

**SITE PLAN REVIEW AND
APPROVAL REGULATIONS OF
EUHARLEE, GEORGIA**

**Adopted September 2, 2003
Amended September 20, 2006**

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SITE PLAN REVIEW AND APPROVAL REGULATIONS EUHARLEE, GEORGIA

§1-1 SITE PLAN REVIEW AND APPROVAL

§1-1-1 TITLE

These regulations shall be known and may be referred to as the Site Plan Review and Approval Regulations of Euharlee, Georgia.

§1-1-2 PURPOSES

This Ordinance is adopted for the following purposes.

- (a) Promote the orderly, planned, efficient, and economic development of the City and to guide future growth in accordance with the Comprehensive Plan;
- (b) To establish a fair and reasonable set of standards for evaluation each development proposal impartially on its own merits;
- (c) Prevent the pollution of air, land, streams, and ponds, as well as encourage the wise use and management of natural resources throughout the City, and preserve the topography and beauty of the community and the value of land;
- (d) Ensure the proper provision of improvements such as drainage, water, sewerage, and capital improvements such as schools, parks, playgrounds, recreational facilities, and transportation facilities;
- (e) The protection of natural, environmental, historic, or archaeological features on the site under review and in adjacent areas;
- (f) Provide for open spaces through the most efficient design and layout of the land;
- (g) To suggest ways in which development proposals may be modified so that potential problems and nuisances would be minimized or prevented;
- (h) To balance the right of land owners to use their land for the approved purposes stated in the City of Euharlee Zoning Ordinance, with the corresponding right of abutting and neighboring land owners to live without undue disturbance from noise, smoke, fumes, dust, odor, glare, traffic, or storm water runoff, or the pollution of ground or surface water resources;
- (i) To reduce the off-site (external) problems created by development, thereby decreasing the cost of maintaining or improving municipal facilities;
- (j) To provide a Public Hearing process through which town residents may raise questions and receive answers about how new development proposals would affect them; and
- (k) To protect property values.

§1-1-3 DEFINITIONS

Accessory Facilities: see accessory use or structure as defined in City of Euharlee Zoning Ordinance.

Aggrieved: As it relates to an aggrieved party's right to appeal, "aggrieved" shall mean being directly and negatively impacted by a decision, such as an adjoining landowner, an applicant who is denied, or person in similar situation. It shall also mean any City Council official or the Mayor if the disagree with a decision of City staff. *Amended September 20th, 2006.*

All Weather Surface: Any surface treatment, including gravel, which is applied to and maintained so as to prevent erosion, and to prevent vehicle wheels from making direct contact with soil, sod or mud; and which effectively prevents the depositing of soil, sod or mud onto streets from areas required to be so treated.

Comprehensive plan: Any plan adopted by the Mayor and City Council of the City of Euharlee, or portion of such plan or plans. This definition shall be construed liberally to include the major thoroughfare plan, master parks and recreation plan, or any other study, document, or written recommendation pertaining to subjects normally within the subject matter of a Comprehensive Plan as provided by the Georgia Planning Act of 1989, if formally adopted by the Mayor and City Council.

Conservation areas, primary: Any property qualifying as conservation use property under O.C.G.A. Section 48-5-7.4; and any steep mountain slopes, floodplains, wetlands, waterbodies, upland buffers around wetlands and water bodies, critical wildlife habitat, and sites of historic, cultural, or archaeological significance, located outside of building envelopes and lots established for building purposes.

Conservation areas, secondary: Prime farmland, natural meadows, mature woodlands, farm fields, localized aquifer recharge areas, and lands containing scenic views and sites, located outside of building envelopes and lots established for building purposes.

Conservation easement: A legally enforceable agreement between a property owner and the holder of the easement, in a form acceptable to the City Attorney and recorded in the office of the Clerk of Superior Court of Bartow County. A conservation easement restricts the existing and future use of the defined tract or lot to conservation use, agriculture, passive recreation, or other use approved by the Mayor and City Council and prohibits further subdivision or development. Such agreement also provides for the maintenance of open spaces and any improvements on the tract or lot. Such agreement cannot be altered except with the express written permission of the easement holder and any other co-signers. A conservation easement may also establish other provisions and contain standards that safeguard the tract's or lot's special resources from negative changes.

Director: The Zoning Administrator, or his designee.

Deceleration lane: An added roadway lane, of a specified distance and which may include a taper, as approved by the City Engineer that permits vehicles to slow down and leave the main vehicle stream.

Dedication: The deliberate appropriation of land by an owner for any general and public use or purpose, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

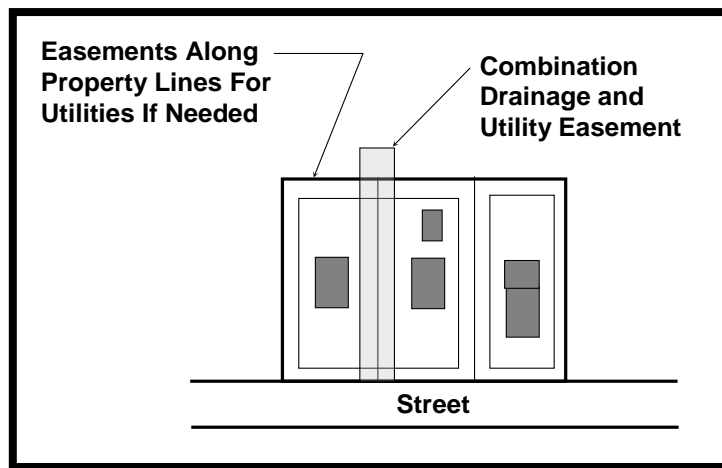
Dedication plat: A plat that indicates property to be dedicated for public right-of-way or land for public use.

Developer: A natural human being, estate, association, firm, partnership, corporation, or other legal entity.

Development: Any manmade change on improved or unimproved real estate, including but not limited to, buildings, structures, mining, dredging, filling, grading, paving, excavation, drilling, or permanent storage of materials or equipment.

Easement: A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity. (See Figure 1-1-3.1).

Figure 1-1-3.1
Easements



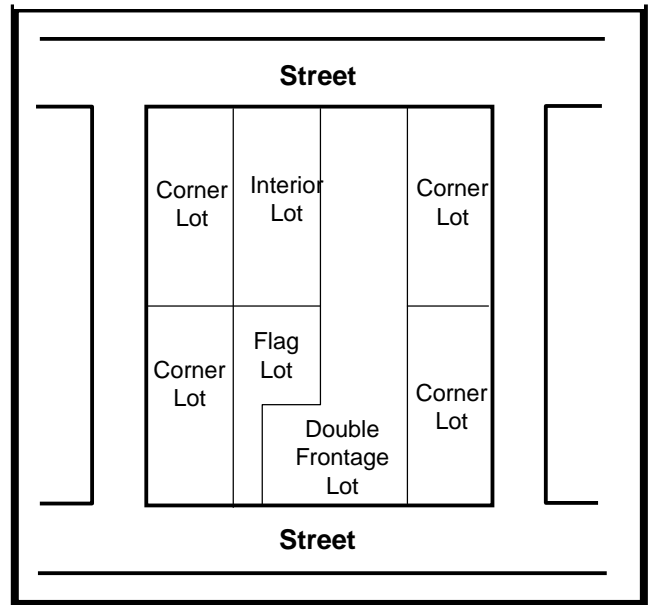
Escrow account: A type of improvement guarantee where the developer deposits either cash, a note, a bond, or some other instrument readily convertible to cash for specific face value specified by the City to cover the costs of required improvements.

Habitat for endangered or threatened species: An area verified by the Georgia Department of Natural Resources as; 1) actually containing naturally-occurring individuals of a species that has been listed as endangered or threatened under the Federal Endangered Species Act, as amended, and, 2) being likely to support the continued existence of that species by providing for a significant portion of that species' biological requirements, and that meets the definition of "natural conditions" as defined by this Ordinance.

Land suitability analysis: A method used by land planners, in preparing land use plans at a community-wide scale or land plans at a site development scale, to evaluate the fitness of land for various uses based at least partially on environmental criteria. The end product of land suitability analysis is typically a map or set of maps depicting the appropriateness of land areas for various land uses.

Letter of credit: A type of improvement guarantee whereby a developer secures an instrument from a bank or other institution or from a person with resources sufficient to cover the cost of improvements required by the City. The instrument pledges the creditor to pay the cost of improvements in case of default by the developer.

**Figure 1-1-3.2
Types of Lots**



Lot: A portion or parcel of land separated from other portions or parcels by description (such as on a subdivision plat of record or a survey map or plat) or described by metes and bounds, and intended for use, transfer of ownership, or for building development. The word "lot" shall not include any portion of a dedicated right-of-way. Types of lots are illustrated in Figure 1-1-3.2.

Natural conditions: The flora, fauna, soil and water conditions that would develop on a specific tract of land if all human interference were to be removed. The tract of land must have been undisturbed for a sufficient period of time for natural processes to dominate the tract. This period of time will vary among environments.

Off-site: Beyond the boundaries of the property in question.

On-site: Within the boundaries of the property in question.

Open space: Any combination of primary conservation areas and secondary conservation areas, as defined, that together form a permanent, undivided or relatively undivided, undeveloped area. As much as 25 percent of the open space may be devoted to active recreational facilities, as defined. Easements for electric and gas transmission lines shall not be considered open space. Stormwater management features, such as lakes, ponds, and ways, may be considered open space at the discretion of the Planning and Zoning Commission, provided that such areas are designed and maintained in a manner that contributes to open space and the aesthetics of the development.

Open space, public: An area within a development designed and intended for the use and enjoyment of the public in general.

Package treatment plant: A sewage treatment facility, usually privately operated, typically having a treatment capacity of less than one million gallons per day. In most cases, a package treatment plant is considered a temporary means of wastewater treatment until connection to a public sanitary sewerage system is available.

Parking Lot: An area which is used for the parking of vehicle.

Parking space: An area designated for the parking of one vehicle on an all weather surface. (Specifications Included In §1-2-20).

Pedestrian way: A public right-of-way or private easement across a block or within a block to provide access for pedestrians and which may, in addition to providing pedestrian access, be used for the installation of utility lines.

Performance bond: A type of improvement guarantee in the form of a bond, secured by the developer from a bonding company, in an amount specified by the City to cover the costs of required improvements, and

payable to the City. The City may call in the performance bond in the event the developer defaults on required improvements.

Person: A natural human being, estate, association, firm, partnership, corporation, or other legal entity.

Professional engineer: An engineer duly registered or otherwise authorized by the State of Georgia to practice in the field of civil engineering.

Professional surveyor: A surveyor duly registered or otherwise authorized by the State of Georgia to practice in the field of land surveying.

Recreation, active: Leisure activities that are facility oriented, such as swimming pools, tennis courts, and ball fields.

Recreation, passive: Leisure activities that are natural resource oriented, such as hiking trails, conservation areas, and nature preserves.

Right-of-way:

- (a) A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary storm sewer, or other similar use.
- (b) Generally, the right of one to pass over the property of another.

Scenic views and sites: Those geographic areas containing visually significant or unique natural features, as identified in the Comprehensive Plan, or by other reasonable means.

Sensitive natural areas: Any area, as identified now or hereafter by the Department of Natural Resources, which contains one or more of the following:

- (a) Habitat, including nesting sites, occupied by rare or endangered species;
- (b) Rare or exemplary natural communities;
- (c) Significant landforms, hydroforms, or geological features; and/or
- (d) Other areas so designated by the Department of Natural Resources which are sensitive or vulnerable to physical or biological alteration.

Septic tank: An approved watertight tank designed or used to receive sewage from a building sewer and to affect separation and organic decomposition of sewerage solids, and discharging sewage effluent to an absorption field or other management system.

Shade tree: A tree in a public place, street right-of-way, or special easement, planted to provide canopy that will obscure the sun and heat from the ground.

Sidewalk: A hard-surfaced pedestrian access area adjacent to or within the right-of-way of a public road.

Site plan: A neat and approximate drawing of a multi-family residential, institutional, office, commercial, or industrial development, showing the general layout of a proposed development including among other features the location of buildings, general architectural style, parking areas, buffers and landscaping. The site plan is the basis for the approval or disapproval of the general layout of a development in the case of a multiple-family residential, institutional, office, commercial, or industrial development.

Slope: Degree of deviation of a surface from the horizontal, usually expressed in percent or degree; the ratio of the difference in elevation between two points on the ground, and the horizontal distance between these two points. For purposes of determining steep slopes, slopes shall be measured between two points on the ground separated by 500 feet or more.

Steep slopes: Lands with slopes of at least 35 percent, as indicated in the Comprehensive Plan of the City, or which can be calculated with aid of a United States Geological Survey 1:24,000, 7.5 minute quadrangle topographic map or other available topographic information.

Street: Any vehicular way, other than an alley, that:

- (a) is an existing federal, state, county or municipal roadway;
- (b) is constructed as shown upon a plat approved pursuant to law and is open to vehicle travel;
- (c) is constructed and open to vehicle travel as approved by other official action of the Mayor and City Council; or
- (d) is constructed and open to vehicle travel and shown on a plat duly filed and recorded in the Clerk's Office, Bartow County Superior Court prior to the effective date of this Ordinance. Land between the street lines, whether improved or unimproved, shall be considered part of the street.

Street, private: A road or street that has not been accepted for maintenance by the City and that is not owned and maintained by a state, county, city, or another public entity.

Utility: Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel or gas pipelines, telephone lines, roads, cable telephone line, fiber optic cable, driveways, bridges, river/lake access facilities, stormwater systems and drainage ways, and railroads or other utilities identified by the City. As appropriate to the context, the term "utility" may also include all persons, companies, or governmental agencies supplying the same.

Variance: A grant of relief from the strict requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this Code; a minimal relaxation or modification of the strict terms of this Ordinance as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, compliance would result in practical difficulty.

§1-1-4 AUTHORITY AND DELEGATION

§1-1-4.1 Authority. These regulations are adopted pursuant to powers vested in cities by the State of Georgia Constitution, home rule powers, state administrative rules for the adoption and implementation of Comprehensive Plans, and the protection of vital areas of the State.

§1-1-4.2 Delegation of Powers to Director. The Director shall be authorized to determine site plans conformity to the requirements of this Ordinance, and to make reports and recommendations to the City Council on site plans, and to administer, interpret, and enforce the provisions of this Ordinance.

§1-1-4.3 Delegation of Powers to City Engineer. The City Engineer is vested with the authority to make recommendations to the Zoning Administrator and the Mayor and City Council on requirements for land development improvements and to make requirement recommendations for improvement guarantees for public improvements as specified in this Ordinance.

- §1-1-4.4 Delegation of Powers to Hearing Examiner. The Euharlee Hearing Examiner, as established in the Euharlee Zoning Ordinance, Article XIV, shall be empowered to grant variances from this ordinance and shall hear appeals from interpretations of the Zoning Administrator or City Engineer under this ordinance. *Amended September 20th, 2006.*
- § 1-1-4.5 Enforcement of Ordinance. The Zoning Administrator shall be empowered to enforce this ordinance by means of citation to magistrate court, civil administrative fine, civil action in superior court, and all other means as detailed in the Zoning Ordinance of Euharlee, Section 13.5, which section is incorporated herein by reference, including minimum fines, except as modified by replacing references to the Zoning Ordinance with references to this ordinance, as applicable. *Amended September 20th, 2006.*

§1-1-5 APPLICABILITY AND GENERAL PROVISIONS

- §1-1-5.1 Applicability. These regulations shall apply to all real property within corporate limits of the City of Euharlee.
- §1-1-5.2 All Development to Comply. Site Plan Review and Approval by the Zoning Administrator and the Mayor and City Council shall be required before issuance of a building permit for any building or structure or any expansion of any building or structure of 1,000 square feet or more; including but not limited to: office buildings; multi-family residences; retail establishments; shopping centers; mobile home parks; travel trailer parks; industrial buildings; industrial and commercial complexes; except as provided in Section 1-1-6.
- §1-1-5.3 Site Plan Approval Required Prior to Construction. No person shall commence construction of any improvements on any parcel or building, prior to the approval of a site plan if required by this Ordinance.
- §1-1-5.4 Building and Other Permits. No building permit shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be approved, on any parcel of land regulated by this Ordinance that has not been approved in accordance with the provisions of this Ordinance.
- §1-1-5.5 Appeals. Any person aggrieved by an interpretation or decision of the Zoning Administrator, City Engineer, or other official responsible for the administration of this ordinance (other than a decision to issue a citations, but including a decision to issue or deny an administrative variance) may file an appeal to the Hearing Examiner in accordance with Section 14.4 of the City of Euharlee Zoning Ordinance, which section is incorporated herein by reference, except as modified by replacing references to the Zoning Ordinance with references to this ordinance, as applicable. Decisions of the Hearing Examiner regarding appeals may be appealed to superior court as specified in the Zoning Ordinance, Sec. 14.12.

Decisions of the City Council may not be appealed to the Hearing Examiner. Decisions of the City Council may only be appealed by writ of certiorari to the Superior County filed within thirty days following the procedure of the Georgia Code, Title 5. Appeals of decisions of the City Council shall be on a review of the record of the hearing, supplemented only by argument of counsel. *Amended September 20th, 2006.*

§1-1-5.6 Administrative Variances. The Zoning Administrator is empowered to grant administrative variances. An administrative variance may only be granted if, in judgment of the Zoning Administrator, all the following criteria are met:

- 1) the standard or requirement of this ordinance causes undue hardship on the applicant,
- 2) the hardship is related to topographic or other conditions of the land (such as size or shape), that were not created by the applicant's actions or otherwise by illegal act of a predecessor in title;
- 3) that the sole hardship on the applicant is not financial (that is, that the reason for the variance is only to reduce costs); and
- 4) that granting the variance would not impair the purposes of the ordinance, nor result in a negative impact on the surrounding uses, properties or neighbors.

If all the foregoing conditions are met, the Zoning Administrator shall be empowered to grant an administrative variance to alter any numeric or quantitative requirement by up to twenty (20) percent. The Zoning Administrator shall also be authorized to grant an administrative variance to other requirements of this ordinance relating to design requirements, standards, and specifications for improvements within land developments that are not quantitative, if the above criteria are met, and the Zoning Administrator further determines that such variance is minor and better serves the purposes and intent of this ordinance than the existing regulation, under the particular circumstances at issue. The variance granted should be the minimum that will make possible the development. The Zoning Administrator may consult with the City Engineer regarding the impact of the proposed request.

All administrative variances shall be granted in writing, with a copy to the file and the applicant. In granting an administrative variance, the Zoning Administrator may attach such conditions as the Zoning Administrator may deem advisable so that the purpose of this ordinance will be served, public safety and welfare secured, and substantial justice done. The decision to grant an administrative variance or deny an administrative variance may be appealed by any aggrieved party to the Hearing Examiner. *Amended September 20th, 2006.*

§1-1-5.7 Variances. The Hearing Examiner is empowered to grant variances that cannot be granted administratively by the Zoning Administrator. Such variances may be granted relating to quantitative and dimensional requirements of this ordinance, or relating to design requirements, standards, and specifications for improvements within land developments that are not quantitative. The applicant shall file a variance application in accordance with the procedures of Section 14.7 of the Euharlee Zoning Ordinance. The variance shall be processed, reviewed and granted or denied under the procedures and standards of Article XIV of the Zoning Ordinance, which Article is incorporated herein by reference, except as modified by replacing references to the Zoning Ordinance with references to this ordinance, as applicable. In addition to the requirements and standards contained therein, it is the policy of the City that no variance may be granted that impairs the purpose of this ordinance, endangers public health, safety or welfare, or has a negative impact on surrounding uses, properties or neighbors. Given the technical nature of site plans, the Hearing Examiner may request the City Engineer or Zoning Administrator to render an opinion to assist in his decision, which opinion shall be a part of the record. Decisions of the Hearing Examiner regarding variances may be appealed to superior court as specified in the Zoning Ordinance, Sec. 14.12. *Amended September 20th, 2006.*

§1-1-6 EXEMPTIONS FROM SITE PLAN REVIEW AND APPROVAL

The following types of development are specifically exempted from the site plan approval requirements of this Ordinance; provided, however, that such exemptions shall not apply to development requirements and improvement requirements of Section 1-2 of this code.

- (a) To change a use permitted by the zoning ordinance to another permitted use, in an existing structure, provided:
 - (i) The change does not increase the requirements for off-street parking, as provided by the Zoning Ordinance for the City of Euharlee; and
 - (ii) The floor area devoted to the proposed use is equal to or no less than that devoted to the existing use; and
 - (iii) No structural changes are proposed for the existing building; and
 - (iv) No changes are proposed for the site on which the existing building is located.
- (b) For single-family dwellings and accessory facilities.
- (c) For multi-family dwellings of no more than a total of two dwelling units on a single parcel and their accessory facilities.
- (d) Any development reviewed by Zoning Administrator and the Mayor and City Council as a residential subdivision.
- (e) Municipal Uses shall be exempted from the provisions of this Ordinance

§1-1-7 EASEMENTS

Where a watercourse, drainage way, channel, or stream traverses a site, there shall be provided a stormwater or drainage easement of adequate width. Easements shall be provided for all drainage facilities as approved by the City Engineer. Where easements are needed for utility locations, the developer shall provide them to the appropriate utility provider. Where easements are needed for public water and/or sanitary sewer lines, they shall be provided as determined appropriate by the City Engineer. All easements required pursuant to this section shall be shown on the site plan and construction plans.

§1-1-8 SITE PLAN

- §1-1-8.1 Purpose. The purpose of this section is to ensure compliance with the basic design and architectural concepts and improvement requirements of developments through the submittal of a site plan for review and recommendations by the Zoning Administrator and City Engineer, and approval by the Mayor and City Council.
- §1-1-8.2 When Required. All developments, except as provided in Section 1-1-6, shall be required to submit a site plan to the Zoning Administrator for review and recommendations to the Mayor and City Council. Prior to the issuance of any permit for land disturbance, or the installation of any improvements, the Zoning Administrator must review and make recommendations to the Mayor and City Council on the site plan. Final approval or denial of the site plan will be by the Mayor and City Council.
- §1-1-8.3 Site Plan Approval Application and Specifications. Site plan approval applications shall be made in accordance with requirements shown in Table 1-1-8.3.1, and site plan and construction plans shall meet the minimum plat specifications shown in Table 1-1-8.3.2.

**Table 1-1.8.3.1
Site Plan Application Requirements**

	Site Plan	Construction Plans
Pre-application review with staff	Recommended	Recommended
Application form completed	Required	Required
Letter requesting approval with name, address, and phone of applicant	Required	Required
Number of copies	5	5
Filing fee per Ordinance/ schedule	Required	Required
Description of type of water supply and sewerage system and utilities to be provided	Required	Required
Soil test for each lot proposed for on-site septic tank and drain field	Required	Required
Data on existing conditions	Required	
Hydrological or other engineering study		Required
Development entrance monument and landscaping elevation/plan (prepared by landscape architect)	Required	Required
General architectural features of buildings (building size, building height, exterior treatments)	Required	
Warranty deed for the dedication of streets and other public places	Required	Required
Written approval from electric utility company regarding installation of service points and street lights	Required	Required
As-built drawings of improvements	Required	
Development improvement guarantee	Required	Required
Certificate of title	Required	Required
Site Plan Certificates	Required	Required

**Table 1-1-8.3.2
Site Plan and Construction Plan Requirements**

REQUIRED INFORMATION (Required to be on the site plan or construction plans)	Site Plan	Construction Plans
Scale (minimum)	1"=50 feet	1"=100 feet
Sheet size (maximum)	24" x 36"	24" x 36"
North arrow and graphic engineering scale	Required	Required
Reference to north point (magnetic, true north, or grid north)	Required	Required
Proposed name of project and phases, if any	Required	Required
Vicinity map With North Arrow	Required	Required
Total acreage of the property being developed	Required	Required
Name, address, and telephone of owner of record	Required	Required
Name, address and telephone of developer	Required	Required
Name, address and telephone of preparer of site plan/construction plans	Required	Required
Date of site plan drawing and revision date(s), if any	Required	Required
Exact boundaries of the tract to be developed by bearings and distances, tied to one or more benchmarks	Required	Required
Names of owners of record of all abutting land		Required
Municipal, County and land lot lines inside the property or within 500 feet.	Required	Required
Existing buildings and structures on or encroaching on the tract to be developed	Required	Required
Existing streets, utilities and easements on and adjacent to the tract	Required	Required
Environmental conditions (streams, wetlands, watershed protection districts, flood hazard areas, river corridor boundaries, etc.)	Required	Required
Architectural features of proposed development including elevation views, exterior materials and treatments	Required	
Landscape plan for site and buffers	Required	
Square feet of individual buildings including use and total square feet	Required	
Finished floor elevation of all buildings	Required	
Height of all buildings above mean sea level	Required	
Percent of lot covered with impervious surfaces	Required	
Locations of streets, alleys, lots, open spaces, and any public use reservations and/or common areas	Required	Required
Right-of-way widths and pavement widths for existing and proposed streets, driveways and parking areas		Required
Locations, widths and purposes of easements		Required
Street/driveway centerlines showing angles of deflection, angles of intersection, radii, and lengths of tangents and arcs, and degree of curvature and curve data		Required
Acreage to be dedicated to the public	Required	Required
Street names	Required	Required
Street mailing address of the development	Required	
Topography (existing and proposed with maximum 2' contours)		Required
Minimum building setback lines (front, back and side)	Required	Required
Location and description of all monuments		Required
Certificate of ownership and dedication	Required	
Signature block and engineer's seal		Required
Signature block for Planning and Zoning Commission approval	Required	Required
Signature block for Mayor	Required	Required
Land surveyor's stamp, certificate, signature, including field survey and closure statement		Required
Statement of and reference to private covenants (if any)	Required	Required
Schedule of construction for all proposed projects with particular attention to development planned for the first year	Required	Required

- §1-1-8.4 Procedures. Upon receipt of a completed site plan review and approval application, the Zoning Administrator shall schedule the application for the next public meeting before the City Council and forward all pertinent materials in the application to the City Council for review. An incomplete application shall not be accepted until it is complete. A complete application for site plan review, and the Zoning Administrator's recommendation to the City Council, must be submitted at least 21 days before the regular meeting date of the City Council to be considered on that agenda. The Zoning Administrator shall make a recommendation regarding approval or denial of the site plan, including recommendation of any appropriate conditions. The basis of the Zoning Administrator's review of and recommendation on a site plan shall be whether the site plan review standards of § 1-1-9, and all other relevant ordinances that relate to the proposed development. The Zoning Administrator's recommendation may not be appealed, and the City Council can review an application without recommendation. *Amended September 20th, 2006.*
- §1-1-8.5 Decision by City Council. At the public hearing, the City Council shall take action on the application, which action can include approval, conditional approval, tabling, or denial of the site plan. If approved, the City Council is empowered to impose conditions on the approval that are relevant to this ordinance, relate to the public health, safety and welfare, and/or serve to ameliorate any negative impacts of the development on adjacent property. If an approval, conditional approval, or denial is not issued by the City Council within 60 days of the first public hearing on that application, the application shall be deemed approved. *Amended September 20th, 2006.*
- §1-1-8.6 Limitations on Approval. Approval of site plans shall be valid for a period of one year. Site plan approval shall expire and be null and void after a period of one year, unless the Zoning Administrator and the Mayor and City Council approve an extension of time. Site plan approval shall expire and be null and void after a period of one year, if site plan improvements have not been completed, or unless the Zoning Administrator and the Mayor and City Council approves an extension of time. In the event site plan approval expires, the applicant shall be required to resubmit a site plan approval application under the regulations as they exist at that time, not as they existed at the time of the original application. *Amended September 20th, 2006.*
- §1-1-8.7 Amendments to Approved Site Plans. All amendments to site plan require Zoning Administrator review and recommendation. The Zoning Administrator shall recommend approval, conditionally approval, or denial of the proposed amendment to a site plan. Procedures for considering an amendment to a site plan shall be the same as required for an initial application for site plan approval. Final approval, conditional approval or denial of a site plan amendment will be by the Mayor and City Council.

§1-1-8.8 Approval Certificate. Upon approval of the site plan, a certificate, stamped directly on the site plan, shall state:

"Site Plan Approval: _____
Zoning Administrator (Date)

Mayor (Date)

This Certification of Site Plan Approval shall expire and be null and void on _____."

§1-1-9 SITE PLAN REVIEW STANDARDS

In reviewing a site plan application, the Zoning Administrator and the Mayor and City Council shall require the applicant to provide written evidence that the following standards have been met:

- (a) The proposed use meets the definitions and/or requirements set forth in the City of Euharlee Zoning Ordinance;
- (b) The proposed use will not create fire safety hazards by not providing adequate access to the site, or to the buildings on the site, for emergency vehicles; adequate dry hydrants; or adequate access off-site dry hydrants and from there to the site;
- (c) The proposed exterior lighting will not create hazards to motorists traveling on adjacent public streets or is inadequate for the safety of occupants or users of the site or will damage the value and diminish the usability of adjacent properties;
- (d) The provisions for buffers and on-site landscaping provide adequate protection to neighboring properties from detrimental features of the development;
- (e) The proposed use will not have a significant detrimental effect on the use and peaceful enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, glare or other cause;
- (f) The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets will not create hazards to safety or will not impose significant burdens on public facilities which could be avoided by reasonable modification of the plan;
- (g) The bulk, location, height or design of proposed buildings, structures or paved areas, or the proposed uses thereof, will not have a significant detrimental effect on private development on adjacent properties, or on the value of adjacent properties which could be avoided by reasonable modifications of the plan;
- (h) The design of the site will not result in significant flood hazards or flood damage and is in conformance with applicable flood hazard protection requirements; or storm water detention pond(s) are not adequate;
- (i) Adequate provisions have been made for the disposal of wastewater or solid waste or for the prevention of ground or surface water contamination;
- (j) Adequate provisions have been made to control erosion or sedimentation;
- (k) Adequate provisions have been made to handle storm water run-off or other drainage problems on the site;
- (l) The proposed water supply will meet the demands of the proposed use or for fire protection purposes;
- (m) Adequate provisions have been made for the transportation, storage and disposal of hazardous substances and materials as defined by the Georgia Environmental Protection Division;
- (n) The proposed use will not have an adverse impact on significant scenic vistas, historic areas or environmentally sensitive areas which could be avoided by reasonable modification of the plan; and

- (o) The project will not increase nitrate nitrogen concentrations in surface or groundwater at the property line of the site in excess of 5mg/l. If groundwater contains contaminants in excess of the primary drinking water standards and the project is to be served by groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated to meet applicable standards.

§1-1-10 CONSTRUCTION PLANS

§1-1-10.1 Application & Approval. The developer must submit construction plans after site plan approval is granted, before beginning construction of any buildings or structures, or other improvement including streets, driveways or grading. Construction plans must be in conformity to the approved site plan, or else a site plan amendment must be sought. Construction plans shall be reviewed and approved, approved with conditions, or denied by the Zoning Administrator. Constructions plans shall contain the information as stated in Table 1-1-8.3.1 and Table 1-1-8.3.2. If approved, the Zoning Administrator is empowered to impose conditions on the approval that are relevant to this ordinance, related to public health, safety and welfare, and/or serve to ameliorate any negative impacts of the development on adjacent property. Any aggrieved party may appeal the Zoning Administrator’s decision to the Hearing Examiner. *Amended September 20th, 2006.*

§1-1-10.2 Decision Criteria. The only basis upon which the Zoning Administrator may deny a construction plan is the failure of the application to meet the requirements of this Ordinance or any other applicable local regulations. *Amended September 20th, 2006.*

§1-1-10.3 Certificate of Approval. All copies of the construction plans shall be noted by inscription on the site plan noting such approval by the City.

"Construction Plan Approval: _____
 Zoning Administrator (Date)

 Mayor (Date)

This Certification of Construction Plan Approval shall expire and be null and void on _____."

Construction plan approval shall expire and be null and void after a period of one year, unless activity toward improvements on the land has been initiated, or unless the Zoning Administrator approves an extension of time. Construction plan approval shall expire and be null and void after a period of eighteen months, if improvements on the land have not been completed, or unless Zoning Administrator approves an extension of time.

§1-1-11 DEDICATIONS OF STREETS AND PUBLIC LANDS

Streets and right-of-ways and other lands to be dedicated to the public shall be accepted and dedicated by the City only upon the delivery to the Mayor and City Council of the general warranty deed conveying fee simple title of such right-of-ways and lands. The warranty deed shall be accompanied by an attorney's certificate of title and a tax transfer form addressed to the Mayor and City Council certifying that the grantor in such deed is vested with marketable fee simple title to the property conveyed thereby, free and clear of all liens and encumbrances, and further that the individual executing such deed has full authority to do so. Acceptance of such dedication shall be accomplished by Resolution of the Mayor and City Council, a certified copy of which shall be attached to both the deed of dedication and the final plat.

§1-1-12 DEVELOPMENT IMPROVEMENT GUARANTEES

In order to protect the City, the developer shall provide to the City financial security to guarantee the installation of public improvements. The developer's financial guarantee may be any of the following:

- (a) An escrow of funds with the City;
- (b) An escrow with a bank or savings and loan association upon which the City can draw;
- (c) An irrevocable letter of commitment or credit upon which the City can draw;
- (d) A performance bond for the benefit of the City upon which the City can collect, or a certificate of deposit with assignment letter; and
- (e) Any other form of guarantee approved by the Mayor and City Council that will satisfy the objectives of this section. The guarantee shall be in an amount to secure the full costs, as determined by the City, of constructing or installing the improvements and utilities required.

§1-2 IMPROVEMENTS REQUIRED FOR INDIVIDUAL DEVELOPMENT SITES

§1-2-1 PURPOSE

The purpose of this Ordinance is to establish minimum design requirements, standards, and specifications for improvements within land developments.

§1-2-2 DEFINITIONS

Definitions pertaining to this Ordinance shall be as provided in Section 1-1 of this code.

§1-2-3 APPLICABILITY AND EXEMPTION

The improvement requirements specified in this code section (1-2) shall apply to all non-single-family residential developments. The improvement requirements specified in this code section shall not apply to individual lots proposed for development as a detached, single-family dwelling or manufactured home, although such lots may be a part of a land subdivision that has initially met the requirements of the Euharlee Subdivision Ordinance. All improvements required to be constructed as part of an approved site plan shall be constructed and improved, in accordance with the standards and specifications for construction as required by this code section and as specified by the City.

No person to which this code section applies shall commence construction of any improvements on any land, prior to the approval of construction plans and engineering plans for said improvements, as required by Section 1-2 of this code, according to the improvement standards specified in this code section and as adopted by the City. No building permit shall be issued for a building, structure, or use, nor shall any excavation, grading, or land disturbance applications be approved, on any parcel of land that does not meet the improvement requirements specified in this section and as adopted by the City pursuant to this section.

§1-2-4 ENGINEERED DRAWINGS

Engineering drawings for public streets/driveways, including cross sections and centerline profiles, and public and private water, sewer, drainage, and utility systems, certified by a professional engineer registered in the State of Georgia, or if authorized under state law, a registered land surveyor, or professional landscape architect, shall be required to be submitted for review and approval, and such plans must meet the requirements of this code section (1-1) and the specifications of the City. As a condition of the site plan approval the developer shall submit to the City one copy of all finished, as-built plans of improvements, demonstrating that said improvements, as installed, meet the requirements of this code section and certifying that the plans accurately reflect actual construction and installation from a registered engineer for the developer. The City shall maintain all as-built street and utility plans for future use by the City.

§1-2-5 PERMITS FOR CONSTRUCTION IN PUBLIC RIGHT-OF-WAY

Permits from the Zoning Administrator shall be required for construction in any public right-of-way. Permits will not be issued until such time that plans have been submitted and approved by the City. Permit fees shall be approved by Resolution of the Mayor and City Council.

§1-2-6 IMPROVEMENTS TO ABUTTING LAND

§1-2-6.1 Abutting Land Improvements. For sites that abut and access an abutting public street, the developer shall install curb and gutter, sidewalk, other road improvements, and, if required, a deceleration lane, according to standards and specifications of the City, along all abutting public streets. When a development uses an unpaved public right-of-way for access, the developer shall improve that right-of-way to a pavement width consistent with City road design standards. Said improvements shall be from the development entrance to the paved public road which the Code Enforcement Officer determines will be the primary direction of travel for occupants and other persons traveling to the development.

§1-2-6.2 Temporary Construction Exit. A temporary construction exit must be installed and maintained while construction and/or grading equipment will be leaving a construction site to a public right-of-way, street, or parking area until construction is completed.

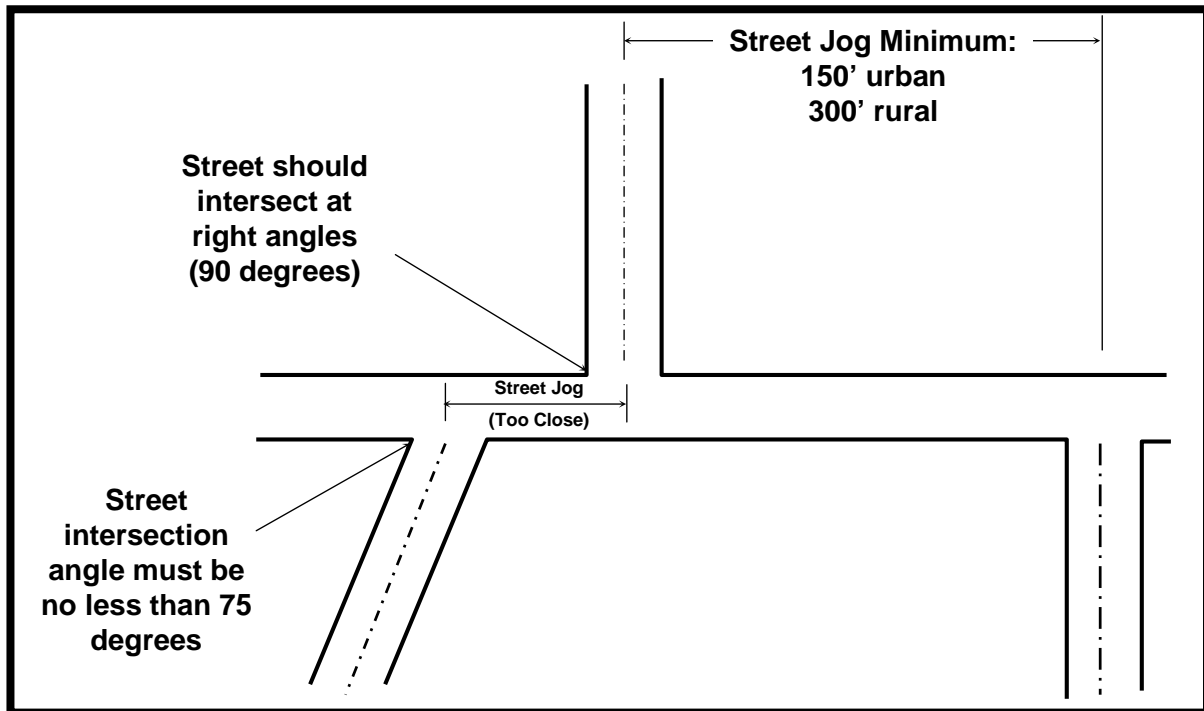
- (a) The pad shall be adequate to substantially eliminate the transport of mud from the construction site by either motor vehicles and equipment or from water run-off.
- (b) Any materials or mud spilled, dropped, washed, or tracked from vehicles or from the site onto roadways or into storm drains must be removed immediately.
- (c) The exit must at least be 12 feet in width by 20 feet in length with a depth of 4 inches.

§1-2-7 STANDARDS FOR CONFIGURING STREETS/DRIVEWAYS AND OTHER ACCESS LOCATIONS

§1-2-7.1 Street/Driveway Alignment, Intersections and Jogs. Streets/driveways shall be aligned to join with planned or existing streets/driveways. Under normal conditions, streets/driveways shall be laid out so as to intersect as nearly as possible at right angles (90 degrees), but in no case shall such a street/driveway intersection be less than 75 degrees. Where street/driveway offsets or jogs cannot be avoided, offset "T"

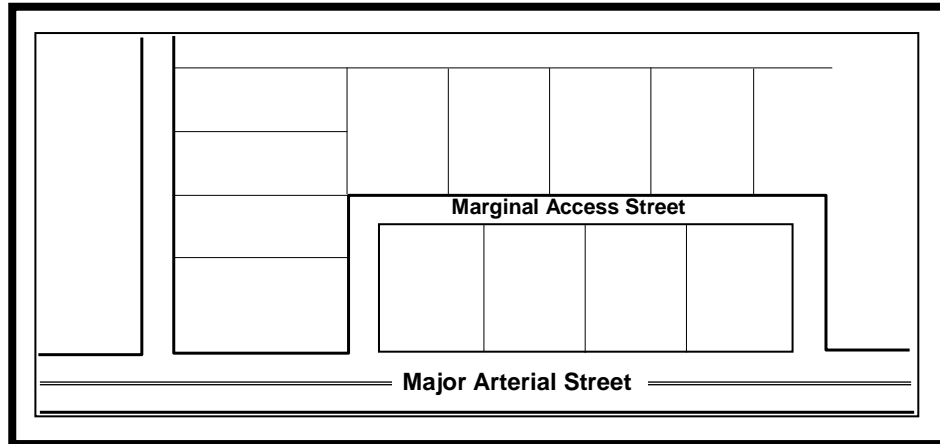
intersections shall be separated by a minimum centerline offset of 150 feet in urban areas and 300 feet in rural areas. (See Figure 1-2-7.1.1).

**Figure 1-2-7.1.1
Intersection Angles and Street/Driveway Off-Sets**



- §1-2-7.2 Connections to Adjoining Properties. The Zoning Administrator may require that a development provide one or more future connections to adjoining properties to provide for future inter-parcel access.
- §1-2-7.3 Street/Driveway Plans for Future Phases of the Tract. Where the site plan proposed to be developed includes only part of the tract owned or intended for development by the developer, a tentative plan of a future street/driveway system for the portion not slated for immediate development consideration may be required by the Zoning Administrator and if required shall be prepared and submitted by the developer.
- §1-2-7.4 Marginal Access Streets. Whenever a development is proposed abutting the right-of-way of a major arterial roadway, a marginal access street approximately parallel and adjacent to such right-of-way may be required by the Zoning Administrator and City Engineer at a distance suitable for the appropriate use of land between such marginal access street and highway right-of-way. The Zoning Administrator may also require a 20-foot no-access easement and planting strip along the major arterial street to ensure that frontage on said street does not have access thereto. (See Figure 1-2-7.4.1).
- §1-2-7.5 Alleys and Service Access. Alleys may be provided. If they are provided, they must be paved. Dead-end alleys shall be avoided where possible; but if unavoidable, they shall be provided with adequate turn-around facilities. Service access shall be provided to commercial and industrial developments for off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

**Figure 1-2-7.4.1
Marginal Access Street**



§1-2-8 REQUIREMENTS FOR STREETS/DRIVEWAYS

- §1-2-8.1 Bridges. Bridges shall meet current American Association of State Highway and Transportation Officials standards, as determined by the City Engineer.
- §1-2-8.2 Grading and Stabilization of Street/Driveway Rights-Of-Ways. When a street/driveway is proposed, all trees, brush, stumps, rocks, or other debris shall be cleared from the street/driveway right-of-way, except in cases where trees are required to be preserved by the Code Enforcement Officer in a manner acceptable to the City. All streets/driveways shall be graded to lines, grades and cross sections approved on plans. All unsurfaced disturbed portions of street/driveway rights-of-way shall be stabilized by seeding, fertilizing, and mulching or by another equally effective method.
- §1-2-8.3 Radius at Street/Driveway Intersections. The right-of-way radius at street/driveway intersections shall be a minimum of 15 feet, with larger radii for streets/driveways serving nonresidential development, as approved by the City. The minimum pavement (curb) radius at street intersections shall be 25 feet with streets having an angle of intersection of 90 degrees. Where the angle of street intersection is less than 90 degrees, a longer radius may be required by the City.
- §1-2-8.4 Street/Driveway Grades. No street/driveway grade shall be less than one and one-half (1½) percent. No street/driveway grade shall exceed 12 percent, unless the City finds that due to topographic conditions, a steeper grade is necessary, in which case the street/driveway grade shall not exceed 15 percent. Grades between 12 percent and 15 percent shall not exceed a length of 150 feet.

§1-2-8.5 Minimum Street/Driveway Pavement Widths. Street/driveway pavement widths shall at minimum meet the following:

STREET/DRIVEWAY TYPE	MINIMUM PAVEMENT WIDTH (FEET)
Street/driveway with curb and gutter	26 (back of curb to back of curb)
Street/driveway without curb and gutter	24
Cul-de-sac turn around radius (non-commercial and non-industrial)	35 (back of curb)
Cul-de-sac turn around radius (commercial and industrial)	75 (back of curb)
Alley	18

§1-2-8.6 Street/Driveways Horizontal Alignment and Reverse Curves. Street/driveway horizontal alignments and reverse curves shall at minimum meet the following:

STREET TYPE	MINIMUM HORIZONTAL RADII OF CENTER LINE CURVATURE (FEET)	MINIMUM TANGENTS BETWEEN REVERSE CURVES (FEET)
Street/driveway with curb and gutter	100	100
Street/driveway without curb and gutter	100	100
Dead-end Street/Driveway	100	100

§1-2-8.7 Base and Paving Non-Commercial or Non-Industrial. Base and paving in all non-commercial or non-industrial developments and manufactured housing parks shall at least meet the following minimum specifications:

- (a) The street/driveway must be graded and must achieve a minimum ninety-five (95) percent modified compaction using a "sheep foot roller" or the equivalent. The City must inspect the graded road bed before base material may be applied.
- (b) Following inspection of the road bed, a minimum of six (6) inches of approved aggregate base must be applied. Base material and installation must be inspected by the City prior to the application of any hard surface (paving). The paving contractor is required to have an inspection sticker issued by the Georgia Department of Transportation (GDOT) on the asphalt spreader and chip spreader.
- (c) The City reserves the right to require core testing to assure compliance.
- (d) Subject to provisions of §1-1-8.5 the developer shall have 180 days from approval, as provided in sub-section (b), for paving to be completed. Streets/ driveways shall be paved using asphaltic concrete (plant mix). Specifications for plant mix asphalt shall be as follows: 1) any plant mix asphalt must comply with GDOT guidelines for the appropriate driveway or street; 2) plant mix asphalt shall, under all circumstances, have a minimum thickness of two (2) inches.
- (e) The developer shall furnish and maintain all necessary barricades and warning signs in

The right-of-way while roadway frontage improvements are being made.

§1-2-8.8 Base and Paving Commercial or Industrial. Base and paving in all commercial or industrial developments shall at least meet the following minimum specifications:

- (a) The street/driveway must be graded and must achieve a minimum ninety-five (95) percent modified compaction using, a "sheep foot roller" or the equivalent. The City must inspect the graded road bed before base material may be applied.
- (b) Following inspection of the road bed, a minimum of eight (8) inches of approved aggregate base must be applied. Base material and installation must be inspected by the City prior to the application of any hard surface (paving). The paving contractor is required to have an inspection sticker issued by the Georgia Department of Transportation (GDOT) on the asphalt spreader and chip spreader.
- (c) The City reserves the right to require core testing to assure compliance.
- (d) Subject to provisions of §1-1-8.5 the developer shall have 180 days from approval, as provided in sub-section (b), for paving to be completed. Streets/ driveways shall be paved using asphaltic concrete (plant mix). Specifications for plant mix asphalt shall be as follows: 1) any plant mix asphalt must comply with GDOT guidelines for the appropriate road or street; 2) all streets shall have a minimum thickness of two (2) inches of "B" mix and one and one half (1/2) inches of "E" mix.
- (e) The developer shall furnish and maintain all necessary barricades and warning signs in the right-of-way while roadway frontage improvements are being made.

§1-2-9 CURB CUTS AND ACCESS SPECIFICATIONS

§1-2-9.1 Entrance Improvement Specifications. Roadway entrances and improvements, including necessary acceleration and/or deceleration lane(s) and right/left turn lanes, shall be designed, installed, and maintained as approved by the State Department of Transportation, as applicable, or the City, in accordance with State or City specifications. All entrances or exits of any street or driveway, public or private, from or to any state highway shall be approved by the State Department of Transportation and the City prior to the construction of such entrances or exits and prior to the issuance of any building permit for any improvement to be served by such entrances or exits. All entrances or exits of any street or driveway, public or private, from or to any City street shall be approved by the City prior to the construction of such entrances or exits and prior to the issuance of any building permit for any improvement to be served by such entrances or exits.

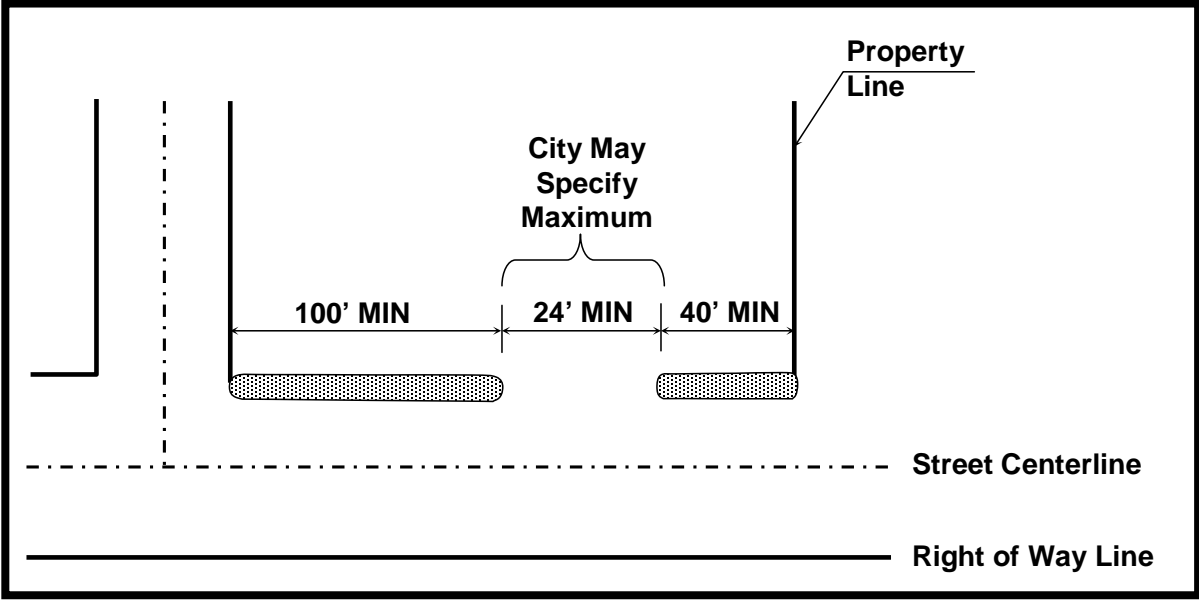
§1-2-9.2 Curb Cut Specifications. No curb cut or access driveway shall be permitted to be located closer than 100 feet to the nearest existing or proposed right-of-way of an intersecting roadway or closer than 40 feet to a side property line unless the adjacent property owner is in agreement with the encroachment of the driveway and approval is obtained from the City. Curb cuts or access driveways shall be no narrower than 26 feet from back of curb to back of curb (see Figure 1-2-9.2.1). Strict adherence to these requirements may not be practical in all instances as determined by the City. The City may limit the maximum width of a curb cut and/or the number of curb cuts to a parcel as necessary when it is deemed to be of benefit to the safety and welfare of the public.

The following factors may be considered during the review and approval of a specific location of an entrance: the location of existing or planned median breaks; separation requirements between the entrance and major intersections; separation requirements between other entrances; the need to provide shared access with other sites; the need to align with previously approved or constructed access points on the opposite side of the street; sight distances; and the minimum number of entrances needed to move traffic onto and off the site safely and efficiently.

§1-2-9.3 Access Along and Near Divided Highways. Where a divided highway exists or is planned, the following access standards shall be met (See Figure 1-2-9.3.1):

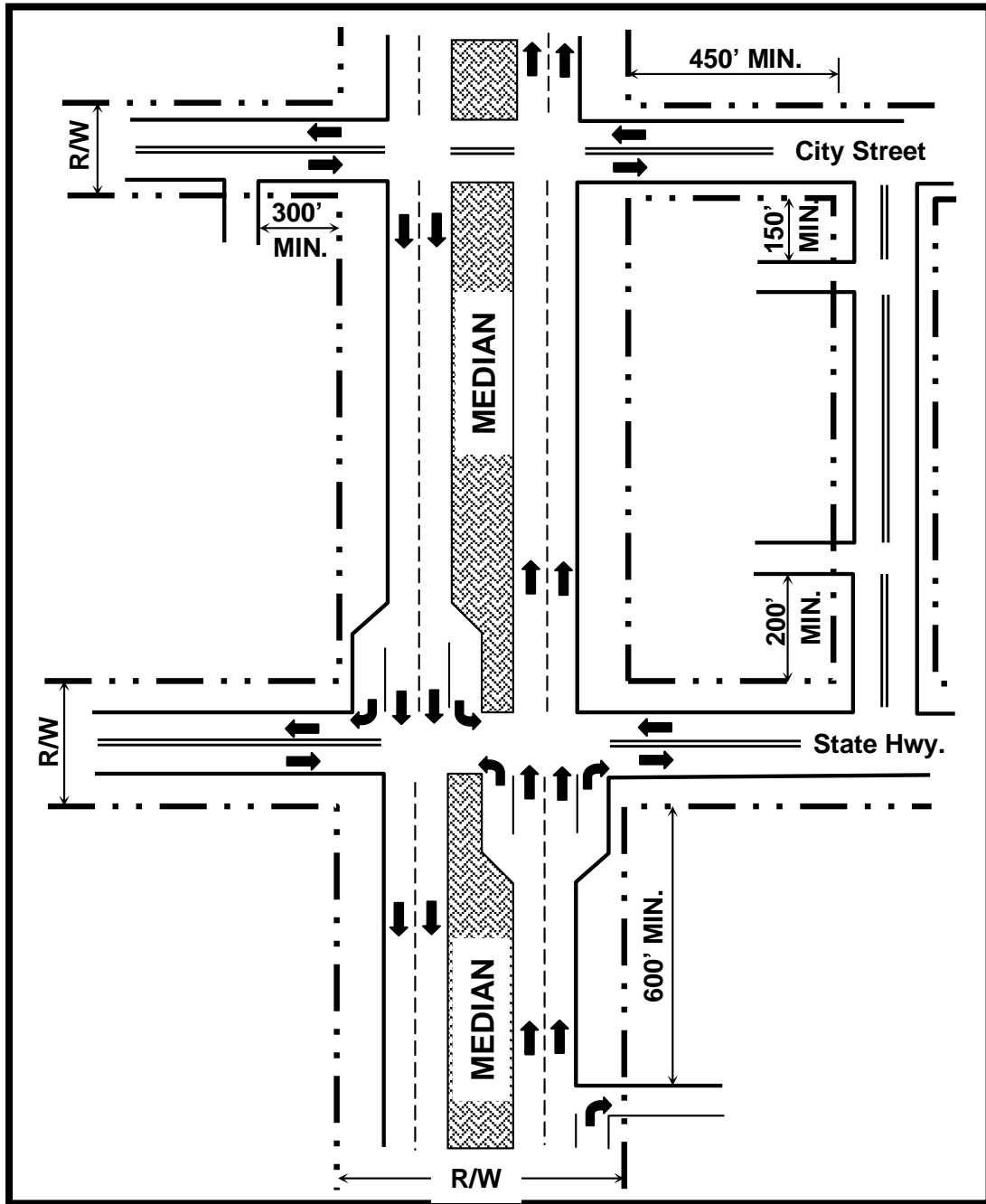
Minimum Access Separation Requirements	Distance (Feet)
Curb cut of driveway from street intersection with divided highway	600
Parallel frontage road from right-of-way of divided highway	450
Curb cut or driveway on a local road from right-of-way of divided highway	300
Curb cut or driveway on a local road from state highway	200
Curb cut or driveway on parallel frontage road from local road	150

Figure 1-2-9.2.1
Curb Cut and Access Specifications



§1-2-9.4 Interparcel Connections. New development that contains or is intended to contain more than one building or use on site shall provide connections so that automobile trips between and among such buildings or uses can be accomplished without using the highway or major street. Where possible and practical, new developments and substantial improvements to existing developments shall provide for pedestrian and automobile access connections between adjacent properties under different ownership when the uses of the properties are of such compatibility that patrons may frequent both buildings or uses in the same vehicle trip.

**Figure 1-2-9.3.1
Minimum Access Spacing Along and Near Divided Highway**



§1-2-9.5 Access to Abutting Public Roads. Direct access from a development to existing abutting collector streets is limited to one access for each 300 vehicles accessing the site (total entering and exiting) during the peak hour of traffic on the abutting public road. Individual buildings/businesses within a single multi-building development may not directly access existing state, county, or city streets or roadways. If there are more than 300 vehicles will access the development during the peak hour of the abutting road and a second access to an existing collector road is not available a single entrance may be allowed. However, such single entrance must be designed with the necessary traffic control and/or sufficient right-of-way and improvements including protected left-turn

lanes to provide for the safe and efficient operation of the intersection, subject to the approval of the City. In no case will a single access be approved if the number of vehicles accessing the site during the peak hour of the abutting street exceeds 600.

§1-2-10 STREET LIGHTING

The City may require that developments in urban and suburban areas provide street lighting along all public streets and along existing streets abutting the land development. Such street lighting if required shall meet specifications of the City.

§1-2-11 STREET SIGNS

Signs for street names, directions of travel, traffic control, and hazards shall be provided as directed by the City. Street signs on exterior/boundary streets shall be installed by the City with the developer paying a proportionate share determined by the City. Street signs for interior streets of a development shall be installed at the developer's expense by the developer, subject to the approval of the City.

Unless otherwise provided in standards and specifications adopted by the City, street signs shall meet the following specifications. Signs shall be constructed of aluminum sheets with reflective backgrounds. Information on the street name signs shall be readable from both sides of the sign. Signs shall be installed on a steel post. The vertical distance from the road elevation to the bottom of the sign face shall be seven feet with a minimum burial depth of three feet.

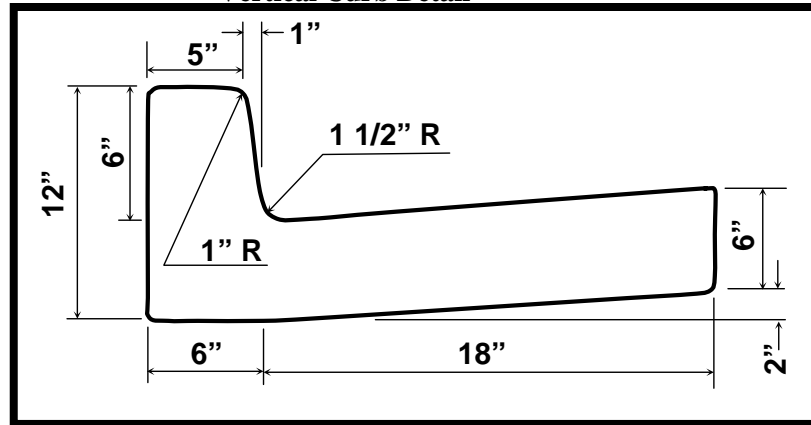
§1-2-12 CURBS AND GUTTERS

Curbs and gutters shall be installed if required by the City in accordance with standards and specifications of the City. All commercial and industrial subdivisions and land developments must have curbs and gutters, regardless of the size of the lots. When property fronting on an existing City street is developed, and the development uses said existing street for access, then curb and gutter shall be required along said street along the entire property frontage of said street.

Curbs shall be concrete which shall be class A 3000 psi strength at 28 days. The typical curb minimum section shall be six inches by 24 inches by 12 inches (Figure 1-2-12.1).

All streets and roads not required to include curbs and gutters shall be graded, paved, and drained to meet all construction and drainage standards for ditches, slopes, and grassing according to specifications established by the City Engineer.

**Figure 1-2-12.1
Vertical Curb Detail**



All streets and roads not required to include curbs and gutters shall be graded, paved, and drained to meet all construction and drainage standards for ditches, slopes, and grassing according to specifications established by the City Engineer.

§1-2-13 SIDEWALKS

- §1-2-13.1 When Required. Sidewalks shall be provided on all major arterial, minor arterial, collector streets and local streets, unless the City determines that no public need exists for sidewalks in a certain location. Sidewalks shall be required when land developments are located within one-mile of a public school.
- §1-2-13.2 Location. Sidewalks shall be included within the dedicated non-pavement right-of-way of roads and shall parallel the street pavement as much as possible; provided, however, the City may permit sidewalks to be designed and constructed so that they meander around permanent obstructions or deviate from a linear pattern for design purposes.
- §1-2-13.3 Specifications. Sidewalks shall be a minimum of five feet wide in all non-residential areas and four feet wide in residential areas. A median strip of grassed or landscaped areas at least two feet wide shall separate all sidewalks from adjacent curbs in both residential and non-residential areas.

§1-2-14 DRAINAGE AND STORMWATER MANAGEMENT

- §1-2-14.1 General Requirements. An adequate drainage system, separate and independent of any sanitary sewer system and including any necessary ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water for all subdivisions and land developments. Sizing and location of all drainage structures shall be the responsibility of a registered professional engineer or land surveyor. The City may require the use of on-site control methods such as retention or detention to mitigate the stormwater and drainage impacts of the proposed land developments. The Zoning Administrator shall not approve any site plan that does not make adequate provision for storm and flood water runoff channels or basins as determined by the City Engineer. No building permit shall be issued for any building for the development of land, if there is not present throughout the development an adequate system of drainage and stormwater management.

- §1-2-14.2 Method of Design and Capacity. Storm sewers, where required, shall be designed by the CSC Method, and a copy of design computations shall be submitted along with required construction plans. Drainage improvements shall accommodate potential runoff from the entire upstream drainage area within the site and shall be designed to prevent increases in downstream flooding. Capacity for a 10-year storm or rain shall be provided for all street drainage structures such as catch basin, inlets cross drains, etc. Capacity for a 100-year frequency storm event shall be provided for all main drainage structures such as retention basins, principal storm sewers, and all types of flood protection works.
- §1-2-14.3 Location. Drainage facilities shall be located in the road right-of-way and parking areas where feasible, and shall be constructed in accordance with standards and specifications of the City. Catch basins shall be located at low points of streets/driveways or parking areas. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road/driveway rights-of-way or parking areas, perpetual, unobstructed easements at least fifteen (15) feet in width for drainage facilities shall be provided across property outside the road right-of-way and with satisfactory access to the road.
- §1-2-14.4 Discharge. Drainage shall be designed so as to avoid concentration of storm drainage water from the land development site to adjacent lots, land development sites, or vacant properties. Stormwater shall not be discharged directly to perennial streams. It shall be directed toward natural drainages. If water must be discharged to a stream, the water quality flowing into the stream must meet or exceed the water quality in the receiving waters. The water quantity flowing into the stream must be evaluated to ensure the stream channel can accommodate the increased flows and not disrupt or degrade the ecology of the water body.
- §1-2-14.5 Grading and Site Drainage. Land development sites shall be laid out so as to provide positive drainage away from all buildings, and drainage for land development sites shall be coordinated with the general storm drainage pattern for the area. Buildings and parking lots shall be appropriately drained so as to prevent damage to abutting properties or public streets. All disturbed or graded ground areas of a building site not used for buildings or open storage areas shall be appropriately stabilized and grassed or covered with plants or landscaping materials.
- §1-2-14.6 Cross Drainpipes. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other structure, the design of which shall be approved by the City Engineer. Cross-drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full-width roadways/driveways and the required slopes. Cross drainpipes shall have head walls of an approved type on inlet and outlet ends of the pipe. Pipe installed within the right-of-way shall be reinforced concrete pipe. All storm drainpipes shall be minimum 18 inches in diameter. Storm sewer slopes shall be equal to or greater than one percent.
- §1-2-14.7 Drop Inlets. Drop inlets shall be generally three-foot by three-foot boxes with two-foot by three-foot grates unless otherwise specified by the City Engineer.
- §1-2-14.8 Easements. Where an irrigation ditch or channel, natural creek, stream or other drainage way crosses a land development, developer shall provide an easement sufficient for

drainage and maintenance. Easements shall be provided for all drainage facilities as approved by the City. When a land development is traversed by a watercourse, drainage way, channel, or intermittent stream, a stormwater or drainage easement of at least twenty (20) feet shall be provided.

§1-2-15 WATER

§1-2-15.1 Generally. All habitable buildings and buildable lots shall be connected to a water system capable of providing water for health and emergency purposes, including adequate fire protection. No building permit shall be issued for any building within a development, if there is not present throughout the land development an adequate water supply.

§1-2-15.2 Water Main Requirements. When a public water main is accessible, the developer shall install adequate water facilities, including fire hydrants, according to specifications of the City. All water mains shall normally be at least six inches in diameter except that pipe of lesser size may be used if properly looped and adequate water pressure is maintained in accordance with standards established by the Southeastern Fire Underwriters Association. Pipe of less than four inches shall not be used except in unusual cases. Water lines shall be installed at least 30 inches below grade. Water mains within land developments must be provided with connections to each land development, except as otherwise specifically provided.

§1-2-15.3 Wells. If a county and/or municipal water supply is not available to the land development at the time of constructing improvements for a land development, then the developer shall provide an adequate alternative water source and an adequate water storage facility. In land developments with a residential density of one unit per acre or less and when a public water system is not available as determined by the City, individual wells may be used in a manner so that an adequate supply of potable water will be available to every building and tenant in the land development. When individual wells are proposed to be used for water supply, water samples shall be submitted to the Bartow County Health Department for its approval, and individual wells shall be approved by the Bartow County Health Department. Approvals shall be submitted to the Code Enforcement Officer prior to site plan approval.

§1-2-15.4 Community Water System. If a county and/or municipal water supply is not available to the land development at the time of constructing improvements for a land development, then the developer shall provide an adequate alternative water source and an adequate water storage facility. Any community water system, if permitted, shall provide a minimum flow of 400 gallons per day per each residence for residential development whether or not all residences are to be immediately developed; shall be sanitary; and shall have a minimum pressure of 30 pounds per square inch at each residence to be served. For non-residential development, the developer shall be required to demonstrate that the community water flow will adequately provide the minimum flow for the development based on the overall requirements for the total development assuming 100 percent occupancy; shall be sanitary; and shall have a minimum pressure of 30 pounds per square inch at each location within the development to be served. For all common non-public water supply systems, acceptable management, maintenance, and distribution policies and procedures shall be established. These policies and procedures shall be required to guarantee the provision of adequate supplies to each perspective residence on a

continuing, ongoing basis, and to provide acceptable means for repairs and unforeseen events. The community water system plan shall be approved by the Bartow County Health Department and a letter of approval from the Georgia Department of Natural Resources shall accompany the site plan approval application.

§1-2-15.5 Fire Hydrants. Fire hydrants shall be required for all nonresidential land developments except those permitted to be served by individual on-site wells. Fire hydrants with appropriate water pressure at appropriate intervals throughout the land development shall be provided by the developer as required by the Bartow County Fire Department. Fire hydrants shall be located no more than 1,000 feet apart and within 500 feet of any principal building. Hydrants, fittings, valves and fire department connections shall be approved by the Fire Department. Fire department connections shall be not less than 18 inches or more than 36 inches above the level of the adjoining ground or paving. The thread of such connections shall be uniform with that used by the Fire Department. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other supply improvements shall be installed before any final paving of a street within the right-of-way shared by such underground utilities.

§1-2-16 SEWER

§1-2-16.1 Generally. All habitable buildings and buildable lots shall be served by an approved means of wastewater collection and treatment. Each land development shall be served by adequate sewage disposal facilities. No building permit shall be issued for any building for the development of land, if there is not present throughout the development an adequate system of wastewater collection and treatment.

§1-2-16.2 Connection to Public Sewerage System. When a public sanitary sewerage system is reasonably accessible, as determined by the City, the developer shall connect with same and provide sewers accessible to each land development. If a public sanitary sewer is reasonably accessible, it shall be unlawful to maintain upon any such property an individual sewage disposal system. When a public sanitary sewerage system is not immediately accessible but is anticipated by the City to be available within a period of three years, the applicant shall install sanitary sewer lines, laterals, and mains from the street curb to a point in the land development boundary so that a future connection with the public sewer main can be made. The City may condition the approval of land development on the agreement to connect to the public sewerage system upon its availability. Sanitary sewers shall be located within street or alley rights-of-way unless topography dictates otherwise. No public sewer shall be less than eight inches in diameter. Manholes shall be installed in sanitary sewers with a maximum distance between two manholes of 400 feet, unless otherwise specified by standards of the City. Sanitary sewer slopes shall be equal to or greater than 0.7 percent for eight inch lines. All sewer lines shall be designed with slopes to obtain a minimum velocity of two feet per second. Minimum 20-foot wide easements shall be provided for all sanitary sewer lines.

§1-2-16.3 Alternative Provision. If sanitary sewer is not available at the time of the land development, and if sanitary sewer is not anticipated to be available within a period of three years to serve the land development in question, then on-site septic tanks, an oxidation pond, or another approved method of treatment of sanitary sewerage shall be installed by

and at the expense of the developer in conformity with the requirements of the Bartow County Health Department and according to specifications adopted by the City.

§1-2-16.4 Septic Tanks. Where individual onsite wastewater disposal systems are allowed and proposed, individual lot sizes and shapes must exhibit appropriate regard for the peculiar health, drainage, and maintenance characteristics on the site. Additionally, detailed soil tests may be required in order to verify the ability of the lots to safely contain and dispose of septic system effluent. All septic tanks and onsite wastewater disposal systems are subject to the approval of the Bartow County Health Department.

§1-2-17 UTILITIES

§1-2-17.1 Placement of Utilities. All utility facilities, including but not limited to gas, electric power, telephone, and cable television, shall be located underground throughout the development. Whenever existing utility facilities are located above ground, except when existing on public roads and rights-of-way, they shall be removed and placed underground. Easements centered on rear lot lines shall be provided for utilities, private and public, and such easements shall be at least 10 feet wide. When topographical or other conditions are such as to make impractical the inclusion of utilities along the rear lot lines of a land development site, perpetual unobstructed easements at least 10 feet in width shall be provided along side lot lines with satisfactory access.

§1-2-17.2 Utilities in Streets. All utilities to be installed in the streets shall be placed and compacted prior to paving.

§1-2-18 OVERSIZING OF IMPROVEMENTS AND UTILITIES

The land developer shall construct such oversized improvements and utilities that the City determines are necessary, provided that the land developer shall not be obligated for the additional cost of improvements and utilities that are not uniquely required for that development, and provided the developer agrees to a proposal by the City to share in the cost arrangements for oversizing improvements and utilities. A formula may be developed by the City to provide for a sharing of the cost of other improvements needed to serve the land development when certain of the improvements are necessary to serve future developments in the vicinity.

§1-2-19 PROCEDURE FOR ADMINISTRATIVE INSPECTION AND ACCEPTANCE OF PUBLIC IMPROVEMENTS

Upon completion of public improvement construction, the land developer shall notify the Zoning Administrator and request an inspection. The City Engineer shall inspect all public improvements and shall notify the land developer by mail of non-acceptance or preliminary acceptance. If the public improvements are not acceptable, the reason for non-acceptance shall be stated and corrective measures shall be outlined in a letter of notification. Upon notification, the land developer shall correct all deficiencies identified in the non-acceptance letter within the time limit established by the City Engineer. Once deficiencies are corrected, the land developer shall again request inspection in writing. Acceptance of public improvements required by Section 1-2 of this code to be approved by the City shall be forwarded to the Mayor and City Council by the Zoning Administrator following receipt of written approval of the City Engineer.

§1-2-20 OFF-STREET PARKING DESIGN REQUIREMENTS

§1-2-20.1 Angled or parallel parking. Aisles serving off-street parking shall be no fewer than 22 feet in width, except that aisles designed for one-way circulation systems shall be no fewer than 14 feet in width for zero-to-45-degree parking, 18 feet in width for 46-to-60-degree parking and 22 feet in width for 61-to-90-degree parking. A standard parking space shall measure no fewer than 153 square feet, and shall be no fewer than 8.5 feet wide. No part of a vehicle shall overhang into a landscaped portion of a required landscape area.

§1-2-20.2 Landscape islands. Landscape islands shall be provided throughout parking lots as required by the City Engineer and the Mayor and City Council.

§1-2-20.3 Handicapped parking. Parking spaces designed for handicap persons shall be provided in accordance [with] Georgia law.

§1-2-20.4 Number of parking space requirements. The number of parking spaces provided for each development will conform to the requirements specified in Table 1.2.20.4.1.

§1-2-20.5 Shared Parking. The standards for shared parking may be utilized for any of the combinations of uses shown in Table 1.2.20.5.1 on any number of properties when approval is reflected in the conditions of zoning for each such property.

The standards for determining parking requirements in a multiple use development are:

- (a) Determine the minimum amount of parking required for each separate use.
- (b) Multiply each parking requirement by the corresponding percentage for each of the time periods given below.
- (c) Calculate the column total parking requirement for each time period.
- (d) The largest column total is the shared parking requirement.

§1-2-20.6 Example Shared Parking. Table 1.2.20.6.1 demonstrates the shared use calculations associated with a multiuse development containing office (12,000 sq. ft.), retail (15,000 sq. ft.), and entertainment space (5,000 sq. ft.). Properties proposed for individual uses would require the following number of parking spaces:

- Office - 36 spaces
- Retail - 75 spaces
- Entertainment - 25 spaces
- Total - 136 spaces

Properties proposed for multiple uses under the provisions for shared parking would require the parking spaces shown in Table 1.2.20.6.1 or a total of 99 spaces, i.e., a reduction of approximately 27 percent.

**Table 1.2.20.4.1
Parking Space Requirements by Use Group**

Use Group	Example of Types of Use	Minimum Requirement
<i>All areas are expressed in spaces per gross square feet of building area unless ground area or some other measure is specified</i>		
Adult entertainment establishments		10 per 1,000 sq. ft.
Assembly places with fixed seating	Stadiums, auditoriums, theaters, amphitheaters	1 per 4 fixed seats
Assembly places without fixed seating	Meeting halls, libraries	1 per 35 sq. ft. in largest assembly room
Auto dealerships, sales & service	New car sales, used car sales, service and parts	6.5 per 1,000 sq. ft.
Bowling alley		5 per alley
Child care, kindergarten	Day care centers, pre-school	1.7 per 1,000 sq. ft. + 1 per 4 employees on the largest shift
Churches and other places of worship	Churches, cathedrals, temples	1 per 3.5 fixed seats in the largest assembly area
Without fixed seating		1 per 30 sq. ft. in largest assembly area
Clubs and lodges	Country clubs, fraternal organizations	5 per 1,000 sq. ft.
Club with golf course		50 per 9 holes + 1 per 1,000 sq. ft.
Commercial, amusement, outdoor	Amusement parks, skateboard parks, batting cages	
Custodial care	Halfway houses	2.5 per 1,000 sq. ft.
Dormitories and related	Dormitories, fraternity houses, boarding houses	1 per bedroom + 5 per 1,000 sq. ft. of common area
Festivals, outdoor	Horse shows, carnivals, dogs shows, arts and crafts shows	2 per 1,000 sq. ft. of ground area identified for festivals and music festivals related seating
Financial institutions	Banks, credit unions, brokerage houses	5 per 1,000 sq. ft.
Funeral homes		1 per 3 fixed seats + 1 for each 25 sq. ft. in the largest assembly room
Golf course, public and private, without club facilities		50 spaces per 9 holes
Health care facilities	Hospitals, out-patient clinics, convalescent home, nursing home	1 per four beds + 1 per 3 employees
Hotels and motels, no restaurants	Apartment hotels, hotels, motels	1 per four beds + 1 per 3 employees
Hotels and motels, with restaurant	Apartment hotels, hotels, motels, bed and breakfast	1.25 per room
Industrial and manufacturing	Assembly plants, fabrication plants, factories	1 per 1,000 sq. ft.
Laboratories, scientific and related	Experimental labs, fabrication plants, factories	2.5 per 1,000 sq. ft.
Medical offices and related facilities	Dental offices, doctors' offices, veterinary offices, clinics	4 per 1,000 sq. ft.
Mini-warehouses		1 per employee + 1 per 5,000 sq. ft.
Offices, general	Freestanding offices, office parks, offices associated with other uses	3 per 1,000 sq. ft.
Personal service establishments	Barber shops, beauty parlors, laundromats, dry cleaners	5 per 1,000 sq. ft.
Race track		1 per 4 fixed seats or 1 per 35 sq. ft. of floor area used for moveable seats, + 10 per 1,000 sq. ft. of other spectator area.
Recreational facilities, indoor	Billiard parlors, game rooms, arcades, skating rinks, physical fitness centers, museums	5 per 1,000 sq. ft.
Recreation, private single family or mixed residential use, association or club	Tennis court	3 per court
Recreation, private single family or mixed residential use, association or club	Basketball court	4 per court
Recreation, private multifamily residential	Swimming pool	6 per adult swimming pool + 1 per 15 dwelling units beyond 60 served
Recreation, public	Basketball court	4 per court
Recreation, public	Playing fields	50 per field
Recreation, public	Tennis courts	3 per court
Recreation, public	Driving range	2 per tee
Recreation, public	Miniature golf	20 per 18 holes
Recreation, public	Swimming pool	20 + 1 per 50 sq. ft. of pool area
Recycling centers		1.5 spaces per 1,000 sq. ft. of building floor area and 2 spaces per outdoor recycling collection container; plus loading spaces as specified in 18.6.1 (Amended 4/3/02)
Residential, multifamily	1 bedroom or efficiency unit	1.4 per unit
Residential, multifamily	2 bedroom unit	2.0 per unit
Residential, multifamily	3 bedroom unit	2.25 per unit
Residential, single family	Detached dwelling, duplexes, mobile homes	2 per dwelling unit
Residential, retirement home	Retirement homes, retirement village	1.25 per dwelling unit
Restaurants, nightclubs and taverns (including outdoor seating)	Cafeterias, bars, dance clubs, restaurants, music clubs, bistros	10 per 1,000 sq. ft.
Retail establishments	Boutiques, shops, stores, retail services, art galleries, food stores	5 per 1,000 sq. ft.
Roadside stand		6 + 5 per 1,000 sq. ft. ground area
Salvage, storage and/or junk facility		1 per employee plus 4 per acre
Schools	Elementary, middle, junior high	larger of 2 per classroom or 1 per 35 sq. ft. in largest assembly area
Schools	Secondary	larger of 10 per classroom or 1 per 35 sq. ft. in largest assembly area
Schools	Colleges, universities, business colleges, trade, conservatories, vocational, technical	5 per 1,000 sq. ft.
Service and repair establishments	Appliance repair shops, bicycle repair shops, shoe repair shops, general repair centers	5 per 1,000 sq. ft.
Service stations and automotive repair centers	Automotive garages, paint and body shops, tire centers, service stations, car care centers	5 per 1,000 sq. ft.
Warehousing and storage	Commercial storage, distribution centers	1 per 2,000 sq. ft.

**Table 1.2.20.5.1
Parking Space Requirements By Use Group**

Type of Use	Weekdays		Weekends		Nighttime
	6AM - 5PM	5PM - 1AM	6AM - 5PM	5PM - 1AM	1AM - 6AM
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/ Recreational	40%	100%	80%	100%	10%
Church	50%	50%	100%	100%	10%

**Table 1.2.20.6.1
Example Shared Parking Requirements**

Type of Use	Weekdays		Weekends		Nighttime
	6AM - 5PM	5PM - 1AM	6AM - 5PM	5PM - 1AM	1AM - 6AM
Office	36	4	4	2	2
Retail	45	68	75	53	4
Hotel	N/A	N/A	N/A	N/A	N/A
Restaurant	N/A	N/A	N/A	N/A	N/A
Entertainment/ Recreational	10	25	20	25	3
Church	N/A	N/A	N/A	N/A	N/A
Total	91	97	99	80	9

§1-2-21 ACCEPTABLE LOCATIONS FOR OFF-STREET PARKING

§1-2-21.1 Parking and loading locations. In no case may the minimums required in this subsection be less than the requirements necessary to accommodate a landscape area or buffer requirements. At a minimum, all required parking spaces must be located on an all weather surface as defined in.

- (a) Single family districts. Within single family dwelling districts and the A-1 District when utilized for a single family dwelling, the parking or storage of vehicles shall be prohibited except on parking spaces as defined in §1-1-3. Off-site location of required parking spaces is prohibited. Unenclosed parking spaces may occupy a side yard, and no more than 50 percent of a required rear yard. A maximum of two spaces may be permitted adjoining the entrance to a front entry garage or carport, or adjoining the end of a driveway whenever no garage or carport exists. Garage and carport spaces may count toward the minimum required spaces in single family districts.
The visible storage or parking of more than four vehicles at a single family residence shall be unlawful. Parking or storage of a junk or salvage vehicle shall constitute an unlawful use except that no more than two such vehicles shall be permitted if parked or stored in a garage or carport not visible from a street or adjacent residential property.
- (b) Multi-family dwelling districts. No off-street parking shall be permitted within the required setback for the front yard and the side yard. Driveways shall not be located nearer than ten feet to any side or rear property line. No off-street parking space shall be located

within 25 feet of any side or rear property line adjacent to a single family dwelling district or use, nor within ten feet of any other property line.

- (c) Office/institutional districts. No off-street parking shall be permitted within the required setback for the front yard and the side yard. No off-street parking shall be permitted within 25 feet of any property line which adjoins a single family residential district or use. Off-street loading areas shall be provided in the rear or interior side yards.
- (d) Commercial districts. The off-street parking location regulations for dwellings, schools, institutions and similar uses are the same as for those uses in the single-family and multi-family residential districts.

Uses permitted in commercial districts other than those devoted to dwellings, schools, institutions, and similar uses shall provide no off-street parking within 25 feet of any property line that adjoins a residential district or use.

Off-street loading areas shall be provided in the rear or interior side yards. Minimums required in this subsection may be less than the requirements necessary to accommodate a landscape area or buffer required in section 4.23.

- (e) Industrial Districts. The off-street parking location regulations for dwellings, schools, institutions and similar uses are the same as for those uses in the in the single-family and multi-family residential districts.

Uses devoted to manufacturing, warehousing, commercial and other uses permitted in industrial districts shall provide no off-street parking within 25 feet of any property line which adjoins a residential use or district.

§1-2-21.2 Limitation on trucks. Except for trucks used in farming the property on which they are located, or trucks used in conjunction with a permitted use, trucks and/or trailers exceeding four tons empty weight shall not be stored or parked in any agricultural or residential zoning district unless engaged in moving household goods or making deliveries.

§1-2-21.3 Shared driveways. Driveways may be shared in all districts.

§1-2-21.4 Landscape areas and buffers. No required parking shall be permitted in any required landscape area or buffer.

§1-2-21.5 Vehicles at automotive repair and specialty shops. Vehicles at automotive repair and specialty shops must be serviced and stored within the footprint of the building or at the rear of the structure but outside of any minimum yard. Vehicles must be totally screened from all property lines by a 100 percent opaque fence or wall together with landscape strips and buffers.

§1-3 LEGAL STATUS PROVISIONS

§1-3-1 SEVERABILITY

It is intended the provisions of these regulations be severable and should any portions be held invalid, such invalidity shall not affect any other portions of these regulations.

§1-3-2 VIOLATIONS AND PENALTIES

Any violation of any provisions of the site plan review and approval regulations shall constitute a misdemeanor. In case of multiple violations, each violation shall be considered separately, and each day of violation shall constitute a separate offense, and shall be punished as provided by law.

§1-3-3 CONFLICTING ORDINANCES

Whenever the provisions of these regulations and those of some other statute, ordinance or resolution apply to the same subject matter, the statute, ordinance or resolution requiring the highest, or more strict, standard shall apply.

§1-3-4 EFFECTIVE DATE

These regulations shall take effect December 1, 1986, and be in force from and after its adoption by Euharlee, Georgia, the public welfare demanding.

ADOPTED SEPTEMBER 2, 2003
AMENDED SEPTEMBER 20, 2006

EUHARLEE, GEORGIA

Kathy S. Foulk, Mayor

The foregoing is a true and correct copy of the Site Plan Review and Approval Regulations of Euharlee, adopted September 2, 2003 and as amended September 20, 2006.

ATTEST:

Frankie Harris, City Manager