a United States Coastal and Geodetic Survey monument is within 500 feet of any point on the property platted, or any point of reference shown thereon.
- 9.07.05. *Surveyor and owner certificates.* Each final subdivision plat shall carry the following certificates printed or stamped on the plat. The original certificates on the reproducible copy of the final plat shall be signed and dated in blue ink.
- a. Surveyor's certificate, to read and be completed as follows:

#### 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.

This plat has been calculated for closure and is found to be accurate within one foot in \_\_\_\_\_ feet, and contains a total of \_\_\_\_\_ acres.

By (name): \_\_\_\_\_

Registered Georgia Land Surveyor No. \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Date: \_\_\_\_\_

- b. Surveyor's Seal. The reproducible final subdivision plat drawing shall bear the original signature, in blue ink, of the registered land surveyor placed across the surveyor's seal in order to be valid and recordable.
- c. Owner's certificate, to read and be completed as follows, and signed in blue ink on the original drawing:

### OWNER'S CERTIFICATE

State of Georgia

County of Douglas

The undersigned certifies that he or she is the 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 Douglasville Development Code. The owner further acknowledges this plat and allotment to be his free act and deed, and dedicates to the public forever all areas shown or indicated on this plat as streets, easements or other public use areas, and all water system and other public improvements as depicted on the as-built surveys for this subdivision, approved on (date).

Owner's name: \_\_\_\_\_

Owner's address: \_\_\_\_\_

Date \_\_\_\_\_

(Owner's signature) \_\_\_\_\_

9.07.06. *Certification by health department.* Certification by the County health department that the proposed septic systems installed or proposed to be installed fully meet the requirements of the health department's regulations. The county health department certification statement shall include written notice that each lot not on public sewer must have a septic tank permit prior to the start of construction. For developments with public sewerage and public water systems this certification may be omitted.

9.07.07. *Certificate of final subdivision plat approval.* The following shall be stamped or printed on the final subdivision plat for execution upon its approval by the city.

### CERTIFICATE OF FINAL PLAT APPROVAL

All requirements of the Douglasville Development Code having been represented as being fulfilled by this plat and the related as-built surveys approved on (date), this plat is hereby approved for recordation by the clerk of superior court. This approval further recognizes the owner's offer of dedication of all areas and public improvements shown thereon and on said as-built surveys on behalf of the public, subject to maintenance and guarantee by the owner for two years from the date of this approval.

\_\_\_\_\_ Date \_\_\_\_\_

(Signature of the Mayor of Douglasville, Georgia)

9.07.08. *Acceptance of public improvements.*

- a. If construction of any required public improvements was deferred at the time of final plat approval, said work must be completed during the 1-year maintenance period for the subdivision.
- b. Prior to expiration of the maintenance period, a final acceptance inspection of the public improvements shall be conducted by the engineering department.
- c. 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.
- d. Upon certification by the city engineer 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.

9.07.09. *Revisions to recorded final plats.*

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 city engineer 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 city engineer, along with any filing fee as may be established by the mayor and council from time to time. The city engineer 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.

- b. *New drawing required.* If the original final plat is not available, it will be necessary to prepare a new mylar tracing of that portion of the

subdivision being revised showing all requirements listed for a final subdivision plat under this section.

- c. *Explanation of revision.* Revisions and a notation explaining these revisions shall be clearly and legibly shown in ink on the revised plat.
- d. *Certificate of final subdivision plat revision.* The revised plat shall show the following wording in ink:

#### **CERTIFICATE OF FINAL SUBDIVISION PLAT REVISION**

This revised subdivision plat is hereby approved as to the revisions shown on it, subject to any applicable Protective Covenants and continuation of that portion of the owner's two-year maintenance and guarantee period that has not expired since initial approval and recording of this final subdivision plat.

\_\_\_\_\_Date\_\_\_\_\_

(Signature of the Mayor of Douglasville, Georgia)

- e. *Protective covenants.* All changes shall be bound by the protective covenants on the original final plat and a statement to that effect shall be noted in ink on the revised plat unless noted otherwise.
- f. *Additional information.* Other data that may be required such as a final engineering design report on proposed revisions and such other certificates, affidavits, endorsements, or dedications as may be required by city officials in the enforcement of this development code.

#### **Section 9.08. Building permitting.**

9.08.01. *Procedures to obtain a building permit.* 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 with the provisions of chapter 22 of the City Code of Ordinances. A building permit shall be issued only on a legal lot of record. No building permit shall be issued for a lot in a proposed subdivision before filing for recordation of the final plat, except for a single permit issued for the entire tract proposed for subdivision. All structures shall comply with the requirements of this development code, whether or not a building permit is required.

9.08.02. *Procedure for approval.* The building official is responsible for administering and enforcing the building codes of the city.

- a. Prior to issuance of a building permit the owner shall have received a development permit if required by this development code.
- 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 planning 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.

9.08.03. *Certificate of occupancy.*

- a. 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.
- b. A certificate of occupancy is required for any of the following:
  - (1) Occupancy and use of a building or structure constructed or enlarged.
  - (2) Change in use of existing buildings to uses of a different classification.
  - (3) Any change in use of a nonconforming use, lot or building.
- c. 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.
- d. 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.

**Section 9.09. Sign permits.**

See the "sign regulations" article of the zoning code for requirements regarding sign permits.

**Section 9.10. Developments of regional impact.**

9.10.01. *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 project approval, issuance of a development or building permit, or hook-up to a public utility. No permits shall be given until the DRI process is complete.

9.10.02. *Submission to ARC.* Any Development of Regional Impact (DRI) shall be submitted by the city to the Atlanta Regional Commission (ARC) when there is an application for a permit or approval to the city. Once the ARC has accepted the completed form and has made an official determination that the project is a DRI, the 45-day review period officially begins. The applicant will be responsible for providing the city with all background information for the DRI Application.

9.10.03. *Final action by the city.* Approval of the first request for governmental action by the city shall not be made on a Development of Regional Impact until either:

- a. A report has been received from the ARC reflecting its findings and recommendations, if any; or,
- b. Said report is not received within 60 days of submittal of the application to the ARC.

## ARTICLE X. APPEALS

EXHIBIT B

### Section 10.01. Purpose of article X.

This article sets out the process to obtain relief from the requirements or interpretation of this development code that may create practical difficulty or particular hardship in its enforcement or application to a specific property or situation.

### Section 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 city engineer.
- 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 city engineer, 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 city engineer 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 city engineer, 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 10.03. Variances.**

#### **10.03.01. *Initiation.***

- a. An appeal from the strict application of the provisions of this development code to a property may be initiated by any party aggrieved by such application.
- b. In no case, however, shall a 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 enacted by the city council.

#### **10.03.02. *Standards for approval of a variance.***

- a. General.
  - (1) Relief from the application of the provisions of this development code may be granted only 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.
  - (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 other but similar properties.
- b. A variance may be granted only upon a finding that:
  - (1) The variance, if granted, would not cause substantial detriment to the public good.
  - (2) The variance, if granted, would not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity.
  - (3) The variance, if granted, would not diminish and impair property values within the surrounding neighborhood.
  - (4) The variance, if granted, would not impair the purpose and intent of the development code.

#### **10.03.03. *Administrative variances.***

- a. The city engineer 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 2 feet.



- (2) *Width of side and rear yard landscape strip.* Variance not to exceed 5 feet.
    - (3) Distance between buildings on the same lot, variance not to exceed 10 feet.
  - b. An appeal from an adverse decision of the city engineer 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 city engineer within 30 days of the decision of the city engineer.
- 10.03.04. *Variances by the board of adjustments and appeals.*
  - a. The board of adjustments and appeals is authorized to grant a variance from the requirements of this development code, subject to the standards for approval set out in 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 35 percent.
    - (2) *Width of side and rear yard landscape strip.* Variance not to exceed 35 percent.
    - (3) *Number of parking spaces.* Variance not to exceed 35 percent.
    - (4) *Sign regulations.* Variance not to exceed 35 percent.
  - 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 city engineer within 30 days of the decision of the board of adjustments and appeals.
- 10.03.05. *Appeals to the city council.* The city council is authorized to grant a variance from any requirement, term or provision of this development code, subject to the limitations and standards of this section, and applicable provisions of state law.

#### **Section 10.04. Process for granting an appeal or variance.**

- 10.04.01. *Receipt of appeal.*
  - a. Upon receipt of an appeal from an administrative decision or a request for a variance, the city engineer 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 city engineer 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 city engineer 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.

10.04.02. *Reserved.*

10.04.03. *Reserved.*

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 city engineer. The appeal shall thereupon be withdrawn and the request shall have no further effect.

10.04.05. *Public hearing procedures.*

- a. The public hearing shall be convened at the scheduled time and place by the appropriate body, as advertised.
- b. The presiding official may administer oaths and compel the attendance of witnesses by subpoena.
- c. The city engineer shall submit the assembled record of the appeal or variance. The city engineer shall provide such information or explanation as appropriate to the circumstances of the appeal or variance.
- d. Reserved.
- e. At the public hearing concerning the appeal or variance, the applicant after being sworn in shall be allowed to present evidence. Any parties in support of or in opposition to the appeal or variance shall also be allowed to present sworn testimony.
- f. For each appeal or variance, the appellant and proponents of the request shall have no less than ten minutes for presentation of data, opinions and evidence at the public hearing, and opponents of the appeal or variance shall likewise have a minimum of ten minutes for presentation. The proponents of each request shall have a collective maximum of 20 minutes for their presentations, and the opponents of each request likewise shall have a collective maximum of 20 minutes for their presentations, unless these time limitations are waived at the discretion of the presiding official.
- g. Hearsay testimony shall not be considered and shall be ruled out of order.
- h. After the public hearing and any information presented by the city engineer, 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.

- i. In taking action on an appeal or variance, the board of adjustments and appeals or city council may:

- (1) Approve, approve with conditions, or deny the request;
- (2) Table the appeal or variance for consideration at a subsequent meeting; or,
- (3) Allow withdrawal of the appeal or variance at the request of the applicant.

10.04.06. *Waiting period for re-filing.* If a request specifically for a variance is denied by the city council, another request for a variance affecting the same property shall not be considered by the city council for a period of six months from the date of denial; provided, however, that the city council may reduce the waiting period under extenuating circumstances or on its own motion.

#### **Section 10.05. Flood protection variances.**

A flood protection variance affecting an historic structure may be considered by the board of adjustments and appeals in accordance with the provisions of the "flood damage prevention" article of this development code. All other variances from the provisions of this Code regarding Flood Damage Prevention shall be considered by the city council.