NORCROSS
a place to imagine

UDO

Unified Development Ordinance

EFFECTIVE JUNE 4, 2019

UPDATED FEBRUARY 10, 2020

Holcomb Bridge Rd
Susan Stripling Elementary School
City Hall
Lillian Webb Park
Hopewell Christian Academy
Cemetery
Library
Jimmy Carter Blvd
23
Best Friend Park

City of Norcross

UDO

Unified Development Ordinance

Effective June 4, 2019

Updated February 10, 2020

NORCROSS
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Jacobs

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City of Norcross

Unified Development Ordinance

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CHAPTER

100

General & Administrative Provisions

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CHAPTER 100 - General and Administrative Provisions

ARTICLE I. INTRODUCTORY PROVISIONS

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CHAPTER 100 - General and Administrative Provisions

ARTICLE I. INTRODUCTORY PROVISIONS

Sec. 101-1. Title

This ordinance shall be known as "The Unified Development Ordinance ("UDO") of Norcross, Georgia." It consists of four chapters: Chapter 100, General and Administrative Provisions; Chapter 200, Land Use and Zoning; and Chapter 300. Buildings and Building Regulations; and Chapter 400, Land Development. Chapter 100 is intended to implement regulations generally applicable to Norcross and to specifically address administrative regulations, including definitions, enforcement and penalties applicable to Chapters 200, 300, and 400. Chapter 200 will serve as Norcross's Zoning Ordinance and is intended to constitute a zoning ordinance within the meaning of Georgia Law. Chapter 300 is intended to regulate building construction activity in Norcross. Chapter 400 is intended to regulate land development activities in Norcross. Chapters 100, 300 and 400 are not intended to constitute a zoning ordinance or zoning regulations.

Sec. 101-2. Legal Provisions

A. Purpose

The Unified Development Ordinance is enacted by the Mayor and City Council to promote the public health, safety, morals, convenience, order, prosperity, comfort, and general welfare of the present and future inhabitants, residents, businesses and visitors of Norcross, Georgia. It is intended to achieve the following purposes:

1. Regulating the location, height, number of stories and size of buildings and other structures;
2. Regulating the density of population;
3. Regulating the size of yards and other open spaces;
4. Regulating the uses of land, buildings and structures for industry, commerce, conservation, recreation, residence, public activities and other purposes;
5. Creating districts for said purposes and establishing the boundaries thereof;
6. Defining certain terms used herein;
7. Providing for the method of administration, amendment and enforcement and for the imposition of penalties for violation;
8. Providing for a Planning and Zoning Board, a Zoning Board of Appeals, an Architectural Review Board, an Historic Preservation Commission, and a Tree Preservation Board and defining their powers and duties;
9. Implementing the vision, goals, and policies of the City Comprehensive Plan, and
10. Repealing conflicting ordinances and resolutions; and other matters.

B. Authority

This set of regulations is adopted under the authority of Article 9, Section 2, Paragraphs 3 and 4 of the Constitution of the State of Georgia and the Charter of the City of Norcross, and pursuant to The Zoning Procedures Law (O.C.G.A Section 36-66-1 et seq.) and other applicable laws enacted by the General Assembly.

C. Applicability

All development and redevelopment shall comply with the standards, criteria and procedures of this UDO. Development or redevelopment may not occur without official authorization pursuant to the processes and procedures of this UDO.

1. Applicability to Property

This UDO applies to all land within the City limits. The application of regulations in this UDO to specific parcels of land is governed by the official zoning map, which is incorporated and adopted herein by reference.

2. Compliance with UDO

Land may not be used, divided or subdivided, and structures may not be constructed, enlarged, altered or occupied except in compliance with the provisions of this UDO.

3. Conflict with Other Regulations

Where conflict occurs between the provisions of this UDO and any other City Code or ordinance, resolution, or guideline, the more restrictive provision shall control, unless otherwise specified in this UDO.

Sec. 101-3. Transitional Provisions

The zoning district names and designations in effect prior to the effective date of this UDO are converted as follows:

Previous Zoning	UDO Zoning
R100	R100
R75	R75
R65	R60
R60	
RMD	RD
RTH	RTH
RM	PRD
RM6	
RM8	
RM10	
RZT	
C1	C1
C2	C2

Previous Zoning	UDO Zoning
PIB-HBR Overlay	CX
C3	HX
DCD	NX
ODW	M1
M1	
M2	M2
OI	OI
RAOD Overlay	BH
(new)	CAR
(new)	P
Historic District Overlay	Historic District Overlay
CSO	CSO

Sec. 101-4. Severability Clause

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this UDO shall be adjudged invalid for any reason by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this article, which shall remain in full force and effect as if such portion so adjudged invalid were not originally part of the UDO.

Sec. 101-5. Amendments

Amendments to the text or map of this UDO shall follow the process and procedures outlined in Chapter 100, Article IV, Procedures.

Sec. 101-6. Interpretation and Rules Applying to Text

A. Intent in Interpretation

The provisions of this UDO are the minimum requirements necessary to promote the public health, safety, convenience, order, prosperity, comfort and general welfare.

B. Rules Applying to Text

For this article certain rules of construction apply to the text as follows unless the context of a word or phrase clearly indicates contrary:

1. Term and words used in the singular include the plural and terms used in the plural include the singular.
2. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates contrary.
3. The term “building” includes the term “structure”.
4. The term “erected” includes the terms “constructed”, “moved”, “located” and “relocated”.
5. The term “lot” includes the term “plot” or “parcel”.
6. The term “map” or “zoning map” means the official zoning map of the city.
7. The term “person” includes the terms “individuals”, “firms”, “partnerships”, “corporations”, “associations”, “governmental bodies”, and all other legal entities.
8. The term “used” and “occupied” include the terms “intended, arranged or designed to be used or occupied.”
9. The word "shall" is always mandatory and is never discretionary.
10. The word "may" is permissive.
11. All words and phrases are to be interpreted within the context of the sentence, subparagraph, paragraph, subsection, section and article in which they occur.
12. Words and phrases defined in this UDO shall be interpreted as defined without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise.
13. Words and phrases not defined in this UDO or in any other ordinance of the City shall be construed to have the meaning given by common and ordinary use as defined by the latest edition of Webster's Third New International Dictionary.

Sec. 101-7. Relation to Comprehensive Plan

A. Role of the Comprehensive Plan

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

B. Relationship between the Comprehensive Plan and Zoning

The Norcross Comprehensive Plan does not change the existing zoning districts in the City, and does not itself permit or prohibit any existing or future land uses. Instead, the Comprehensive Plan establishes broad planning policy for current and future land uses and will be consulted as a guideline for making decisions about applications to amend the official Norcross Zoning Map and text of the Zoning Ordinance.

C. Consistency with Comprehensive Plan character areas

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

D. Amendments to the Comprehensive Plan

The Comprehensive Plan shall be reviewed and updated or amended (as appropriate) according to a schedule approved by the Mayor and City Council, and as required by the DCA in compliance with the Rules of DCA, Chapter 110-12-1, Minimum Standards and Procedures for Local Comprehensive Planning. However, exceptions may be granted by the Mayor and City Council in between the regular review and update cycle in cases of demonstrated hardship, or in cases of large-scale developments that may provide special economic benefits to the community. Requests for exceptions shall be subject to approval by Mayor and City Council during a regular meeting.

Sec. 101-8. Duties to administer, interpret and enforce this UDO

A. Unless otherwise specified in any article, chapter, or section of this UDO, it shall be the duty of the Community Development Director of the City of Norcross to administer, interpret, and enforce this UDO.
B. The Community Development Director shall also enforce all adopted codes relating to ADA Compliance, as adopted by the State.
C. It shall be the duty of the county fire marshal to enforce all State, County, and City fire codes.

Sec. 101-9. Fees

A. Fees for permits and other approvals required under this UDO shall be established from time to time by resolution of the Mayor and Council.
B. Application and plan review fees shall be submitted with the application, and upon acceptance of said submission for review and consideration, shall not be refundable. Failure to pay a required application fee shall cause the application to be returned to the applicant without acceptance for review or consideration by the City.
C. Permit fees, if any, shall be submitted as a prerequisite to issuance of the permit.
D. Prior to approval of a Final Plat or Certificate of Occupancy, the applicant shall pay to the City such fees and performance and maintenance bonds as shall be required by this UDO or established by the City Council.

Sec. 101-10. Adoption of Certain Codes

A. Adoption of technical building and construction codes

It is the intent of the City to enforce the latest editions of the following state minimum standard codes, as adopted and amended by the Georgia State Department of Community Affairs, including:

1. International Building Code;
2. International Residential Code for One- and Two-Family Dwellings;
3. International Fire Code;
4. International Plumbing Code;
5. International Mechanical Code;
6. International Fuel Gas Code;
7. National Electrical Code;

8. International Energy Conservation Code;
9. International Swimming Pool and Spa Code; and
10. International Existing Building Code.

B. Georgia Accessibility Code Compliance

In addition to the regulations of the UDO, the Georgia Accessibility Code for buildings and facilities shall also apply. In the case of conflict between the UDO and the Georgia Accessibility Code, the more stringent provisions will govern.

ARTICLE II. DEFINITIONS

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ARTICLE II. DEFINITIONS

Sec. 102-1. General

Except as specifically defined in this Article or in the UDO, words and phrases not defined in this UDO or in any other ordinance of the city shall be construed to have the meaning given by common and ordinary use as defined by the latest edition of Webster's Third New International Dictionary and as identified in Section 101-6 B., Rules Applying to Text.

Sec. 102-2. Defined Terms

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

A

Abutting Property means two pieces of property touching at one point or along a common side, boundary, or property line. Two pieces of property that are separated by a railroad, street or right-of-way, or natural feature, such as, a naturally occurring body of water, are considered abutting.

Access means a way or means of approach that provides a physical entrance to a property.

Accessory Building (also Outbuilding) or Use means a building or use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

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

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be considered new construction.

Adjacent Property means the same as abutting property.

Agent means an individual with a place of business in this state at which he or she is authorized to accept inquires, notices, and service of process on behalf of a vacant or foreclosed real property owner.

Alley means a public or private right-of-way that provides vehicular access to the rear of abutting properties.

Alternative tower structure means manmade trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures.

Antenna means any exterior apparatus designed for telephonic radio, or television communication through the sending of electromagnetic waves**.**

Animal Care, Indoor means any facility designed or arranged for the care of animals without any outdoor activity. No outdoor activity associated with care of animals is allowed. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, commercial kennel (11 or more dogs) and doggy day care.

Animal Care, Outdoor means any facility designed or arranged for the care of animals that includes outdoor activity. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, commercial kennel (11 or more dogs) and doggy day care.

Appeal means a request for a review of the interpretation of any provision of this UDO.

Applicant means a person submitting an application or plan for review or approval.

Aquifer means any stratum (rock layer) or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

Arboricultural Prescription means any type of site or tree instruction developed by an arborist certified by the International Society of Arboriculture or State Registered Forester that is aimed at preserving trees. It is required for trees with 20% or greater CRZ/SRP impact.

Area of shallow flooding means a designed AO or AH zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard means the land subject to a one percent or greater chance of flooding in any given year. This includes all floodplain and floodprone areas at or below the base flood elevation (including A, A1-30, A-99, AE, AO, AH, and AR on the FHBM or the FIRM), all floodplain and floodprone areas at or below the future-conditions flood elevation, and all other floodprone areas as referenced in section 107-7. All streams with a drainage area of 100 acres or greater shall have the area of special flood hazard delineated.

B

Banner means a temporary sign constructed of canvas, plastic, fabric or other similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or fasteners.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year, also known as the 100-year flood**.**
Base flood elevation means the highest water surface elevation anticipated at any given point during the base flood.

Basement means a story that is not a story above grade plane.

Bed and Breakfast Inn means a business operated in an owner-occupied, single-family detached dwelling with up to six guestrooms where overnight accommodations and a morning meal are provided to transients for compensation, and where the bed and breakfast inn is operated as subordinate and incidental to the main residential use of the building.

Best management practices (BMPs) means sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the commission as of January 1 of the year in which the land-disturbing activity was permitted.

Boundary Tree means a tree 6 inches DBH or larger located on a property adjacent to a permitting property whose critical root zone or canopy extends into that permitting property.

Buffer means:

A. Land used to visibly separate one use from another through screening and distance, to shield or block noise, light, glare, physical or visual or other nuisances, to block physical passage to dangerous or undesirable areas; or to reduce air pollution, dust, dirt and litter or otherwise to promote the public safety and welfare; or
B. An area within the area of land immediately adjacent to the banks of a stream in its existing or enhanced state of vegetation; or
C. A natural or enhanced vegetated area located adjacent to a reservoir or perennial stream within a water supply watershed.

Building means any structure, attached to the ground, which has a roof, and which is designed for the shelter, housing or enclosure of persons, animals or property of any kind.

Building Face means the wall of a building that most closely parallels the front setback line regardless of where the main entrance is located. A building may have more than one building face if a front setback is maintained from more than one right-of-way.

Building Official or Building Inspector means the officer or designated authority charged with the administration and enforcement of the construction codes as set forth in Chapter 100, Article III.

Bus Station means a building in which patrons may purchase tickets for passage on a motor carrier (bus), may board and disembark the bus, but which does not allow any bus to remain on the premises for more than two hours at a time, except under extraordinary circumstances, such as inclement weather or mechanical failure. All buses located on bus station property shall have the driver or chauffeur present and in charge of the bus while located on bus station property. The bus shall not be idling at the bus station for more than 15 minutes.

Bus Terminal means a building in which patrons of a for-pay motor carrier (bus) may purchase tickets for passage on the bus, may board and disembark the bus, and which allows buses to remain in a secured area for more than 12 hours at a time. All buses located on the bus terminal property shall have the driver or chauffeur or designated company personnel present and in charge of such bus while it is located on bus terminal property unless the bus is being stored behind a secure fence.

Business Park means a master planned development that is predominately office in use, with multiple buildings of like architecture and landscaping that provides internal access, private utilities and parking. The overall development is within a campus-like atmosphere and like uses being business and professional offices.

C

Caliper means the diameter of the trunk of a replacement tree (new nursery stock) measured six inches above the ground line for trees of four-inch caliper or smaller and measured 12 inches above the ground line for trees larger than four inches in caliper.

Canopy coverage means an area of healthy tree cover, measured in square feet of projection of the healthy tree canopy onto the ground.

Certificate of appropriateness means a document evidencing approval as follows:

A. By the Architectural Review Board for the review and approval of facades of new residential construction, new or modification to existing commercial facades, public building facades, public monuments, and solar panels.

B. By the Community Development Director of an application for an administrative approval to minor architectural modifications; or

C. By the Historic Preservation Commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.

Certified Arborist means an arborist certified by the International Society of Arboriculture as possessing the minimum level of competency required to practice arboriculture.

Certified personnel mean a person who has successfully completed the appropriated certification course approved by the Georgia Soil and Water Conservation Commission**.**

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

Chattahoochee Corridor means all land within 2,000 feet of the banks of the Chattahoochee River, including any impoundments thereon, or within the floodplain, whichever is greater, from directly below Buford Dam downstream to the downstream limits of Fulton and Douglas Counties, including the entire bed of the river and any improvements and all islands therein.

Chattahoochee River Tributary Protection Area*,* also referred to as the "protection area" in Chapter 400 means the stream channel and the land area extending outward 35 horizontal feet from the banks on either side of all flowing streams in the drainage basin of all tributaries of the Chattahoochee River which enter the Chattahoochee River downstream from Buford Dam and upstream from Peachtree Creek, except for such land within the Chattahoochee Corridor, as defined in O.C.G.A. § 12-5-441.

City means the City of Norcross, Georgia.

City Arborist means the individual authorized by the Director of the Department of Community Development to administer and enforce the requirements and standards as set forth in the Tree Preservation Ordinances.

City separate storm sewer system means any conveyance or system of conveyances which is:

A. Owned or operated by the city;
B. Not a combined sewer; and
C. Not part of a publicly owned treatment works.

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

Commission means: The Georgia Soil and Water Conservation Commission.

Common Area means land, amenities, accessory structures and improvements which are not individually owned and are not dedicated for a public use but which are integral to a development that encourage pedestrian connectivity to adjacent lots or parcels. Common areas include spaces such as arcades, greenways, sidewalks, public spaces that are clearly intended for gathering spaces (including rooftop recreational amenities and gardens in high-rise buildings) or that act as connectors to adjacent buildings, or such land and amenities, that are otherwise designed and intended for the common use or enjoyment of the residents, tenants, and guests of the development.

Compatible means the design of structures or landscapes that are consistent with structures and landscapes that are located on the same property of which they are a part, based on an objective comparison of identified physical elements such as architectural form, building mass, height, scale, land uses, materials and landscape architecture.

Complementary Uses means land uses that serve mutually supportive functions that encourage frequent interactions, and do not cause excessive conflicts with one another in terms of noise, access, traffic, parking, services or utility demands.

Comprehensive Plan means, unless otherwise stated, the general plan for land use, transportation and community facilities prepared for and maintained by the City Council. The term "comprehensive plan" includes component or functional plans for the city including, but not limited to, a plan for land use. The term “comprehensive plan” shall also have the same meaning set forth in O.C.G.A. § 50-8-2(a).

Concept Plan means a generalized plan indicating the proposed nature of a land subdivision project. It indicates how a proposed subdivision will conform to the requirements of the UDO, showing proposed tract boundaries, land use, land-use intensity, and relationship to the public right-of-way.

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

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

Conservation space means permanently protected land and water, including agricultural and forestry land, that is in its undeveloped, natural state or that has been developed only to the extent consistent, or is restored to be consistent, with one or more of the following goals:

A. Water quality protection for rivers, streams and lakes;
B. Flood protection;
C. Wetlands protection;
D. Reduction of erosion through protection of steep slopes, areas with erodible soils and stream banks;
E. Protection of riparian buffers and other areas that serve as natural habitat and corridors for native plant and animal species;
F. Scenic protection;
G. Protection of archaeological and historic resources;
H. Provision of recreation in the form of boating, hiking, camping, fishing, running, jogging, biking, walking and similar outdoor activities; and
I. Connection of existing or planned areas contributing to the goals set out in this definition.

Construction activity means activities subject to the Georgia Erosion and Sedimentation Control Act or National Pollutant Discharge Elimination System (NPDES) General Construction Permits. These activities include construction projects resulting in land disturbance. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Conveyance means an aboveground or underground natural or manmade drainage feature, that provides for the collection and movement of stormwater, and shall include but not be limited to concrete or metal pipes, ditches, depressions, swales, roads with drainage systems, highways, city streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, drainage channels, reservoirs, rights-of-way, storm drains, culverts, street gutters, oil/water separators, modular pavements and other similar drainage structures.

Corridor means all land within the buffer areas established adjacent to reservoirs or perennial streams within a water supply watershed.

Corridor, Transportation means all land within an established linear right-of-way used for motorized or pedestrian movement.

CPESC means certified professional in erosion and sediment control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc**.**

Critical Root Zone ("CRZ") means a circular area surrounding a tree whose radius is equivalent to 1 foot for every inch in DBH.

Cut means a portion of land surface or area from which earth has been removed, or will be removed, by excavation; the depth below original ground surface to the excavated surface. Also known as "excavation".

D

Damaged Tree means a tree that has 25% or more of the critical root zone disturbed.

Demolition means the removal of structural members.

Density Bonus refers to a provision of this UDO that allows a parcel to accommodate additional square footage or additional residential units beyond the maximum otherwise permitted, in exchange for the provision of an amenity specified in this UDO that provides a public benefit.

Density, Gross, refers to the number of square feet of a building, or number of lots or dwelling units on a tract of land divided by the total acres of a parcel or tract of land prior to development or subdivision, including all streets or rights-of-way, open space, floodplain, and other unsubdivided or unused portions of the tract of land.

Density, Net, refers to the number of square feet, lots, or dwelling units on a tract of land, less area for, open space, floodplain, wetland, and other unusable portions of the tract of land.

Department means the Community Development Department of the City of Norcross, Georgia.

Design professional means a professional licensed by the state of Georgia in the field of engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a certified professional in erosion and

sediment control (CPESC) with a current certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

Destroyed Tree means a tree which has damage to any of its parts causing the tree's survival beyond three growing seasons to be unlikely as determined by the city arborist.

Destruction (related to trees) includes, but is not limited to, excessive topping out, girdling, limbing, chopping or otherwise cutting a tree to the extent that its demise is imminent. Any actions resulting in the death of a tree.

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

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

Developer means a person who undertakes land development activities.

Development means any manmade change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, cleaning, grubbing, grading, paving, any other installation of impervious cover, excavation or drilling operations or storage of equipment or materials.

Diameter at breast height (DBH) means the diameter of a tree trunk measured in inches at a height of 4.5 feet above the ground line for individual trunks, and at the narrowest point below the fork for trees forked below 4.5 feet.

Director means the Director of the Community Development Department, or his or her designee, of the City of Norcross, Georgia.

Discretionary development proposal means any application for a change of land use district, preliminary plat, conditional use permit, development permit, or certificate of appropriateness, special use permits, zone changes and zoning map amendments. For purposes of this UDO, a determination of applicability shall be made at the first discretionary development proposal encountered.

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

District means the Gwinnett County Soil and Water Conservation District.

Division means the Environmental Protection Division (EPD) of the Georgia Department of Natural Resources**.**

Drainage easement means an easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

Drainage structure means a device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control, or flood control purposes.

Dripline means a vertical line extending downward from the outermost tips of a tree's branches, creating a more or less circular projection on the ground.

Drive-In Restaurant means a building or portion thereof where food or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building, often in a motor vehicle on the site. Note: A drive-thru pick-up window does not necessarily indicate a drive-in restaurant.

Driveway means a privately owned and maintained path, appropriately surfaced with asphalt, concrete (pervious or impervious), gravel as allowed or other hard durable surface, connecting directly with a public thoroughfare, and used for accessing a structure or an improved area such as a garage, carport or exterior parking pad; such area primarily designated for vehicular parking, stopping, standing or turnaround.

Duplex means a residential structure designed for two-family occupancy.

Dwelling means one or more rooms designed for the occupancy, cooking and sleeping of one or more persons living as a family.

Dwelling, Duplex means a building designed for two families, or housekeeping units, living independently of each other in separate dwelling units connected by a common firewall or floor/ceiling.

Dwelling, Multi-Family means a single building containing three or more dwelling units or in the case of a duplex, two dwelling units, each of which has direct access to the outside or a common hallway leading outside.

Dwelling, Single Family Attached – a dwelling built on the ground floor and sharing a common wall, usually on both sides of the property, such as in the case of a townhome. This does not include stacked units, where some dwelling units are built above others.

Dwelling unit, Accessory (ADU) means a room or set of rooms that has been designed or configured to be used as a separate dwelling unit and has that been established by permit. An ADU can be attached or detached or constructed as a live/work unit. A detached ADU is the same concept, but the living area is in a separate accessory structure, normally a backyard cottage or garage flat.

E

Easement means an area of land on which the property owner has granted to another entity the right to use such land for specific purposes.

Elevated building means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Environmental site assessment (phase one) means a written report that documents the process by which a person or entity determines if a parcel of real property is subject to recognized environmental conditions. The report itemizes and assesses the environmental and historical features to be identified or delineated on an existing features site analysis plan. The assessment and report shall be conducted in a methodical manner and in accordance with accepted practice as contained in the latest published edition of the American Society for Testing and Materials Standard ASTM 1527.

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

Erosion and sediment control plan means a plan required by the Erosion and Sedimentation Act, O.C.G.A. Title 12, Chapter 12-7, that includes, at a minimum, protection at least as stringent as the state general permit, best management practices, and requirements as may be outlined in this UDO regarding erosion and sediment control.

Existing construction refers to a Property that has been 100 percent complete for over one year or has been completed for less than one year and was previously occupied."

Exotic plant means a plant that does not meet the definition of native plant.

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

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

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

Exterior architectural features mean the architectural style, general design and general arrangement of the exterior of a building, structure or object, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the forgoing.

Exterior environmental features mean all aspects of the landscape or the development of a site which affect the historic character of the property.

F

Family means an individual or two or more persons living together as a household sharing common use of and access to all living and eating areas, bathrooms, and food preparation areas, who mutually combine their efforts and share responsibilities for domestic chores such as child rearing, cleaning and cooking in a permanent and long-term relationship,

as contrasted to one in a transient relationship who pays for lodging such as a boarder. The term "family" does not include any organization or institutional group.

Fill means a portion of land surface or area to which soil or other solid material has been added; the depth above the original ground or an excavation.

Final stabilization means all soil-disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or greater, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation shall consist of planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region. Final stabilization applies to each phase of construction.

Fixed Public Transportation Station means a passenger loading area that serves an express form of public transportation such as express bus, bus rapid transit (BRT), light rail, trolley, heavy rail rapid transit, or commuter rail, but not including local bus service or shuttle bus service.

Flag means a piece of fabric or other flexible material solely containing distinctive colors, patterns, standards, words or emblems used as the symbol of an organization or entity.

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

A. The overflow of inland or tidal waters; or
B. The unusual and rapid accumulation or runoff or surface waters from any source.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the Federal Insurance and Mitigation Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

Flood insurance rate map or FIRM means an official map of a community, issued by the Federal Insurance and Mitigation Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood insurance study (FIS) means the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

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

Floodplain means those lands subject to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the currently adopted land use plan; e.g., the regulatory flood.

Flowing stream means any stream which is designated and shown as a permanent stream on the 7.5-minute quadrangle maps of the U.S. Department of the Interior, U.S. Geological Survey, plus any stream which the Mayor and Council may determine to be, and designate as, a flowing stream.

Floor Area Ratio (FAR) means the relationship between the amount of useable floor area permitted in a building and the area of the lot on which the building stands. FAR is computed by dividing the gross floor area of a building or buildings by the total area of the lot. For purposes of this calculation, floor area of parking structures shall not be included in floor area.

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway or regulatory floodway means the channel of a stream or other watercourse and the adjacent areas of the floodplain which is necessary to contain and discharge the base flood flow without cumulatively increasing the base flood elevation more than one foot.

Footcandle means a unit of measure for illumination. A unit of illumination on a surface that is one (1) foot from a uniform point source of light of one (1) candle and equal to one (1) lumen per square foot.

Foreclosed real property means improved or unimproved real property that is held pursuant to a judicial or non-judicial foreclosure of a mortgage, deed of trust, security deed, deed to secure debt, or other security instrument securing a debt or obligation owed to a creditor or a deed in lieu of foreclosure in full or partial satisfaction of a debt or obligation owed to a creditor.

Full Cut-Off Fixture means a light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a ninety (90) degree horizontal plane from the base of the fixture.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

Future-conditions flood means the flood having a one percent chance of being equaled or exceeded in any given year based on future-conditions hydrology. Also known as the 100-year future-conditions flood.

Future-conditions flood elevation means the flood standard equal to or higher than the base flood elevation. The future-conditions flood elevation is defined as the highest water surface anticipated at any given point during the future-conditions flood.

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

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

G

Goods and merchandise means tangible or movable personal property, other than money.

Grade Plane, Average means a reference plane representing the average of the finished ground level adjoining the building at its exterior walls.

Grade, Finished means the final elevation and contour of the ground after cutting or filling and conforming to the proposed design approved by the Department.

Grading means altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

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

Gross Floor Area, (GFA) means the sum of the heated floor area of all the habitable stories of a building, measured from the exterior faces of exterior walls. The measurement of GFA excludes unenclosed balconies and porches, unheated stairwells, and floor area of parking structures.

Ground elevation means the original elevation of the ground surface prior to cutting or filling.

Groundwater recharge area means an area of the earth's surface where water infiltrates the ground, thereby replenishing the groundwater supplies within an aquifer.

H

Hazardous material/waste means any substance defined as hazardous waste by the Georgia Department of Natural Resources pursuant to O.C.G.A. § 12-8-60 et seq., as amended.

Height of Building means the vertical distance measured from the average grade plane to the highest finished roof surface in the case of flat roofs, or to a point at the average height of the highest roof in the case of a roof having a pitch.

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

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

Historic district means a geographically definable area, possessing a significant concentration, linkage, or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history. A historic district shall further mean an area designated by the Norcross City Council as a historic district pursuant to the criteria established in this UDO.

Historic property means an individual building, structure, site, or object including the adjacent area necessary for the proper appreciation thereof designated by the Norcross City Council as a historic property pursuant to the criteria established in this UDO. For the purposes of this UDO, projects within a designated National Historic District will be

reviewed by the Architectural Review Board while projects within a designated Local Historic Preservation District will be reviewed by the Historic Preservation Board.

Historic structure means any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
C. Individually listed on a state inventory of historic places and determined as eligible to states with historic preservation programs which have been approved by the Secretary of the Interior; or
D. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified:
    1. By an approved state program as determined by the Secretary of the Interior;
    2. Directly by the Secretary of the Interior in states without approved programs; or
    3. By the City as a Local Historic Preservation district.

Holiday activities mean seasonal activities associated with federally-recognized holidays and Halloween.

Home Occupation means any activity carried out for profit by the resident and conducted as an accessory use in the resident's dwelling unit and meeting the review criteria set forth in this UDO.

Horizon year means 20 years into the future from the year during which a traffic impact study is being prepared, unless otherwise specified or approved by Community Development Department staff.

Horizontal Footcandle or Luminance means the measurement of brightness from a light source, usually measured in footcandles or lumens, which is taken through a light meter's sensor at a horizontal position.

Hospital means the use of a building or premises that provides diagnostic health services and medical or surgical care to inpatients and outpatients suffering from illness, disease, injury, deformity and other physical or mental afflictions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

Hotel means any structure consisting of one or more buildings, with more than five short term occupancy units that are accessed from an interior corridor, with provisions for transient living, sanitation, and sleeping, that is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where temporary lodging of 14 days or less is offered for pay to persons, and that is not intended for long-term occupancy.

Hotspot means an area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants more than those typically found in stormwater.

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

I

Illegal connection means any of the following:

A. Any pipe, open channel, drain or other conduit, whether natural or manmade, which is used exclusively to drain a non-stormwater discharge to the city's separate storm sewer system;
B. Any pipe, open channel, drain or other conduit, whether natural or manmade, that was designed, installed or redirected for the purpose of draining a non-stormwater discharge into the city's separate storm sewer system; or
C. Any pipe, open channel, drain or other conduit, whether natural or manmade, which is connected to the city separate storm sewer system and which has not been documented in plans, maps, or equivalent records and approved by the city regardless of whether such pipe, open channel, drain or other conduit, whether natural or manmade, was permissible under law or practices applicable or prevailing at the time the connection was made, or has been previously allowed, permitted, or approved by the city or any other authorized enforcement agency. The term "illegal connection" expressly includes, without limitation, those connections made in the past.

Illicit discharge means any direct or indirect non-stormwater discharge to the city's separate storm sewer system.

Impervious surface means any surface that prevents the infiltration of stormwater into the ground below the structure or surface. Examples of impervious surface include buildings, roads, driveways, parking lots, streets, roads, decks, swimming pools and patios.

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

Industrial Park means a campus-like master planned development that is predominately industrial in use, with multiple buildings of similar architecture and landscaping that provides internal access, private utilities and off-street parking.

Industrial stormwater permit means a National Pollutant Discharge Elimination System (NPDES) permit issued to an industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

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

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

Invasive exotic plant means a plant that can proliferate and aggressively alter or displace indigenous biological communities.

J

Junkyard means property used for indoor or outdoor storage, keeping or abandonment, whether or not for sale or resale, of junk including, but not limited to: scrap metal, rags, paper or other scrap materials, used lumber, salvaged house-wrecking

demolition and structured steel materials and equipment or property used for the dismantling, or abandonment of automobiles or other vehicles or machinery or parts thereof.

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

L

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

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

Land development project means a discrete land development undertaking.

Land-disturbing activity means scraping, plowing, clearing, dredging, grading, excavating, transporting, or filling of land or placement of any structure or impervious surface, dam, obstruction, or deposit.

Large tree means a tree expected to grow to a minimum height of 40 feet at maturity under urban conditions.

Larger common plan of development or sale means a contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this definition, the term "plan" means an announcement or other piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design, or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

Level of service (LOS) means a quantitative and qualitative measure of how well traffic flows on a given street or highway. Level of service relates to such factors as highway width, number of lanes, percentage of trucks, total traffic volume, turning movements, lateral clearances, grades, sight distance, capacity in relation to volume, travel speed and other factors which affect the quality of flow. Level of service is typically summarized by letter grades described as follows:

A. Level "A" is a condition with low traffic volumes, high speeds and free-flow conditions.
B. Level "B" is a condition with light traffic volumes, minor speed restrictions and stable flow.
C. Level "C" is a condition with moderate traffic volumes, where speed and maneuvering are restricted to a limited degree by the amount of traffic.
D. Level "D" is a condition with heavy traffic operating at tolerable speeds, although temporary slowdowns in flow may occur.
E. Level "E" is a condition of very heavy flow and relatively low speeds. Under level "E" the traffic is unstable and short stoppage may occur.
F. Level "F" is a condition of extremely heavy flow, with frequent stoppage and very slow speeds. It is an unstable traffic condition under which traffic often comes to a complete halt.

Light-Emitting Diode (LED) means a semiconductor device that emits visible light when an electric current passes through it. The light is not particularly bright, but in most LEDs, it is monochromatic, occurring at a single wavelength. The energy efficient nature of LEDs allows them to produce brighter light than other types of bulbs while using less energy.

Light Trespass means light from an artificial light source that is intruding into an area where it is not wanted or does not belong.

Livestock means and includes the following farm animals that are owned, raised and kept for pleasure, utility or sale:

A. Cattle, horses, goats, sheep, swine and other hoofed animals;
B. Poultry, chicken, ducks, geese and other live fowl;
C. Rabbits, mink, foxes and other fur or hide-bearing animals customarily bred or raised in captivity for the harvesting of their skins;
D. Pets, as defined in this Article, and wild animals, shall not be deemed livestock.

Local issuing authority (LIA) means the governing authority of any county or municipality which is certified pursuant to O.C.G.A. § 12-7-8(a), in this UDO, the City of Norcross Community Development Department.

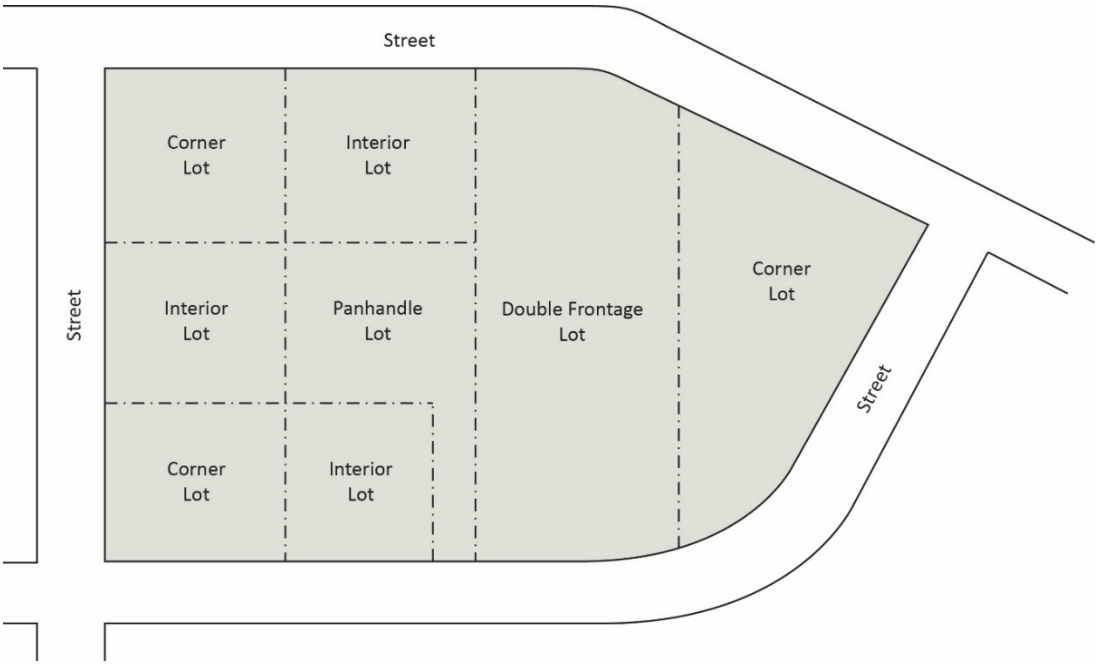
Lot means a developed or undeveloped tract of land in one ownership, legally transferable as a single unit of land.

A. Corner Lot: Any lot bounded by two streets at their intersection.

B. Interior Lot: A lot having frontage on only one street.

C. Panhandle Lot (Flag Lot): A lot which utilizes a narrow strip of land, which does not meet frontage requirements, to provide access to a street. The strip of land is not counted towards calculating the lot area. Panhandle lots are not permitted in the city.

D. Through Lot means a lot having frontage on two streets that are approximately parallel.



Lot, Through, means a lot having frontage on two streets that are approximately parallel.

Lot Width means the horizontal distance between the side lines of a lot measured at the minimum required front yard (building setback) line.

Lot Width (cul-de-sac) means, for a lot having the majority of its frontage on a cul-de-sac, the horizontal distance between the side lines of the lot, measured at the minimum required front yard (building setback) line or at a line parallel to said setback line, which is no more than twice the minimum front yard setback distance from the street.

Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this UDO.

Lumens means a unit of illumination, being the amount of illumination of a unit area of spherical surface, due to a light of unit intensity placed at the center of the sphere.

M

Manufactured home means a building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" includes any structure commonly referred to as a "mobile home" regardless of the date of manufacture. The term "manufactured home" also includes parked trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

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

Material change in appearance means a change that will affect either the exterior architectural or environmental features of a historic property or any building, structure, site, object, or landscape feature within a historic district, such as:

A. A reconstruction or alteration of the size, shape or facade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;
B. Demolition or relocation of a historic structure;
C. Commencement of excavation for construction purposes;
D. A change in the location of advertising visible from the public rights-of-way; or
E. The erection, alteration, restoration or removal or any buildings or other structure within a historic property or district, including walls, fences, steps and pavements, or other appurtenant features, except exterior paint alterations.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD) and the North American Vertical Datum (NAVD) of 1988.

Medium tree means a tree expected to grow to a maximum height of 25 to 40 feet at maturity under urban conditions.

Metropolitan River Protection Act means a state law referenced as O.C.G.A. § 12-5-440 et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Mini-Warehouse means a structure containing separate storage spaces of varying sizes leased, rented or owned on an individual basis. No storage of chemicals or flammable goods is allowed.

Mixed-Use Development means development of a single building or single parcel to contain two or more of the following types of uses: residential, retail/commercial, office, or institutional, and in which each of such uses constitute at least 20 percent of the gross floor area, excluding accessory uses. Mixed uses may be combined vertically within the same building or placed side by side on the same parcel; provided they are in close proximity, planned as a unified and complementary whole, and functionally integrated with interconnected vehicular and pedestrian access and parking areas.

Mobile Home or Mobile Building means a detached, single-family dwelling or other use type factory-manufactured structure with tongue, axles and wheels when originally built designed for occupancy; made to be transported after fabrication on wheels. Removal of the wheels and placement on a foundation do not change its classification. Travel trailers and recreational vehicles are not mobile homes.

Modular Home or Modular Building means a factory fabricated transportable building consisting of units designed to be assembled at a building site on a permanent foundation into a structure to be used for residential or commercial purposes.

Motel means any structure consisting of one or more buildings, with more than five short term occupancy units that are directly accessed from an exterior door, with provisions for transient living, sanitation, and sleeping, that is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where temporary lodging of 14 days or less is offered for pay to persons, is not intended for long-term occupancy.

Motor Vehicle Related Retail means any retail facility that primarily sells parts, accessories, tools, equipment, oils, and fluids for the maintenance of automobiles, motorcycles, trucks, and trailers.

Motor Vehicle Related Use refers to any use primarily involving motor vehicle related retail (see definition), vehicle repair, vehicle service, vehicle maintenance, or vehicle sales.

Motor Vehicle Repair means any building, structure, improvements, or land used for the repair, service, and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles, not including body work or vehicle painting.

Motor Vehicle Sales means a facility that sells, rents, or leases new or used passenger vehicles, trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Motor vehicle sales include Auto Broker businesses.

Multi-Tenant Building means a single building containing multiple uses or tenants where there are specific exterior entrance ways for individual uses.

Multi-Tenant Development means a single development containing multiple buildings where there are specific exterior entrance ways for the individual buildings.

N

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

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

Native plant means a plant that occurs naturally in a particular region, state, ecosystem, and habitat without direct or indirect human actions (Federal Native Plant Conservation Committee, 1994).

Natural ground surface means the ground surface in its original state before any grading, excavation or filling.

Nephelometric turbidity units (NTUs) means numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed or suspended particles are present**.**

New construction means any structure for which the start of construction commenced after October 24 1974 and includes any subsequent improvements to the structure.

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

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after October 24, 1974.

Nonconforming Use means any building or land lawfully used at the time of passage or amendment of this UDO or the predecessor Zoning Ordinance and which does not conform, after the passage or amendment of this UDO or the predecessor Zoning Ordinance, with the use regulations of the district in which it is located.

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

Non-stormwater means any surface flow, runoff, drainage, or discharge that is not composed entirely of stormwater and which may include pollutants, but that excludes:

A. Water from those sources described in Chapter 400, Land Development, Article II., Environmental Standards; or
B. Any discharge permitted under NPDES permit or order issued to the discharger and administered under the authority of the state and the Federal Environmental Protection Agency, provided that the discharger is in full compliance with

all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the city separate storm sewer system.

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

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

O

Object means a material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

Office means structures, or portions of structures, in which professional or administrative business activities take place on a regular basis, but where goods are not produced physically, sold or repaired. These include, but are not limited to: banks, general offices; governmental offices; insurance offices and real estate offices.

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

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

Operator means the party that has:

A. Operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or
B. Day-to-day operational control of those activities that are necessary to ensure compliance with storm water pollution prevention plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the storm water pollution prevention plan or to comply with other permit conditions.

Outdoor Display refers to an outdoor portion of a lot where merchandise, goods or other items are placed in public view for the purpose of customer selection or direct sale or lease to customers.

Outdoor Storage means the keeping within an unroofed area of any goods, material, merchandise, or vehicles in the same place for more than 24 hours for the primary purpose of storage.

Outfall means the location where stormwater in a discernible, confined and discrete conveyance leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

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

Owner means any person, agent, operator, firm, partnership, corporation, limited liability company, or trust that has a legal or equitable interest in a parcel of real property, or the improvements thereon.

P

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

Parking, Bicycle, means an area in a parking lot or a designated area along a sidewalk that is designed and marked for the purpose of securing bicycles in an upright fashion, using a locker or open framework that is permanently attached to the ground and providing secure anchorage for two or more bicycles.

Parking, On-Street, means areas along curbs of a street that are authorized for temporary (less than 48 hours) storage of automobiles belonging to owners, tenants, customers, or visitors of adjacent or nearby properties.

Parking Structure means decks placed above ground or underground in a structure designed principally for the temporary storage and circulation of motor vehicles that includes and at least one level. A parking structure may be either freestanding or incorporated in a structure along with other uses, such as office, residential or commercial uses.

Path, Multi-Use, means a corridor designed for one or more alternative forms of transportation, including pedestrians, joggers, skaters, and slow-moving vehicles such as strollers, bicycles, and golf carts.

Perennial stream means a watercourse having a source, terminus, banks and channel through which water flows on a continuous basis as depicted on the most recent United States Geological Survey 7.5-minute quadrangle map (scale 1:24,000).

Permit means the authorization document issued by the Community Development Department to the applicant which is required prior to undertaking any development activity.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the state, interstate body or any other legal entity.

Personal Service means any non-medical, for profit enterprise which primarily offers services to the general public including, but not limited to, shoe repair, barbershop, beauty parlor, health club, self-serve laundromat facility, nail salon, tailor or tanning salon. These uses may also include accessory retail sales of products related to the services provided.

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

Pet (household pet) means any animal owned or kept for pleasure rather than sale, which is an animal of a species customarily bred and raised to live in the habitat of humans and is dependent upon them for food and shelter. Livestock and wild animals shall not be deemed pets for the purposes of this UDO.

Phase or phased means subparts or segments of construction projects where the subpart or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

Places of Public Assembly means churches, synagogues, temples, mosques, and other places of worship along with similar places where groups of people gather, including but not limited to church schools, event centers, recreational facilities, movie theaters, and training centers.

Planned Development means an area of not less than five acres, developed according to a development plan containing structures to be sold as fee simple units with all streets, recreational areas, and other property amenities included.

Planned Residential Development means a residential development built proposed to or built to the standards of an approved sketch plan. Such a development may contain a variety of housing types either single or multi-family as long the development meets the character area requirements of the Comprehensive Plan and the provisions of this UDO.

Plat, combination means the joining of two recorded parcels into one.

Plat, exemption means the division of one lot into two separately recorded lots where the property owner does not have to go through the subdivision process of this UDO. The parcels of land subdivided that resulted in the exemption plat shall not be further subdivided for two calendar years after the initial subdivision.

Plat, final means a plat of all or part of a subdivision in substantial conformance with the revised preliminary plat, prepared by a civil engineer or a land surveyor, and submitted for dedication of public improvements in accordance with this UDO.

Plat, preliminary means a tentative plat, including supporting data, indicating a proposed subdivision design, prepared by a professional engineer, land surveyor or landscape architect professionally familiar with land development and project construction activities.

Pocket park or neighborhood green means a relatively flat, level and landscaped area, larger than 0.33 acres, and constructed for community gathering or play, or visual enhancement.

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

Pollution means the manmade or man-induced alteration of the chemical, physical, biological, thermal and radiological integrity of water or air.

Pollution susceptibility means the relative vulnerability of groundwater to pollution from chemical spills, leaching of pollutants from dump sites, animal waste from agricultural operations or pollution generated by other human activities.

Pollution susceptibility map means the map prepared by the Georgia Department of Natural Resources that shows the relative susceptibility of groundwater to pollution. Pollution susceptibility maps categorize the land areas of the state into areas of high, medium and low groundwater pollution potential.

Portable Structure means a structure or building designed to be moved from one location to another and which is not designed to be permanently attached or permanently anchored to the ground. Portable structure does not include modular homes, modular buildings, mobile homes, mobile buildings, pushcarts, bicycle carts, motorized carts, or tents for the purposes of this UDO.

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

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

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

Primary conservation areas mean areas of conservation space required to be permanently protected and undeveloped with the exception of road crossings and sanitary sewer lines. Wetland and stream bank mitigation projects are permitted in primary conservation areas. Stormwater drainage systems are allowed in primary conservation areas except that they shall not be counted toward the minimum required amount of conservation space. Because permanently protecting wetlands, riparian areas and floodplains will provide significant long-term benefits ranging from protection of water quality to wildlife habitat to quality of life for individuals resulting from natural spaces available for passive recreation, these features must be permanently protected. The inclusion of uplands, undeveloped slopes and forested areas in conservation space is encouraged.

Procedure means a process to implement a regulation or regulation adopted under this UDO, or to carry out other responsibilities as may be required by this Code or other UDO, ordinances or resolutions of the city or other agencies.

Project means a land development project.

Properly designed means designed in accordance with the design requirements and specifications contained in the *Manual for Erosion and Sediment Control in Georgia* (manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the manual as approved by the commission up until the date of NOI submittal.

Protected Tree means any tree 6 inches DBH or larger that is healthy and structurally sound and has been conserved or planted to meet the tree ordinance requirements.

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

Public Art Display means a work of visual art intended for the enjoyment of the general public and adornment of public space that is placed where it is accessible to view. Examples may include, but are not limited to, one or more of the following: sculptures, monuments, statuary, murals, mosaics, and mobiles.

Q

Qualified professional means, for purposes of conducting traffic impact studies as may be required by this UDO, a registered professional engineer with experience in traffic engineering. For purposes of conducting peak hour trip generation studies, a qualified professional shall mean a registered professional engineer with experience in traffic engineering, or another professional approved by Community Development Department staff based on education and experience to conduct such trip generation studies.

R

Recovered Materials means those materials which have known use, reuse, or recycling potential; can be feasibly used, reused or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

Recovered Materials Processing means any lot, land, structure, or facility, or part thereof, utilized for the purpose of collecting, sorting, processing for resale, and transport of materials to be recycled or reused, including: plastics, glass, paper, aluminum and scrap metals. Recovered materials processing does not include any operation which changes the nature of a material, its chemical composition or its physical qualities.

Recreational vehicle means a vehicle which is:

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

Recycling means the process by which recovered materials and waste products are reduced to raw materials and transformed into new and often different products.

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

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

Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals, or exceeds 25 percent of the market value of the structure before the damage occurred.

Residential/Business Dwelling means a type of attached dwelling in which a commercial business or office may be operated in the basement or first floor/story of the structure. The business need not be operated by the resident of the dwelling.

Residential Property means:

A. Any lot or other tract of land zoned in any of the following districts under this UDO: R100, R75, R60, RTH, or PRD,;
B. Any lot or other tract of land adjoining, abutting or within 1,000 feet of the city limits in any district, as defined as residential in the Gwinnett County Unified Development Ordinance.

Restaurant, Custom Service means an establishment where food and drink are prepared to individual order, ordered and served at the table, and consumed primarily within the principal building or in an established outdoor dining area, as contrasted to a fast food restaurant. Any restaurant that provides drive-in or drive-through service to customers in their cars is considered a "fast-food restaurant."
Restaurant, Family means a custom service restaurant primarily oriented to sit-down service, occasionally with take-out service but with no drive-in or drive-through facilities and having an average turnover rate generally of less than one hour. Family restaurants are usually moderately priced and frequently belong to chains.

Restaurant, Fast Food means any establishment, building or structure where food or drink is served for consumption, either on or off the premises, by order from or service to persons either over an interior counter, outside the structure or from an outdoor service window or automobile service window, or by delivery. This definition shall not include otherwise permitted restaurants where outdoor table service is provided to customers in established outdoor dining areas or where take-out service is provided incidental to a custom service restaurant.

Restaurant, Quality means a custom service restaurant primarily oriented to fine dining and often associated with a particular cuisine. Quality restaurants are characterized by table settings of better silverware, china, glassware and cloth tablecloths, and have average turnover rates generally of one hour or more.

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

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

Rooming or Boarding House means a dwelling within which a resident family or resident manager offers lodging or lodging and meals to two or more persons not under the resident's parental or protective care in exchange for monetary compensation or other consideration.

Runoff means stormwater runoff.

S

Secondary conservation areas mean areas that are desirable to be included in conservation space, but which may or may not be suitable to be permanently protected. Examples are pocket parks, neighborhood greens and stormwater management facilities that may revert to a relatively natural state.

Security Lighting means any light source used to illuminate a building, structure or property during evening hours that seeks to deter criminal activity.

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

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

Setback means:

A. With respect to a stream, the distance that defines the width of a protective buffer, measured from the boundary of the feature of the landscape (e.g., a wetland or streambank) that the buffer is designed to protect.
B. With respect to buildings and structures, the mandatory clear distance between a lot line and a building or structure.

Sign – for all sign related definitions see Section 204-3.

Significant groundwater recharge areas mean areas mapped by the Georgia Department of Natural Resources in Hydrologic Atlas 18, 1989 edition. Mapping of recharge areas is based on outcrop area, lithology (chemical nature and form of the rock), soil type and thickness, slope, density of lithologic contacts, geologic structure, presence of karst topography (sinkholes, caves and fissures associated with limestone and other carbonate rocks), and potentiometric surfaces.

Single Building means a single building containing a single use or tenant where there are one or more entrance ways for the individual use or tenant.

Single Development means a single development containing a single use or tenant where there are one or more entrance ways for the individual use or tenant.

Site means the parcel of land being developed, or the portion thereof on which the development project is located.

Site Plan means a plan, drawn to scale, showing uses and structures proposed for a parcel of land as required by this UDO. Required details may include, but are not limited to lot lines, streets, buildings, major landscape features, and utility lines.

Sketch Plan means an informal plan indicating salient existing features of a tract and its surroundings, including the general layout of a proposed subdivision or land development; submitted as a part of a pre-filing conference. Sketch plans are submitted as a required attachment to rezoning and special use permit applications to indicate conformance to this UDO.

Soil and water conservation district approved plan means an erosion and sedimentation control plan approved in writing by the Gwinnett County Soil and Water Conservation District.

Small tree means a tree expected to grow to a maximum height of 25 feet at maturity under urban conditions.

Special Exception refers to a request to approve a use, site configuration, or construction method that is not currently covered by the provisions of the UDO and cannot be remedied by granting a special use permit or variance, such exceptions can only be granted by Mayor and City Council review and approval.

Specimen tree means any tree, excluding loblolly pines, which qualifies for special consideration for conservation due to its size, type, condition, location or historical significance. The following two criteria are used by the Community Development Director to identify specimen trees. Both the size and condition criteria must be met for a tree to qualify.

A. Size criteria.
    1. Overstory tree: 28-inch diameter or larger.
    2. Understory tree: 12-inch diameter or larger.
B. Condition criteria. Life expectancy of greater than 15 years. Relatively sound and solid trunk with no excessive decay. No more than one major and several minor dead limbs. No major insect or pathological problem.

Stabilization means the process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

Start of construction means the date the permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (Note: accessory structures are not exempt from any requirements of this UDO). For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State general permit means the National Pollution Discharge Elimination System general permit for storm water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 USC 1251 et seq., and O.C.G.A. § 12-5-30(f).

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

Stormwater means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation, but which also includes:

A. Water from those sources described in Chapter 400, Land Development, Article II., Environmental Standards; or
B. Any discharge permitted under NPDES permit or order issued to the discharger and administered under the authority of the state and the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the city separate storm sewer system.

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

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

Stormwater management design manual means the most recent version of the stormwater design manual as published by the Atlanta Regional Commission (ARC).

Stormwater management facility means any infrastructure that controls or conveys stormwater runoff.

Stormwater management measure means any stormwater management facility or nonstructural stormwater practice.
Stormwater management plan means a document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this UDO.

Stormwater management system means the entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey and control the quantity and quality of the stormwater runoff from a site.
Stormwater retrofit means a stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

Stormwater runoff means the flow of surface water resulting from precipitation.

Stream means any stream, beginning at:

A. The location where the normal stream flow has wrested the vegetation. The normal stream flow is any flow that consists solely of base flow or consists of both base flow and direct runoff during any period of the year. Base flow results from the groundwater that enters the stream channel through the soil. This includes spring flows into streams. Direct runoff is the water entering stream channels promptly after rainfall or snow melts;
B. A point in the stream channel with a drainage area of 20 acres or more; or
C. Where evidence indicates the presence of a stream in a drainage area of other than 20 acres, the Public Works Department may require field studies to verify the existence of a stream.

Stream bank means the confining cut of a stream channel.

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

Street means a thoroughfare that affords the principal means of access to abutting property.

Street, Classification, means the designation of a street as shown on the "Long Range Road Classification Map" as adopted in the Norcross Comprehensive Plan.

Street address means the street or route address. Such term shall not mean or include a post office box.

Structural erosion, sedimentation and pollution control practices means practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control measures are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, and sediment traps, etc. Such measures are found in the publication *Manual for Erosion and Sediment Control in Georgia*.

Structural Root Plate (SRP) means the zone of rapid root taper that provides the tree stability against wind throw. The radius of the root plate is proportional to the diameter (DBH) of a tree, using standard root plate measurements/calculations.

Structure means anything constructed or erected on the ground or attached to something on the ground.

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

Subdivision means the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

Subdivision, minor means more than two lots, but less than 4 lots, in which no public improvements, such as streets, stormwater drainage facilities or public utilities, are to be made.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a ten-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to the improvement. The market value of the building means:

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

This term includes structures, which have incurred "repetitive loss" or "substantial damage" regardless of the actual amount of repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur

when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the Code Enforcement Officer, Building Official or Building Inspector, and not solely triggered by an improvement or repair project.

Substantially improved existing manufactured home park or subdivision means the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Surface, Improved, means an area no less than nine feet by 19 feet in size, constructed roughly on or slightly above level grade, comprised of a veneer of hard material installed over a compacted sub-base of foundation material.

T

Targeted business means a preferred business or industry type, as identified by Partnership Gwinnett or a special impact project of such magnitude as may be identified by the City of Norcross.

Temporary means for a period not to exceed 10 consecutive days. A second permit for a temporary outdoor activity on the same property may not be applied for or renewed within six months from the date of any prior approval of a temporary outdoor activity.
Temporary outdoor activity means for-profit activities involving the temporary outside sale of goods and merchandise in association with an existing business located on the premises as the principal use of the premises. The term shall include the sale of farm produce, carnivals, or the sale of Christmas trees from property which is vacant or which contains a separate and distinct primary use, such activities continuing for a period not exceeding ten consecutive days. Temporary outdoor activities shall occur in non-enclosed areas.

Temporary outdoor activity permit means written authorization by the Community Development Director, or their designee, for the applicant to engage in temporary outdoor activities at a specified, fixed location meeting all requirements of this article.

Temporary shelter means a nonprofit, institutional-residential use, generally utilized to remediate crisis or duress, which provides supervised, nonpermanent room, board and other related services to an undetermined number of residents for a period of time presumed to be temporary in nature, and for a maximum of six months. Supervision will be conducted by a manager or other adult person who is/are responsible for specified duties associated with the use. Related services include, but are not limited to:

A. Feeding and food preparation, provided food is prepared in a central kitchen and not in individual rooms or suites;
B. Clothing; counseling; job training; mentoring; health and medical education and awareness programs; legal assistance; social services; child care.

Temporary shelter uses will not be otherwise regulated by local government ordinances referencing the housing of unrelated individuals.

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

Townhouse means a building containing three or more single family dwellings, each being separated from the adjoining dwelling by fire resistive walls without openings and each dwelling having independent access to the exterior of the building in the ground story.

Trade official means the Building Official, electrical official, gas official, plumbing official, or housing official.

Traffic impact study means an analysis and assessment, conducted by a qualified professional, that assesses the effects that a discretionary development proposal's traffic will have on the transportation network in a community or portion thereof. Traffic impact studies vary in their range of detail and complexity depending on the type, size and location of the proposed development.

Tree Disturbance means any land activity that has the potential to change the characteristics of soil, vegetation, growing space or environment within a tree protection zone or any activity that has the potential to damage a tree's roots trunk or crown. Tree impact means any disturbance that proposes or has the potential to affect 25% or more of the tree protection zone.

Tree Protection Zone (TPZ) means the area encompassing the entirety of a protected tree, including the soil to a depth of 3 feet within the CRZ and the tree's trunk and crown.

Trout streams means all streams or portions of streams within the watershed as designated by the Game and Fish Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act (O.C.G.A. § 12-5-20 et seq.). Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

Truck terminal refers to a building or premises where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

U

UDO Administrator means a member of the Norcross Community Development Department designated by and including the Director with review and approval authority to interpret and administer the provisions of the UDO Such community development personnel include the Zoning Administrator, the Building Official and the City Engineer.

Uplighting means any light source that distributes illumination above a 90-degree horizontal plane.

Use means the purpose for which land, premises or a building thereon is designated, arranged or intended, or for which it is or may be occupied, used or maintained.

Use, Accessory, means a use or building customarily incidental and subordinate to the principal use or building and located on the same lot as the principal use or building.

Use, Permitted, means a use which is lawfully established in a particular district and which conforms to all requirements, regulations and performance standards of such district. A permitted use may be a principal use or an accessory use.

Use, Principal, means a use or structure which determines the predominant or major use of the lot on which it is located. A principal use may be either a permitted or a special use.

Use, **Protected**, refers to:

A. A church, mosque, synagogue or other place of worship;
B. A public or private nursery school or any other public or private school serving any one or more grades K through 12;
C. A child care facility, licensed by the Georgia Department of Human Resources;
D. A public park, playground or playing field;
E. A public or private cemetery.

Use, Special, means a use which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district. After consideration of the public need for the particular use at the specific location, a permit for such special use may be granted by the City Council or the Community Development Director. A special use may be a principal use or an accessory use.

Utility means public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, , stormwater systems, or other utilities identified by the City of Norcross.

V

Vacant real property means real property that:

A. Is intended for habitation, has not been lawfully inhabited for at least 60 days, and has no evidence of utility usage within the past 60 days; or
B. Is partially constructed or incomplete, without a valid building permit.

This term shall not include a building or structure containing multiple units with common ownership that has at least one unit occupied with evidence of utility usage.

Variance means a grant of relief from the requirements of this chapter which permits construction in a manner otherwise prohibited by this UDO.

Vegetative erosion and sedimentation control measures means:

A. Measures for the stabilization of erosive or sediment-producing areas by covering the soil with the following:
    1. Permanent seeding, sprigging or planting, producing long-term vegetative cover;
    2. Temporary seeding producing short term vegetative cover; or
    3. Sodding, covering areas with a turf of perennial sod-forming grass.

B. Such measures are found in the publication *Manual for Erosion and Sediment Control in Georgia*.

Violation means the failure of a structure or other development to be fully compliant with rules and regulations of this UDO.

W

Water supply watershed means the drainage area (watershed) of lands upstream of a governmentally owned public drinking water intake or water supply reservoir.

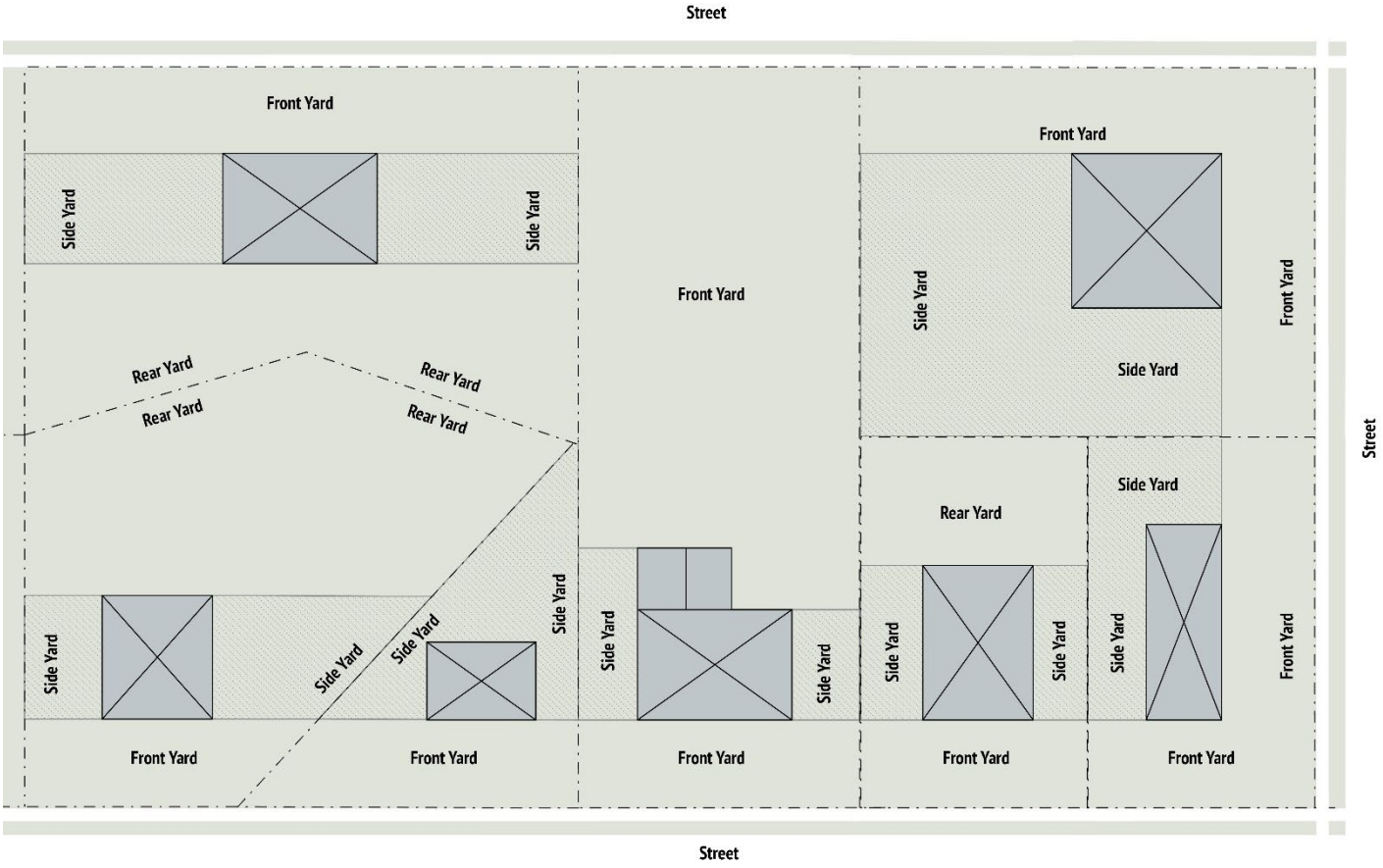
Watercourse means any natural or artificial waterway, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, gully, ravine, or wash in which water flows either continuously or intermittently, having a definite channel, bed and bank, and including any area adjacent thereto which is subject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

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

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

Y

Yard means an open space on a lot situated between the principal building or use on the lot and a lot line and unoccupied by any structure, except as otherwise provided herein.



Yard, Front, means an open, unoccupied space on the same lot with a principal building or use, extending the full width of the lot and located between the street line and the front line of the building projected to the side lines of the lot.

Yard, Rear, means an open space on the same lot with a principal building or use, unoccupied except by an accessory building or use, extending the full width of the lot and located between the rear line of the lot and the rear line of the building or use projected to the side lines of the lot.

Yard, Side, means an open, unoccupied space on the same lot with a principal building or use, located between the building or use and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

Sec. 102-3. Acronyms.

ADU – Accessory Dwelling Unit

ARB – Architectural Review Board of Norcross

ARC – Atlanta Regional Commission

BMP - Best management practice

CBA – Construction Board of Appeals of Norcross

CO – Certificate of Occupancy

CRZ – Critical Root Zone

CPESC – Certified Professional in Erosion and Sediment Control

DBH – Diameter Breast Height

DCA – Georgia Department of Community Affairs

DDA – Downtown Development Authority of Norcross

DUA – Dwelling units per acre

EPD – Environmental Protection Division of the Georgia Department of Natural Resources

FAA - Federal Aviation Administration.

FCC - Federal Communications Commission.

FDOT – Federal Department of Transportation

FEMA - Federal Emergency Management Agency.

FHBM - Flood hazard boundary map

FIRM - Flood insurance rate map

FIS - Flood insurance study

GCT – Gwinnett County Transit

GDOT – Georgia Department of Transportation

GRTA – Georgia Regional Transportation Authority

HPC – Historic Preservation Commission

IBC – International Building Code

LED – Light Emitting Diode

LEED - Leadership in Energy and Environmental Design.

LIA – Local Issuing Authority

LOS – Level of Service

MARTA – Metropolitan Atlanta Rapid Transit Authority

MCC – Mayor and City Council of Norcross

NOI- *Notice of Intent* form provided by EPD for coverage under the state general permit.

NOT -*Notice of Termination* form provided by EPD to terminate coverage under the state general permit.

O.C.G.A. – *Official Code of Georgia, Annotated*

P&Z – Planning and Zoning Board of Norcross

SF– unit of measure, representing Square foot (or feet)

SRP - Structural Root Plate

TPB – Tree Preservation Board of Norcross

TPZ - Tree Protection Zone

ZBA – Zoning Board of Appeals of Norcross

ARTICLE III. REVIEW AUTHORITY

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ARTICLE III. REVIEW AUTHORITY

Sec. 103-1. Purpose

This article establishes and describes the various review bodies and officials that implement and administer the UDO. This article defines the powers, membership and terms, rules and standards, and means of appeals for decisions of each board, committee, task force or commission (each a review authority) that has review authority in interpreting and administering the UDO.

Sec. 103-2. General Membership Standards

A. Application

1. Persons interested in serving on a Board, Commission or Committee must fill out the form: "Application for Board or Commission Appointment".
2. Applications for appointment and orientation packets specific to the board or commission of choice are made available at the Office of the City Clerk. Applicants are required to review the orientation packet prior to submission of their application and return a signed application and supporting information to the City Clerk by the required deadline, if applicable.
3. The City Clerk retains applications for up to two years. The City Clerk also maintains a list of all individuals who have volunteered for a position. The City Clerk will maintain the applications of appointed volunteers on file for the duration of their service.

B. Ad-Hoc Committees and Task Forces

The Mayor or Council may from time to time wish to set up an ad hoc committee or Task Force to study a specific topic and make recommendations for action. These are typically short duration efforts, and as such these appointments may not follow the notification and selection process described below.

C. Notification

1. Prior to the expiration of a volunteer's term or upon notice of a resignation, the City Clerk prepares and distributes a notice to the city website and social media at least two weeks prior to the Council Policy meeting before the appointment for all vacancies on City boards and commissions, including partial terms.
2. If there is little or no response to the notice, the City Clerk will re-advertise the position and extend the application deadline.

D. Objectives

1. Applicants may apply for more than one board or commission by indicating preferences on the application form. Individuals currently serving on a city board or commission are not prevented from applying for a different board or commission.
2. The City Council desires to give as many citizens as possible an opportunity to serve on the various boards and commissions, so a citizen will not typically serve on more than one board or commission at a time. However, a

citizen may serve on any number of committees or Task Forces, provided the multiple appointments do not create a conflict of interest.

3. The City Council will, whenever possible, assign a council member as an ex-officio member of each board and commission, both to provide a direct liaison to council and to keep board and commission members informed of council issues and concerns.

Sec. 103-3. General Rules of procedure; meetings; minutes and records

All review authorities, boards, committees, task forces and commissions, except UDO Administrators, will utilize the following policies and rules of procedure to govern the calling and conducting of their meetings.

A. The presiding official of the meeting or hearing shall be the chairperson of the review authority, board, committee, task force or commission, or in his or her absence the Vice-Chair. In the case of a meeting and hearing of the Mayor and City Council, the Mayor will serve as the presiding official, or in the Mayor's absence, the Mayor-Pro Tem.

B. Unless otherwise provided by ordinance, rules of procedure for meetings of all Norcross review authorities, board, committees, task forces and commissions shall follow Rosenberg's Rules of Order.

C. Meetings and hearings shall be at the call of the presiding official and at such other times as the members of the review authority, board, committee, task force or commission may determine.

D. The review authority, board, committee, task force or commission shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. Records of its examinations and other official actions will be immediately filed in the Office of the City Clerk and shall be a public record.

E. All individuals present at a public hearing shall be allowed to voice their opinions at a hearing unless there is a spokesperson representing a particular individual. The review authority shall allow a maximum time period for presentation of data, evidence, and opinion by proponents of each decision and an equal maximum time period for presentation by opponents of each proposed decision, such time period shall be no less than ten minutes per side. The presiding official shall have the right to increase the maximum time limit for the presentation of data, evidence, and opinion by proponents and opponents of each decision, provided the maximum time for such presentations is the same for proponents and opponents.

F. Applications shall be considered in the order of filing. However, if such order of consideration would exhibit a hardship on the applicant, the review authority, board, committee, task force or commission, or the opponents, the presiding official has the authority to alter the order of consideration.

Sec. 103-4. UDO Administrators

A. UDO Administrators and Their Powers

1. **Community Development Director.** The Community Development Director position is established as the head of the Community Development Department, as authorized in Chapter 2 – Administration, Article IV – Departments, Sec. 2-122 of the Code of Ordinances. The Community Development Director has those powers and duties as expressly identified in this UDO and the Code of Ordinances. Though the Community Development Director may designate UDO review and approval authority to other responsible persons in the Community Development Department, he or she remains responsible for the actions taken by the designee.

2. **Zoning Administrator.** The Zoning Administrator serves as the primary administrator of the Chapter 200 of the UDO and has primary review authority over the Articles in that Chapter.
3. **Building Official.** The Building Official serves as the primary administrator of Chapter 300 of the UDO and has primary review authority over the Articles in that Chapter.
4. **City Engineer.** The City Engineer serves as the primary administrator of Chapter 400 of the UDO and has primary review authority over the Articles in that Chapter.

B. UDO Administrator Membership and Terms

All UDO Administrators are city employees and serve at the direction of the City Manager. Policies concerning the terms of their employment and code of conduct are administered by the Norcross Human Resources Director.

C. UDO Administrator Rules and Standards.

Article IV of this Chapter lays out the procedures by which UDO Administrators process and review requests related to the administration of this UDO.

D. Appeals of decisions made by UDO Administrators.

Appeals of administrative review decisions made by a UDO Administrator can made to an appellate board, as specified herein and in Article IV. Procedures of this Chapter:

1. Appeals of administrative decisions concerning Tree Removal Permits can be made to the Tree Preservation Board.
2. Appeals of all other administrative decisions (those not dealing with Tree Removal Permits), can be made to the Zoning Board of Appeals.

Sec. 103-5. Architectural Review Board (ARB)

A. ARB Powers

1. The Architectural Review Board (ARB) is hereby created.
2. The ARB shall be the review authority of permit applications related to the following:
   a. New construction residential facades, including paint color;
   b. New construction commercial facades;
   c. Modifications to existing commercial facades;
   d. Public building facades;
   e. Public monuments and pavilions;
   f. Solar panel landscape screening and any other applicable landscape regulations in this UDO.
3. The authority of the ARB shall encompass all areas within the city limits except where the property in question fall under the authority of the Historic Preservation Commission.

B. ARB Membership and terms

1. The ARB shall consist of five members appointed by the Mayor and City Council. A minimum of three members must be citizens of the city.
2. The ARB membership shall include at least one architect or engineer, and one citizen at large.

3. The ARB shall elect its chairperson and vice-chairperson from among its members. The chairperson and vice-chairperson shall serve for one year or until they are re-elected, or their successors are elected.
4. The term of office of each member of the ARB shall be three years with staggered terms, as determined by the Council upon initial appointment. Members shall serve at the pleasure of the City Council.
5. Any member of the ARB shall be disqualified to act upon a matter in which the member has an interest.

C. ARB Rules and standards

1. The ARB shall set a meeting date which will recur each month for the purposes of reviewing applications for certificate of appropriateness.
2. The standards that the ARB shall use as the basis of its approvals are the architectural design guidelines of the city, and the policies of the adopted Comprehensive Plan. Current copies of such standards shall be printed and maintained at the Community Development Department and shall be made available to the public for distribution, inspection and copying to the general public during normal business hours.
3. The rules governing the calling and conducting of ARB meetings are set forth in Sec. 103-3. General Rules of procedure; meetings; minutes, and records

D. Appeal of ARB decision

Appeals of decisions of the ARB shall be taken to the City Council in the following manner.

1. Any person, jointly or severally, aggrieved or adversely affected by any decision of the ARB may within 30 calendar days of the decision request in writing an appeal to the City Council.
2. The city shall fix a reasonable time for the hearing of the appeal by the City Council and give at least 15 calendar days public notice thereof and due notice to the parties in interest.
3. City Council shall decide within 30 calendar days from the date of the hearing unless such time is extended with the approval of the appealing party.

Sec. 103-6. Historic Preservation Commission (HPC)

A. HPC Powers

The Historic Preservation Commission (HPC) is hereby established and created, and is authorized to:

1. Prepare and maintain an inventory of all property within the City of Norcross having the potential for designation as historic property;
2. Recommend to the Norcross City Council specific districts, sites, buildings, structures, or objects to be designated by ordinance as historic properties or historic districts;
3. Review application for certificates of appropriateness, and grant or deny same in accordance with the provisions of this UDO;
4. Recommend to the Norcross City Council that the designation of any district, site, building, structure or object as a historic property or as a historic district be revoked or removed;
5. Restore or preserve any historic properties acquired by the City of Norcross;
6. Promote the use of facade easements and conservation easements, as appropriate, in accordance with the provisions of the Georgia Uniform Conservation Easement Act (O.C.G.A., § 44-10-1 et seq.)

7. Conduct educational programs on historic properties located within the city and on general historic preservation activities;
8. Make such investigation and studies of matters relating to historic preservation, including consultation with historic preservation experts, the Norcross City Council or the HPC itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;
9. Seek out local, state, federal or private funds for historic preservation and seek pre-approval from Norcross City Council for any grant request and make recommendations on the findings to the Norcross City Council concerning the most appropriate uses of any funds acquired;
10. Consult with historic preservation experts in the Division of Historic Preservation of the Department of Natural Resources or its successor and the Georgia Trust for Historic Preservation, Inc.;
11. Submit to the Historic Preservation Division of the Department of Natural Resources (or its successor) a list of historic properties of historic districts designated;
12. Perform historic preservation activities as the official agency of the Norcross historic preservation program;
13. Employ persons, if necessary, to carry out the responsibilities of the HPC;
14. Receive donations, grants, funds, or gifts of historic property and acquire and sell historic properties. The HPC shall not obligate the City of Norcross without prior consent.
15. Review and make comments to the Historic Preservation Division of the Department of Natural Resources concerning the nomination of properties within its jurisdiction to the National Register of Historic Places; and;
16. Participate in private, state and federal historic preservation programs and with the consent of the Norcross City Council, enter into agreements to do the same.

B. HPC Membership and terms

1. The HPC shall consist of five members appointed by the City Council. All members shall be residents of Norcross, or the owner of a property in the historic district, and a majority of the members shall be persons who have demonstrated special interest, experience or education in history, architecture or the preservation of historic resources.
2. To the extent available in the city, at least three members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology or related professions.
3. Members shall serve three-year terms. Members may not serve more than two consecutive terms.

C. HPC Rules and Standards

1. The HPC shall adopt rules and standards for the transaction of its business and for consideration of application for designation of certificates of appropriateness, such as by-laws, removal of membership provision, and design guidelines and criteria. The HPC shall have the flexibility to adopt rules and standards without amendment to this chapter.
2. The HPC shall provide for the time and place of regular meetings and a method for the calling of special meetings.
3. The HPC shall select such officers as it deems appropriate from among its members.
4. A quorum shall consist of a majority of the members.
5. The HPC shall be subject to all conflict of interest laws set forth in Georgia Statues and in the City of Norcross Charters.
6. The HPC shall have the authority to accept donations and to augment existing commission budgets.

7. A public record shall be kept of the HPC proceedings and actions.

D. Appeals of HPC decisions

Appeals of decisions of the HPC shall be taken to the City Council in the following manner.

1. Any person, jointly or severally, aggrieved or adversely affected by any decision of the HPC may, within 30 calendar days of the decision, or, in the case of a failure of the HPC to act, within 15 days of the expiration of the 45 day period allowed for the HPC action, request in writing an appeal to the City Council.
2. The city shall fix a reasonable time for the hearing of the appeal by the City Council and give at least 15 calendar days public notice thereof and due notice to the parties in interest.
3. City Council shall decide within 30 calendar days from the date of the hearing unless such time is extended with the approval of the appealing party.
4. City Council may approve, modify and approve, or reject the determination made by the HPC, if the City Council finds that the HPC abused its discretion in reaching its decision.
5. In reviewing a decision of the HPC, the City Council may remand the matter to the HPC for further action. When a decision is made by the City Council on appeal to approve a plan, said approval shall constitute final plan approval for purposes of this article.
6. Decisions shall be made based on the record presented to the HPC and the substantial evidence standard shall apply.
7. All decisions of the City Council regarding appeals of decisions of the HPC shall be final and shall in all instances be subject to judicial review in the manner prescribed by law.

Sec. 103-7. Planning and Zoning Board (P&Z)

A. P&Z Powers

The Planning and Zoning Board shall have all the powers, duties and responsibilities set forth by state law, city Charter and this UDO. The Planning and Zoning Board shall be advisory in nature and will review all matters before them in full recognition of the criteria set forth in the City of Norcross Comprehensive Plan. The Planning and Zoning Board shall make appropriate recommendations for approval, approval with conditions, or denial to the Mayor and City Council for their consideration and final action.

B. P&Z Membership and terms

1. The Planning and Zoning Board shall consist of five members, who shall be residents of the city, recommended by the Mayor and appointed by the City Council.
2. Any vacancy in membership shall be filled for the unexpired term in the same manner as the initial appointment.
3. The terms of the members shall be for four years. Members are eligible for reappointment.
4. *Chairperson*. The Planning and Zoning Board shall elect its chairperson and vice-chairperson from among its members. The chairperson and vice-chairperson shall serve for one year or until they are re-elected, or their successors are elected.
5. *Secretary of the board.* The Planning and Zoning Board shall appoint a secretary, who may be an officer or an employee of the city.
6. All members shall serve without compensation.

C. P&Z Rules and standards

1. The Planning and Zoning Board shall determine its time of meeting.
2. All meetings of the Planning and Zoning Board at which official action is taken shall be open to the public.
3. All records of the Planning and Zoning Board shall be a public record.
4. In reviewing text and map amendments to the UDO, P&Z will make recommendations based on the zoning standards prescribed in Sub-Sec 103-11. A. Standards Governing the Exercise of Zoning Power.
5. In reviewing requests to amend the comprehensive plan, P&Z will make recommendations based on the standards prescribed in Sub-Sec 103-11. B. Standards and factors governing review of proposed amendments to the Comprehensive Plan.
6. In reviewing requests for special use permits, P&Z will make recommendations based on the standards and factors governing review of Special Use Permit Request, Sub-Sec. 103-11. C.

D. Appeals of P&Z recommendations.

There are no appeals from this group's decisions as they are only a recommending body to the Mayor and City Council.

Sec. 103-8. Tree Preservation Board (TPB)

A. TPB Powers

1. A Tree Preservation Board is hereby established to assist the Community Development Department in interpreting and enforcing the provisions of this UDO and to advise the Mayor and City Council on matters pertaining to the preservation of trees and the conservation of tree units within the city.
2. The Tree Preservation Board shall have the power to grant variances to this Chapter 200, Article V based on a hardship not created by the applicant.
3. The Tree Preservation Board shall have the power to hear appeals of any person aggrieved or adversely affected by an administrative decision made by the Community Development Director in the course of administering the provisions of this UDO pertaining to the preservation of trees and the conservation of tree-canopy cover within the city.

B. TPB Membership and terms

1. The Tree Preservation Board shall consist of five members appointed by the Mayor and City Council.
2. The members shall be residents or property owners of the city, except that up to two members may be nonresidents or non-property owners with professional expertise in arboriculture or horticulture or the land development/construction field.
3. Each member of the Tree Preservation Board shall serve for three years.

C. TPB Rules and Standards

1. *Meetings.* The Tree Preservation Board shall meet not less frequently than quarterly and shall establish rules and regulations for its operations consistent with the provisions of this UDO and Chapter 200.
2. The Tree Preservation Board shall have the power to adopt and promulgate such further administrative guidelines and standards as may be necessary or desirable to carry out the provisions of this UDO and Chapter

200. The maintenance of the city's community tree species list shall be the responsibility of the Tree Preservation Board.

3. Current copies of the community tree species list and other such administrative guidelines, standards, or regulations shall be maintained at the Community Development Department and shall be made available to the public for inspection and copying during normal business hours.

D. Appeals of TPB decisions

Appeals of decisions of the TPB shall be taken to the City Council in the following manner.

1. Any person, jointly or severally, aggrieved or adversely affected by any decision of the TPB may within 30 calendar days of the decision request in writing an appeal to the City Council.

2. The city shall fix a reasonable time for the hearing of the appeal by the City Council and give at least 15 calendar days public notice thereof and due notice to the parties in interest.

3. City Council shall decide within 30 calendar days from the date of the hearing unless such time is extended with the approval of the appealing party.

4. In reviewing a decision of the TPB, the City Council may remand the matter to the TPB for further action. When a decision is made by the City Council on appeal to approve a plan, said approval shall constitute final plan approval for purposes of this article.

5. Decisions shall be made based on the record presented to the TPB and the substantial evidence standard shall apply.

6. All decisions of the City Council regarding appeals of decisions of the TPB shall be final and shall in all instances be subject to judicial review in the manner prescribed by law.

Sec. 103-9. Zoning Board of Appeals (ZBA)

A. ZBA Powers

1. The ZBA shall have the following powers as it relates to the zoning portions of this UDO to:

a. Hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by the Community Development Director in the enforcement, administration and interpretation of this UDO;

b. Hear and decide appeals of the decisions made by the Building Official in a quasi-judicial role.

c. Hear and decide requests for variances to this UDO upon which the ZBA is required to pass;

d. Authorize, upon appeal in specific cases, such variances from the terms of this UDO as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this UDO will, in an individual case, result in unnecessary hardship, so that the spirit of this UDO shall be observed, public safety and welfare secured, and substantial justice done.

2. The following limitations shall apply to the exercise of the powers granted to the ZBA:

a. Economic considerations may be taken into consideration as a hardship but shall not, of themselves, be the sole criteria upon which the ZBA may grant a variance.

b. No relief may be granted or action taken under the terms of this section unless such relief can be granted without substantial detriment to the public. No relief that substantially changes the intent and purpose of the current City Comprehensive Plan, the official zoning map, or the UDO may be granted.

c. For purposes of this section, the term "hardship" means the proposed use of the property and associated structures are not allowed by this UDO or its amendments and no other reasonable alternate use exists for the property. The request for a variance must be based upon the criteria that a physical condition, unique to the particular land, structure or building demands such a variance. If such unique condition exists, a variance may be granted.

d. The ZBA has no authority to waive requirements of the building code.

B. ZBA Membership and terms

1. The ZBA shall consist of five members who reside within the corporate limits of the city, one of which shall be qualified by experience and training to pass judgment on matters pertaining to building construction.

2. The members shall be recommended by the Mayor and appointed by the City Council.

3. No member of the ZBA shall hold any other employment with or public office in the city.

4. The term of office of each member of the ZBA shall be for four years, or thereafter until his/her successor is appointed and qualified. Members may be reappointed. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.

5. Members shall serve at the pleasure of the Mayor and City Council and may be removed for cause.

6. Any member of the ZBA shall be disqualified to act upon a matter in which the member has an interest.

7. *Officers.* The ZBA shall elect one of its members as chairperson and a second one as vice-chairperson. The chairperson and vice-chairperson shall serve for one year or until reelected or until successors are elected. The ZBA shall appoint a secretary who may be an employee of the city or of the ZBA.

C. ZBA Rules and standards

1. Before the ZBA acts upon an application for a Variance, it shall hold a public hearing under the rules governing the calling and conducting of meeting are described in Sec. 103-3. General Rules of procedure; meetings; minutes, and records.

2. The notice of the time and place of such hearing shall be published at least 15 days prior to the hearing in a newspaper of general circulation within the territorial boundaries of the City of Norcross. At the hearing any party may appear in person or by agent or attorney.

3. In addition, the Community Development Department shall at least 15 days prior to the hearing erect in a conspicuous place on the property involved a sign which shall contain information as to the Variance applied for and the time and place of hearing.

4. In reviewing request for variance applications, the ZBA will make decisions based on the standards and factors governing review of proposed Variance Applications, Sec. 103-11. D.

5. In reviewing appeals from decisions made by the Community Development Director or Building Official, the ZBA will be interpreting the provisions of the UDO and the International Building Code (IBC) to determine:

a. Whether the decisions made by the Director was based on the true intent of the UDO or IBC, and

b. Whether proper procedures for application review were followed.

6. All ZBA decisions shall be in writing. Decisions shall be mailed to the applicant and any interested parties who make a written request for a copy of the written decision without unreasonable delay after the close of the hearing.

D. Appeals of ZBA decisions

Any person or persons severally or jointly aggrieved or adversely affected by any decision the ZBA may present an Appeal to the Superior Court. Such an Appeal to the Superior Court shall be via Writ of Certiorari as specified in the Official Code of Georgia, except, however, that the Appeal shall be filed within 30 days from the date of the decision of the ZBA. Upon failure to file the appeal within 30 days, the decision of the ZBA shall be final.

Sec. 103-10. Mayor and City Council

A. Power.

As the governing body for the City Norcross, the Mayor and City Council is the final authority on all policy matters related to the Comprehensive Plan and UDO. In particular, they are responsible for making final decisions on requests for amendments to the Comprehensive Plan, and to the UDO, as well as requests for special exceptions, and special use permits. A complete description of governing powers of the Mayor and City Council can be found in the Norcross Code of Ordinances, Part I Charter and Related Laws, Subpart A. Charter, Article II. – Governing Body.

B. Membership and terms

The provisions regarding the membership and terms of the Mayor and each position on City Council can be found in the Norcross Code of Ordinances, Part I Charter and Related Laws, Subpart A. Charter, Article II. – Governing Body.

C. Meeting rules and standards

1. The rules governing the calling and conducting of meeting are described in Sec. 103-3. General Rules of procedure; meetings; minutes, and records.
2. In reviewing requests for text or map amendments to the UDO, the mayor and city council will make decisions based on the zoning standards prescribed in Sub-Sec 103-11. A. Standards Governing the Exercise of Zoning Power.
3. In reviewing requests to amend the comprehensive plan, the mayor and city council will make decisions based on the standards prescribed in Sub-Sec 103-11. B. Standards and factors governing review of proposed amendments to the Comprehensive Plan.
4. In reviewing requests for special use permits, the mayor and city council will make decisions based on the standards and factors governing review of Special Use Permit Request, Sub-Sec. 103-11. C.
5. In reviewing request for special exception applications, the Mayor and City Council will make decisions based on the standards and factors governing review of proposed or Special Exceptions, Sub-Sec. 103-11. D.
6. Standards and factors governing an appeal of an ARB Decision
    a. Appellate decisions made by the Mayor and City Council shall be made based on the record presented to, and reviewed by, the ARB and the minutes and proceedings of the ARB hearing. The substantial evidence standard shall apply.
    b. All decisions of the City Council regarding appeals of decisions of the ARB shall be final and shall in all instances be subject to judicial review in the manner prescribed by law.
    c. In reviewing a decision of the ARB, the City Council may remand the matter to the ARB for further action. When a decision is made by the City Council on appeal to approve a plan, said approval shall constitute final plan approval for purposes of this article.

7. Conditional Approvals.

In adopting an amendment to the Official Zoning Map, or approving a Special Use Permit or Special Exception, the Mayor and City Council may impose special conditions which they deem necessary to make the requested action acceptable and consistent with the purposes of the district(s) involved and to further the goals and objectives of the Comprehensive Plan. Such conditions may consist of (but are not limited to):

a. Restrictions as to what land uses or activities shall be permitted;
b. Permitted hours of operation;
c. Setback requirements from any lot line;
d. Specified or prohibited locations for buildings, parking, loading or storage areas or other land uses;
e. Maximum building heights or other dimensions;
f. Architectural style, or exterior treatments;
g. Driveway curb cut restrictions, or inter-parcel access requirements;
h. Landscaping or planted areas which may include the location, type and maintenance of plant materials;
i. Preservation of existing trees or other vegetation;
j. Fences, walls, berms, or other buffering provisions or protective measures;
k. Special measures to alleviate undesirable views, light, glare, noise, dust or odor;
l. A requirement that the existing building(s) be removed or retained, or a limitation on exterior modifications of existing buildings;
m. Special drainage or erosion provisions;
n. A requirement that developers must build according to the site plans as adopted;
o. Any other requirement that the Mayor and City Council may deem appropriate and necessary as a condition of rezoning or issuance of a Special Use Permit.

8. Conditions Requirements.

Such conditions shall:

a. Only be valid if they are included in the motion approving the amendment, Special Use Permit or Special Exception for adoption;
b. Be recorded in the Ordinance or Resolution of the Mayor and City Council if enacted pursuant to an amendment of the text of the UDO or the Official Zoning Map.
c. Be continually in effect, or for the period of time specified in the amendment, Special Use Permit, or Special Exception.
d. Be required of the property owner and all subsequent owners as a condition of their use of the property.
e. Be interpreted and continually enforced by the Community Development Director in the same manner as any other provision of this UDO.

9. Violations of Conditions**.**

Notwithstanding any other remedies available in this UDO and under local and state law, violations of conditions imposed pursuant to this Section shall be handled in accordance with the enforcement and penalties provisions stated in Chapter 100, Article VI, Enforcement.

10. Action by Mayor and City Council.

Following its public hearing the Mayor and City Council may:

a. Approve, by ordinance, as presented;
b. Approve, by ordinance, with conditions;
c. Approve, by ordinance, a similar or less intense use (including special uses), with or without conditions, in the case of a rezoning of property;
d. Deny the request in whole or in part;
e. Refer, by motion and majority vote, the matter back to lesser review board, committee, task force or commission for reconsideration;
f. By motion, table final action to a future regularly scheduled business session or public hearing.

D. Appeals of Mayor and City Council Decisions

Decisions of the Mayor and City Council are final. Any person, persons or entities jointly or severally aggrieved or adversely affected by any decision of the Mayor and City Council may make an appeal to the Superior Court of Gwinnett County. The appeal shall be limited to the proceedings and record of the Mayor and City Council. Any appeal must be filed within 30 days of the decision of the Mayor and City Council, and upon failure of such appeal, the decision of the Mayor and City Council shall be final.

Sec. 103-11. Standards governing review

A. Standards Governing the Exercise of Zoning Power

1. It is declared the intention of the Mayor and Council that this section shall constitute the standards required under O.C.G.A. § 36-66-5, and such standards shall be printed, and copies thereof shall be available for distribution to the general public by the Community Development Director.

2. The Mayor and City Council find that the following standards are relevant and shall be used in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of zoning power:

a. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
d. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
e. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan; and
f. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

B. Standards and factors governing review of proposed amendments to the Comprehensive Plan

The following standards and factors are found to be relevant and shall be used for evaluating applications for amendments to the comprehensive plan and shall govern the review of all proposed amendments to the comprehensive plan:

1. Whether the proposed land use change will permit uses that are suitable in consideration of the use and development of adjacent and nearby property or properties.
2. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property or properties.
3. Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
4. Whether the amendment is consistent with the written policies in the comprehensive plan text and any applicable small areas studies.
5. Whether there are potential impacts on property or properties in an adjoining governmental jurisdiction, in cases of proposed changes near municipal boundary lines.
6. Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approval or denial of the proposed land use change.
7. Whether there will be an impact on historic buildings, sites, districts or archaeological resources resulting from the proposed change

C. Standards and factors governing review of Special Use Permit Requests

The purpose of a Special Use Permit is to provide a process for a use that is generally compatible with the use characteristics of a zoning district, but requires individual review of its location, design, height, intensity, configuration and public facility impact to determine the appropriateness of the use for any particular site and its compatibility with adjacent uses. A Special Use Permit allows the Mayor and City Council to approve a special use on a particular parcel without changing the general zoning district. When considering a Special Use Permit application, and in addition to Standards Governing the Exercise of Zoning Power in Section 103-11(A), the Planning and Zoning Board and Mayor and City Council shall consider:

1. Whether the policies and objectives of the Comprehensive Plan, particularly in relationship to the proposed site and surrounding area align and support the proposal, and
2. Whether the proposal has the potential for adverse impacts on the surrounding area, regarding but not limited to traffic, storm drainage, land values and compatibility of land use activities.
3. In the case of a telecommunications antenna's and towers, the proposal will need to meet the standards listed in Sub-section 202-3. Z. 5. Special use permits.

D. Standards and factors governing review of proposed Variance Applications or Special Exceptions

1. The purpose of a variance or special exception is to provide a mechanism when, owing to special conditions, the strict application of the UDO would impose on a landowner exceptional and undue hardship that can be mitigated without conferring on the applicant special privilege. A special exception differs from a variance in that it involves a request for a land use, site configuration, or construction method that is not currently covered by the provisions of the UDO and cannot be remedied by the granting of a special use permit or variance.

Typically, a special exception is the result of new emerging technologies resulting in circumstances not foreseen at the time of the UDO's preparation. Whereas variances can be approved by the ZBA, special exceptions are a matter of policy and can only be approved by the Mayor and City Council

2. The following standards and factors are found to be relevant and shall be used for evaluating applications for variances or special exceptions to the standards of the UDO:

a. Whether there are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape, or topography;
b. Whether the application of UDO to this particular piece of property would create an unnecessary hardship;
c. Whether such conditions are peculiar to the particular piece of property involved;
d. Whether such conditions are the result of any actions of the property owner; and
e. Whether the requested relief, if granted, would cause substantial detriment to the public good or impair the purposes or intent of the UDO.

3. No variance or special exception may be granted for a use of land, building or structure that is explicitly prohibited by the UDO or which would result in a greater intensity of development on a property than would otherwise be allowed if no variance or special exception were involved.

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ARTICLE IV. PROCEDURES

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ARTICLE IV. PROCEDURES

Sec. 104-1. Purpose

A. This Article describes the process through which a rezoning or special use may be approved on a property, the procedures for amendments to the Comprehensive Plan's Future Development Map, the approval process for construction of subdivisions and other land development projects, and steps required for filing and processing applications for permits and certificates required under this UDO.

B. The provisions of this chapter are designed to implement the policies of the Comprehensive Plan, and to balance the City's interest in promoting the public health, safety, morality, and general welfare against the right to the unrestricted use of property

Sec. 104-2. Generally

A. No development or development activity is permitted unless all development approvals applicable to the proposed development are issued in accordance with this Article. Unless otherwise stated, development approval is required for all development.

B. Whenever in this UDO a permit or certificate is required an application shall be made to the Community Development Department. Obtaining approvals required by such application shall be the responsibility of the applicant. Issuance of permits or certificates and the collection of fees shall be the responsibility of the General Government Administration (GGA).

C. The Zoning Procedures Law of Georgia

1. This Article is intended to comply with the provisions of The Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., which Act is incorporated by reference in its entirety into this UDO.
2. Where any provision of this Article conflicts with any provision of State law, the State law controls. Where this Article is incomplete in having failed to incorporate a provision necessarily required for the implementation of State law, the provision of State law must be fully complied with.

Sec. 104-3. Decision Making Responsibilities

A. There are three basic categories of development reviews pursuant to this UDO:

1. Legislative Reviews – involve a change in land use policy. A public hearing is required, and final approval must be made by the Mayor and City Council. Examples include rezoning decisions, special use permits and comprehensive plan amendments.
2. Quasi-judicial Reviews – involves the application of discretionary standards required by this UDO to an application. It requires a public hearing, and procedural due process. Examples include variances, special use permits and appeals of administrative decisions, as well as design reviews that require interpretation of a set of design guidelines.
3. Administrative Reviews – involve the application of the standards of the UDO to an application by a UDO Administrator (Sec 103-4, UDO Administrators). A public hearing is not required. An Administrative approval

typically occurs late in the development process. Examples include building permits, sign permits, and certificates of occupancy.

B. The following table summarizes the review and approval authority of various review bodies involved in Legislative reviews, for each associated approval processes.

Figure 104-3. B. Legislative Review Approval Processes

Approval Process KEY: R = Review & Recommendation D = Final Decision A = Appeal PH = Public Hearing PM = Public Meeting	Cross-reference	REVIEW AND APPROVAL AUTHORITY				
		UDO Administrator	Architectural Review Board	Historic Preservation Commission	Planning and Zoning Board	Mayor and City Council
Annexations	Sec. 104-5. K.	R			R-PH	D-PH
Concept Plan Approval[1]	Sec. 403-4.	R/ D			R-PH	D-PH
Concurrent Variance	Sec. 104-5.	R			R-PH	D-PH
Demolition Permit in National Historic District	Sec. 104-5.	R	R			D-PH
Demolition Permit in Local Historic District	Sec. 104-5.			R		D-PH
Final Major Subdivision Plat Approval	Sec 403-8.	R				D-PH
Planned Development Approval [2]	Sec. 104-5.	R	R		R-PH	D-PH
Special Exceptions	Sec. 104-5.	R			R-PH	D-PH
Stream Buffer Variance	Sec. 104-5.	R				D-PH
Telecommunications Permit	Sec. 104-5.	R			R-PH	D-PH
Text Amendment (Comprehensive Plan or UDO)	Sec. 104-5.	R			R-PH	D-PH
Zoning Map Amendment (Rezoning)	Sec. 104-5.	R			R-PH	D-PH

Note:

1 Sketch Plans not requiring rezoning or special use permit approval, can be approved by the Community Development Director as part of the Preliminary Plat Review process. Whereas Sketch Plans submitted as part of a required rezoning will be reviewed as part of that rezoning.

2 Rezonings to or within the PRD district require an approved concept plan and architectural renderings of proposed buildings reviewed first by the Architectural Review Board, before the application is submitted to the Planning and Zoning Board.

C. The following table summarizes the review and approval authority of various review bodies involved in Quasi-Judicial reviews, for each associated approval processes.

Figure 104-3. C. Quasi-Judicial Review Approval Processes

Approval Process KEY: R = Review & Recommendation D = Final Decision A = Appeal PH = Public Hearing PM = Public Meeting	Cross-reference	REVIEW AND APPROVAL AUTHORITY						
		UDO Administrator	Architectural Review Board	Historic Preservation Commission	Tree Preservation Board	Zoning Board of Appeals	Planning and Zoning Board	Mayor and City Council
Design Review								
Minor Design Plan *	Sec. 104-6. D.	D						
Major Design Plan *	Sec. 104-6. D.	R	D					
Major Design Plan in Local Historic District	Sec. 104-6. E.	R		D				
Historic Review – Cert. of Appropriateness in National Historic District	Sec. 104-6. F.	R	D					
Historic Review – Cert. of Appropriateness in Local Historic District	Sec. 104-6. E.	R		D				
Variances, Exceptions, and Appeals								
Variance	Sec. 104-6. K.	R				D-PH		
Special Use Permit	Sec. 104-6. G.	R					R-PH	D-PH
Appeals of Administrative Decision other than Tree Removal	Sec. 104-6. C.	R				A		
Appeal of Administrative Decision regarding Tree Removal	Sec. 104-6. C.	R			A			
Appeals of decisions by the ARB, HPC, or TPB	Sec. 104-6. C.	R						A

Note:

- Design review for any development within the BH Zoning district is considered minor and reviewed Administratively as an incentive for redevelopment. The Director can refer a design plan to the ARB at their discretion if the plan does not meet the intent of the city's Architectural Design Guidelines.

D. Permits that may be approved by a UDO Administrator through the Administrative Review process fall under three different review sub-categories: Building review by the City Building Official, engineering review by the City Engineer, and zoning review by the Zoning Administrator. The following table summarizes the different administrative permits that may be granted under this UDO and which UDO Administrator review them.

Figure 104-3. D. Administrative Review Processes

Approval Process	Cross-reference	REVIEW AND APPROVAL AUTHORITY		
		Building Official	City Engineer	Zoning Administrator
Administrative Variance	Sec. 104-7.A.		■	■
Building Permit [1]	Sec. 104-7.B.	■	■	
Certificate of Appropriateness	Sec. 104-7.C.			■
Certificate of Completion	Sec. 104-7.D.	■		
Certificate of Occupancy	Sec. 104-7.E.	■		
Change of Occupancy certificate	Sec. 104-7.F.	■		
Commercial Filming Permit	Sec. 104-7.G.		■	
Demolition Permit [2]	Sec. 104-7.H.	■		■ [3]
Development Permit	Sec. 104-7.I.	■	■	■
Exemption Plat	Sec 403-10	■	■	■
Land Disturbance Permit	Sec. 104-7. J.	■	■	
Plat Amendments		■	■	■
Preliminary Plat	Sec 403-5		■	■
Parking Waiver	Sec. 104-7. K.			■
Sign Permits [4]	Sec. 104-7. L.	■		■
Temporary Outdoor Activities Permit	Sec. 104-7. M.	■	■	■
Temporary Outdoor Retail Display Permit	Sec. 104-7. N.	■	■	■
Trade Permits, both commercial and residential [5]	Sec. 104.7. P.	■		
Tree Removal, both commercial and residential	Sec. 104-7. O.		■	■
Utility Permits	Sec. 104-7. Q.		■	
Zoning verification letter	Sec. 104-7. R.			■

Notes:

1 Building Permits fall under the following categories: Single- family townhome; Single-family Detached Home; Duplex; Residential 4-plex; Condominium; New commercial construction; Residential remodel; and Residential Storage

2 Demolition Permits fall under the following categories: Residential demolition outside of the historic district; Residential demolition inside the historic district; Residential interior or limited demolition; Commercial interior or limited demolition; and Commercial demolition removal of entire building or section

3 Zoning Administrator reviews demolition permits inside the historic district only

4 Sign Permits fall under the following categories: Temporary sign; New monument sign; Building sign

5 Trade permits are first classified as being either residential or commercial, and then may be for electrical repairs and upgrades, gas line repairs and upgrades, HVAC repairs and upgrades, low voltage repairs and upgrades, plumbing repairs and upgrades, or re-roof

Sec. 104-4. Common Review Provisions

A. Applicability.

The following requirements are common to the procedures in this Article and apply to all applications submitted under its provisions. Generally, the procedures for all applications have six common elements:

1. Pre-application inquiry or conference.
2. Submittal of a complete application, including fee payments and appropriate information and studies;
3. Review of the submittal by appropriate staff, commissions, and boards after proper public notice has been made, if necessary;
4. A decision is made to approve, approve with conditions, or deny together with a description of the actions authorized and the time period for exercising those development rights;
5. If necessary, amending or appealing the decision; and
6. Recording the decision.

B. Common Application Requirements

1. Pre-application inquiry or conference
   a. When an applicant desires to undertake a development project or make improvement to their property, they make inquiries to the Community Development Department about the approval process. Based on the nature of the proposal, staff either schedules a pre-application conference or provides the applicant with the proper forms for the appropriate review. Most application requests are handled under Administrative review, and the applicant will likely just work with city staff during the review process.
   b. Any application requiring a legislative or quasi-judicial review process or that involves site or building plan approval will require a pre-application conference before submittal, and presentation of a sketch plan or concept plan illustrating the basic site layout and building configuration for the proposal. See concept plans standards in Article V of this Chapter.
   c. At the pre-application conference, the applicant will be informed of a preliminary determination of which review authorities will examine the application. Each application is unique and special circumstances may come to light later over the course of processing the application that will require the involvement of additional review authorities, see Figure 104-3. D. for an overview of roles each review authority has in the application review process. Following are some basic rules as to how applications are routed to the appropriate authorities.

      1) If the property owner desires to undertake a development proposal involving a rezoning that is not consistent with the Comprehensive Plan Future Development Map, a Comprehensive Plan Amendment must first be approved through Legislative Review
      2) If the application is for a project that qualifies as a Development of Regional Impact (DRI) and is the first request for City action or is a revision to a previous DRI the proposal must be transmitted to the Atlanta Regional Commission for review, refer to Section 104-4 D. Developments of Regional Impact for details and procedures.
      3) If the subject property in the application is not appropriately zoned, improvements to uses on the property are limited by the grandfathered use provisions of the UDO (see Sec. 206-1) or a request for

rezoning or approval of a Special Use must be approved prior to development or construction through Legislative Review.

4) If the applicant is seeking a certificate of appropriateness for a subject property within the historic district, or the possible removal or demolition of an historic structure, then the Architectural Review Board or Historic Preservation Commission will review the application, depending on the location of the property and the designated historic district is it located.
5) If the applicant is seeking a variance from the tree preservation provisions of this UDO or wishes to appeal an administrative decision concerning the removal of trees, then the Tree Preservation Board will review the application.
6) If the approval of the application will result in an alteration to an existing building façade, the installation of solar panels, or involves the construction of new buildings, then the Architectural Review Board will review the application.
7) If the application is for an appeal of an administrative decision, then the application will need to be routed for Quasi-Judicial Review.

2. Application Submittal
   a. All applications must be filed with the Community Development Department and must be submitted on forms and in such numbers as required by the Community Development Director.
   b. Application forms can be obtained from the Community Development Department offices and on the city website, and each form lists the information that must be submitted with the application.
   c. Fees

      1) Application fees have been established by the Mayor and City Council and are listed on an official fee schedule kept on file by the Community Development Department and available on the city website.
      2) Before review of an application, all application fees must be paid in full.

   d. Completeness Determination

      1) All applications must be complete before they can be filed and processed by the City.
      2) An application is considered complete when it contains all of the information necessary to decide whether or not the application will comply with all of the applicable requirements of the UDO.
      3) The presumption is that all the information listed as required on the City's application forms is necessary to satisfy the requirements of this UDO. However, it is recognized that each application is unique, and more or revised information may be required according to the specifics of an application. The applicant may rely on the Community Development Director to determine whether more or revised information must be submitted after application intake.
      4) No application will be considered complete if it fails to meet the requirements of Sec. 104-5 D. Lapse of Time Requirement for Reapplication and will not be accepted.

3. Application intake and initial administrative review

   a. Complete applications must be submitted in accordance with the published application schedule. Application schedules indicating submittal dates are developed each year and made available on-line on the City's website and to the public at the Community Development offices.

b. In reviewing an application, the UDO Administrator may determine that some of the application materials need to be revised or additional information is needed to determine if the application is in compliance with city land use policies and the provisions of the UDO and will inform the applicant of these additional application requirements.
c. Once an application has been filed, the UDO Administrator will assign a case number and review the application and attached information and determine what review authorities will initially examine it. The UDO Administrator will confirm with the applicant the proposed schedule for related upcoming meetings and hearings. Refer to the appropriate sections of this Article for procedures pertinent to each type of application.

4. Revised Application Materials
   a. All revised application materials must be submitted to the Community Development Department which will route the materials to the appropriate review bodies.
   b. No revised plans may be sent directly to any of the Boards or Commission described in Article III of this Chapter, or the Mayor or City Council by an applicant.
   c. No revised application materials, either hard copy or electronic, may be submitted to the Community Development Department less than 12 days prior to a scheduled public meeting or public hearing.

5. Withdrawal of an Application
   a. Any application may be withdrawn at any time at the discretion of the applicant by providing written notice to the Community Development Director.
   b. No portion of a required application fee will be refunded on any application withdrawn.
   c. For applications for Legislative Review, if a public hearing has been held by the Mayor and City Council, the withdrawn application will be announced at the hearing, and the application is subject to a refiling delay, as required in Sec. 104-6 D. Lapse of Time Requirement for Reapplication.
   d. For applications for Legislative Review, if a public hearing has not been held by the Mayor and City Council, the withdrawn application is not subject to the refiling delay in Sec. 104-5 D. Lapse of Time Requirement for Reapplication. But an application for Legislative Review affecting the same or any portion of property may not be refiled, except upon initiation of Mayor and City Council, for a period of at least 180 calendar days

6. Notice

   a. Within five business days after a decision is made, a copy of the decision must be sent to the applicant by the Community Development Director. In the case of permit issuance, the permit constitutes written notice of the decision.
   b. A record of the action taken on each application will be kept on file in the offices of the Community Development Department and each record of action is a matter of public record.

C. Public Notice Requirements

1. The notice requirements for each type of application are prescribed in the individual subsections of this Article.
2. When a public notice of a hearing is required, the fact that the notice is not received due to an error that was not the fault of the City does not prevent the public hearing from happening, change any decision made at the public hearing, or prevent the application from continuing to move forward through the review process.

3. There are three basic types of public notice:

    a. **Published Notice.** Where published notice is required, notice of the public hearing must be published by the Community Development Director at least once in a newspaper of general circulation within the City at least 15 calendar days, but not more than 45 calendar days, prior to the date of the public hearing, or meeting.
    b. **Mailed Notice**. Where a mailed notice is required, the City will notify by United States mail all owners of property included in the proposed application and all owners of abutting properties unless otherwise required elsewhere in the UDO, as shown on the Gwinnett County tax records. Notice must be mailed at least 15 calendar days, but not more than 45 calendar days, prior to the date of the public hearing or meeting.
    c. **Posted Notice (Signage)**. Where posted notice is required, a sign must be placed in a conspicuous location on the property. In the case of multiple parcels, sufficient signs must be posted to provide reasonable notice to interested persons. Signs must be posted by the Community Development Department as per specifications approved by the City Council at least 15 calendar days prior to the date of the public hearing, or meeting, and will be removed by the Community Development Department within three days of the date of final action by the City Council. By filing an application for a review process that requires placement of a sign, the property owner and applicant are deemed to have given the Community Development Department license to enter onto the subject properties for the placement, replacement, maintenance and removal of all necessary signs.

4. **Content of Notice**. Required notice of a public hearing must provide at least the following:

    a. A case number;
    b. The address of the subject property (if available);
    c. The general location of the land that is subject of the application, which may include a location map;
    d. A description of the action requested and the purpose of the hearing or meeting;
    e. In the case of a proposed zoning map amendment (rezoning), the present zoning classification of the subject property and the proposed zoning classification of the subject property;
    f. The time, date and place of the public hearing or meeting; and
    g. A phone number to contact the Community Development Department.

5. The notice requirements for certain types of public hearings are established in the Table 104-4. C.

Table 104-4. C.

Type of Public Hearing	Published	Mail	Posted (Sign)
Amendments to the Comprehensive Plan or the text of the UDO	Yes	No	No
Appeals to Administrative Decision[1]	Yes	No	No
Building Permit or Land Disturbance Permit	No	No	No
Commercial Filming Permit[2]	No	No	Yes
Final Plat, Major	No	No	No
Rezoning < 25 Parcels	Yes	No	Yes
Rezoning 25 or More Parcels	Yes	No	Yes
Special Use Permit	Yes	No	Yes
Stream Buffer Variance	Yes	No	Yes
Historic Structure Removal or Demolition[3]	Yes	Yes	Yes
Zoning Variance	Yes	No	Yes

Notes:

1. Includes Board of Appeals hearings
2. Commercial filming permit - A minimum notice of three days must be delivered to all businesses and residences in the within 300 feet of the subject property boundary of the proposed filming site. The notice may be given by mobile illuminated signs, leaflets, mailed notice, by temporary signage in the public right-of-way or any other means designed to effectuate the notice requirements of this subsection. The method of giving such notice shall be subject to the approval of the Community Development Director.
3. Includes Architectural Review Board and/or Historic Preservation Commission hearings, if appropriate.

D. Developments of Regional Impact.

1. Types of approvals covered.

   The provisions of this section apply to any type of governmental action requested by a private party related to a development project, such as a rezoning or Special Use approval, special exception or variance approval, and issuance of a permit.

2. Thresholds for regional review.

   Any development project for which any governmental action is requested that meets or exceeds any of the thresholds established by the Atlanta Regional Commission (ARC), as determined by the Community Development Director, shall be considered a Development of Regional Impact (DRI).

3. Process for DRI review.

   a. First request for project approval.

      1) Upon receipt by any City department of the first application for governmental action that meets or exceeds the thresholds for a development of regional impact (DRI), no further processing of the application shall proceed until the DRI process is completed. Such applicant is to be referred to the Community Development Director.
      2) The applicant will be notified by the Community Development Director that the project meets or exceeds the DRI thresholds and will be required to submit additional information about the project using forms available from the Georgia Department of Community Affairs (DCA).

3) The Community Development Director, on behalf of the applicant, will submit an "initial DRI information" form simultaneously to the Atlanta Regional Commission (ARC), DCA and the State Road and Toll Authority (SRTA) or its successors responsible for regional transportation.
4) Upon notification from ARC that the project is in fact a DRI, a pre-application conference will be scheduled by ARC. Attendance at the conference by the applicant or the applicant's representative is mandatory.
5) The applicant shall submit to the Community Development Director such additional information as determined at the pre-review meeting. The Community Development will then submit such additional information along with the "DRI review initiation request" to ARC and GRTA, along with a "GRTA DRI review package" in accordance with the Technical Guidelines adopted by GRTA, to begin the formal review process. Additional information may be required of the applicant if ARC or GRTA determine that the DRI review request is incomplete.
6) Coordination and resolution.

    a) If ARC determines that adverse interjurisdictional impacts, conflicts or other impacts on a Regionally Important Resource (as identified by DCA) will result from the project, the applicant shall participate in discussions with ARC to resolve such issues. Actions or conflicts related to DRIs are subject to mediation under the Georgia Planning Act (O.C.G.A. § 50-8-7.1(d)).
    b) If GRTA determines that the project does not comply with GRTA's criteria for DRI review, the applicant shall cooperate with GRTA in the resolution of such determination, which may include GRTA's formal process for appeals.

7) All DRIs shall proceed through review in accordance with the rules and regulations for developments of regional impact adopted by the Georgia Department of Community Affairs, and the procedures and principles for DRI review adopted by the Georgia Regional Transportation Authority. Nothing in this Code shall be deemed to have modified such rules and procedures in any way.

b. Subsequent requests for project approval.

Once the development project has been reviewed by ARC and GRTA and the first governmental action has been granted, no further reviews by ARC or GRTA of subsequent governmental actions need to be reviewed by ARC and GRTA unless the project is significantly or materially revised.

c. Final action by the City.

1) Approval of the first request for governmental action by the City shall not be made on a Development of Regional Impact until final determinations by ARC and GRTA have been received by the City.
2) Upon completion of the DRI process and receipt by the City of final determinations by ARC and GRTA, processing of the application for governmental action may proceed. Such findings by ARC and GRTA shall accompany the application and action shall be required by the City Council following the adopted procedural provisions of DCA and GRTA regarding DRI reviews prior to approval of such application.

Sec. 104-5. Legislative Review

A. Applicability.

The following requirements apply to processing of all applications that are subject to Legislative Review and action by the Mayor and City Council. These applications include requests for the following:

1. **Text Amendment**. A request to amend the text of this UDO or to amend the text or maps of Comprehensive Plan.
2. **Zoning Map Amendments (Rezonings).** A request to amend the Official Zoning Map from one zoning district to another, or to change the boundaries of an existing zoning district.
3. **Concurrent Variance.** A concurrent request for a variance with a zoning map amendment.
4. **Final Major Subdivision Plat.** A request to approve a major subdivision final plat and acceptance of related public improvements.
5. **Special Exceptions.** A request to approve a use, site configuration, or construction method that is not currently covered by the provisions of the UDO and cannot be remedied by the granting of a special use permit or variance.
6. **Annexations.** A request by a property owner to the City Council to have the property annexed into the city limits of Norcross and rezoned to a zoning classification comparable to the zoning district of the property in unincorporated Gwinnett County.
7. **Concept Plan Approval**. A request for the review and approval of the concept plan as a part of the subdivision process.
8. **Demolition Permit in National Historic District**. A request to approve a permit for demolition of a nationally designated historic structure by the Architectural Review Board.
9. **Demolition Permit in Local Historic District**. A request to approve a permit for demolition of a locally designated historic structure by the Historic Preservation Board.
10. **Planned Development Approval**. A request for review and approval by the Architectural Review Board, Planning and Zoning Board and Mayor and City Council for a development utilizing the planned development process.
11. **Stream Buffer Variance**. A request for review and approval by the Mayor and City Council for a variance to the stream buffer regulations.
12. **Telecommunications Permit.** A request for review and approval by the Mayor and City Council for a telecommunications permit.

B. Initiation of a Legislative Review.

Legislative Review Applications may be initiated by (1) resolution of the Mayor and City Council, (2) by motion of the Planning and Zoning Board, or (3) by petition of any property owner addressed to the Mayor and City Council by means of application. In the case of a petition of any property owner, such petition shall be submitted by the owner of record of said property, the owner's agent or by a contract purchaser with the owner's written consent.

C. Legislative Review Application Requirements

1. Before submitting a legislative review application, the applicant must schedule a pre-application conference with the Zoning Administrator to discuss the procedures, standards and regulations required for approval.
2. The Zoning Administrator will maintain a record of the pre-application conference to document the time and date of the conference, contact information of the applicant, a list of those in attendance, a summary of the request, and any information provided to the applicant.

3. Following the pre-application conference, the applicant may submit a complete application form and proposed site plan, along with the required fees to the Community Development Department.
4. General submittal requirements for all applications are listed in Section 104-4.
5. *Plans and Other Documents Showing Proposed Use and Impact Required*.

    a. Concept Plan. An application for an amendment to the Official Zoning Map shall be accompanied by a concept plan at scale and such other surveys, plans, elevations or additional information as the Community Development Director and this UDO may require, showing the proposed development and its impact on natural and built systems. Additional information deemed necessary by the Community Development Director to evaluate a proposed use and its relationship to the surrounding area shall be submitted on the plans, including but not limited to square footage of the structure, number of parking spaces, days of operation, and number of employees. The information required to be shown on a concept plan is described in Article V, Sec 105-2.
    b. Additional studies may also be required by the Community Development Director if it is determined that the proposed development may have significant impact on the surrounding community, such studies may include without limitation traffic studies, lighting plans, environmental analyses, utility studies, and drainage studies.
    c. Other required information.

        The following information must be included:

        1) A description of the extent to which the property value of the subject property is diminished by the existing zoning district classification;
        2) The existing value of the property contained in the application for rezoning under the existing zoning classification;
        3) The value of the property contained in the application for rezoning under the proposed zoning classification;
        4) A description of any existing use of the property, including a description of all structures presently occupying the property;
        5) The length of time the property has been vacant or unused as currently zoned; and
        6) A detailed description of all efforts taken by the property owners to use the property or sell the property under the existing zoning classification.

6. *Standards Analysis*: If a proposed amendment is for the rezoning of property or is for a comprehensive plan amendment, then a standards analysis must be conducted in which:

    a. The applicant is required to file, with its application for amendment, a written, documented analysis of the impact of the proposed amendment with respect to each of the standards enumerated in Section 103-11. Such a proposal and analysis shall be a public record.
    b. The Community Development Department shall, with respect to each such proposal, investigate and make a recommendation with respect to each of the standards enumerated in Section 103-11. The Community Development Department shall make a written record of its investigation and recommendations, and this record shall be a public record.

7. Additional information required of Concurrent Variance applications:

   An applicant of a Concurrent Variance must prove to the Mayor and City Council that the proposed development will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the UDO will, in an individual case, result in unnecessary hardship, so that the spirit of the UDO shall be observed, public safety and welfare secured, and substantial justice done. The applicant is required to file, with its application for amendment, a written, documented analysis of the impact of the proposed variance with respect to each of the standards enumerated in Section 103-11. D. as applicable. Such a proposal and analysis shall be a public record.

8. Withdrawal of Application.

   a. Once a Legislative Review Application has been made, the applicant may withdraw such application without prejudice only within 10 days of the first public hearing ("official withdrawal deadline").
   b. An application may not be withdrawn by an applicant or property owner under any circumstance after the official withdrawal deadline. Once past the official withdrawal deadline, all applications shall be considered by the Mayor and City Council or Zoning Board of Appeals, as appropriate, and shall receive final action.

D. Lapse of Time Requirement for Reapplication

No application or reapplication for any zoning map amendment affecting the same land or any portion thereof shall be acted upon or otherwise considered by the city within 12 months from the date of last action by the Mayor and City Council that defeated a previous rezoning application unless such 12-month period is waived by the Mayor and City Council, and in no case may such an application or reapplication be considered in less than six months from the date of last action by the Mayor and City Council that defeated a previous rezoning application.

E. Legislative Review Public Hearing Requirements

1. Legislative review first requires a public hearing in front of the Planning and Zoning Board, then a public hearing before the Mayor and City Council. Notice requirements for public hearings are specified in Section 104-4.
2. Each public hearing will be conducted in accordance with the Georgia Open Meetings Law (O.C.G.A. § 50-14-1 et seq.) and O.C.G.A. § 36-66-1 et seq. At all hearings on proposed zoning decisions, the presiding officer shall allow a minimum of 10 minutes for the presentation of data, evidence, and opinion by proponents of each zoning decision, and a minimum of 10 minutes for the presentation of data, evidence, and opinion by opponents of each proposed zoning decision.
3. In cases involving extraordinary economic development opportunities for the community, the Mayor and City Council may pass a motion to hold a joint public hearing with the Planning and Zoning Board and any other required review boards or committees to expedite the review process.

F. Required Planning and Zoning Board Review

1. No amendment to the UDO (including the Official Zoning Map) or to the comprehensive plan text or map shall become effective unless it has been proposed by or first been submitted to the Planning and Zoning Board for review and recommendation.
2. If the Planning and Zoning Board fails to submit a report to the City Council within 30 days of its first meeting after it has received an amendment request complete in all respects, it shall be deemed to have given a

recommendation of "no comment" on the proposed amendment. However, the Planning and Zoning Board and the applicant for an amendment may jointly agree to an extension of the 30-day period.

3. The Planning and Zoning Board shall, with respect to each request for a Text Amendment or Rezoning, will investigate and make a recommendation with respect to each of the standards enumerated in Section 103-11. A., B. or C., as applicable. The Planning and Zoning Board shall make a written record of its investigation and recommendations, and this record shall be a public record.

G. Rules of procedure; meetings; minutes, records for Public Hearings

The Planning and Zoning Board and the Mayor and City Council will utilize the policies and rules of procedure to govern the calling and conducting their hearings as described in Article III, Sec. 103-3.

H. Limitation on Permits related to Zoning Map Amendments

Once a zoning map amendment is initiated by the Mayor and City Council, no application for a clearing, grubbing, grading, septic tank, building, development or other similar permit, and no application for a Variance or Special Use Permit for the affected property shall be accepted for processing or acted upon until final action is taken by the Mayor and City Council on the proposed map amendment. Provided, however, that if the Mayor and City Council do not take final action on the proposed map amendment within six months from the date of initiation, such other additional applications shall again be accepted and reviewed pursuant to existing zoning. And, further provided that such other additional applications shall be accepted during the map amendment process if the use or activity in the other additional application is authorized under the same conditions in both the existing and proposed zoning district.

I. Consistency with comprehensive plan character areas

Any applicant seeking to rezone property to a classification that is inconsistent with the adopted Comprehensive Plan must first obtain approval of an amendment to the Comprehensive Plan from the Mayor and City Council. The comprehensive plan shall be routinely reviewed and possibly amended according to a set schedule approved by the Mayor and City Council. However, exceptions may be granted by the Mayor and City Council in between the regular review cycle in cases of demonstrated hardship, or in cases of developments that may provide extraordinary benefits to the community. Requests for exceptions shall be subject to approval by Mayor and City Council during a Mayor and City Council meeting.

J. Standards Governing Legislative Review

See Article III, Sec 103-11 for the standards governing legislative review.

K. Annexations initiated by petition of the property owner

1. Pursuant to O.C.G.A. § 36-66-4(d), the city will process an annexation request in conjunction with a rezoning request and will complete all rezoning procedures before taking action on the annexation except for the final vote, including zoning hearing prior to adoption of the annexation.
2. The rezoning request will not begin until after the city has given notice to the County of the proposed annexation and all other notices as required by state law.
3. The rezoning request will be for a use consistent or less intense than that granted to the property by the county.
4. The rezoning of an annexed parcel will remain in effect for at least one year after the effective date of the annexation. No rezoning request for the annexed property will be accepted during this period.

L. Change in Conditions of an approved Rezoning

Requests to change the conditions of an approved rezoning shall be subject to the same application, review and approval process as a new application, including the payment of relevant fees.

M. Actions to be Taken if Plans are not Implemented within Specified Time Limits

1. For any zoning map amendment for which the Mayor and City Council or the Planning and Zoning Board is not the applicant, and upon which property no development permit, building permit, or certificate of occupancy has been issued within 12 months of the date of approval of said amendment, the Mayor and City Council may review the zoning district classification of the property or special use permit and determine whether it shall be continued or initiated for rezoning.
2. Such properties shall first be reviewed by the Planning and Zoning Board, which shall make such findings and recommendations to the Mayor and City Council as it deems appropriate, and the final decision on a rezoning shall be made by Mayor and City Council.
3. The procedure to be followed for the rezoning of such properties described in this subsection shall be the same as other rezoning initiated by the Planning and Zoning Board or the Mayor and City Council, and notice of such application, shall be given to the property owner of record and to the applicant of the original rezoning.

N. Limitation on accepting applications after a Denied Decision

Except as otherwise provided in the UDO, no application for Legislative Review affecting the same or any portion of property that was denied by the City Council will be accepted for filing within 12 months of the date the application was denied.

O. Planned Development Approval

Proposed developments in the PRD district go through a three-fold review process with architectural renderings to be presented first to the ARB, then on to P&Z, and finally to the M&CC for approval. Sketch plans must meet the requirements of Section 105-2.

P. Special Exceptions Requiring UDO Amendment

The approval of a special exception application by the Mayor and City Council will require a text amendment to the UDO that may be heard at the same time as the Special Exception Hearing or within 6 months of the approval, after study and consideration by city officials.

Sec. 104-6. Quasi-Judicial Review

A. Applicability

The following requirements apply to all applications that are subject to a Quasi-Judicial Review, including appeals of decisions made by the Community Development Director, decisions on special use permits, or the seeking of variances from the provisions of the UDO. These include appeals and variance requests made to the Zoning Board of Appeals, and the Tree Preservation Board, referred to in this section as Appellate Boards, requests for special use permits made to the City Council, and Certificates of Appropriateness made to the HPC and ARB.

B. Burden of Proof in Appeals and Variances

1. Requirements.

   It shall be the responsibility of an applicant seeking an appeal or a variance to present facts and evidence to explain how the proposed appeal or variance is consistent with the general spirit and intent of the applicable code, and how the request conforms to the standards of review in the UDO.

2. Review.

   It is the duty of the appellate board to review such facts and evidence in light of the general spirit and intent of pertinent code to balance the public health, safety, morality and general welfare against the injury to a specific applicant that would result from the strict application of the provisions of the code on the applicant's property, and to determine whether the request conforms to the standards of the review in the UDO.

C. Appeals to an Appellate Board

1. Appeals to an appellate board may be taken by any person aggrieved or adversely affected, or by any official of the City affected by any decision of the Community Development Director.

   a. Such appeal shall be taken within 30 days after the decision appealed from by filing with the Community Development Director and with the City Clerk a Notice of Appeal specifying the grounds thereof.
   b. The Director shall forthwith transmit to the appropriate appellate board all the papers constituting the record upon which the action appealed from was taken.

2. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Community Development Director certifies to the appellate board that, by reason of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property. In such a case, proceedings shall not be stayed other than by the appellate board or by a restraining order granted by a court of record on application and notice to the Community Development Director for good cause shown.
3. The appellate board shall meet upon notice from the chairperson, within 10 business days of the filing of an appeal. Failure to hold a hearing related to any appeal within 10 days of filing of the appeal shall result in a de facto approval of the applicant's appeal request at the next regularly scheduled appellate board meeting.

D. Standards for design review and Certificates of Appropriateness

1. The City of Norcross Architectural and Site Design Standards, or as amended, incorporates the standards used by the Community Development Department, the ARB and the HPC in in reviewing site or construction plans for issuance of a Certificate of Appropriateness.
2. Design review for any development within the BH Zoning district is considered minor and reviewed Administratively as an incentive for redevelopment. The Director can refer a design plan to the ARB at their discretion if the plan does not meet the intent of the city's Architectural Design Guidelines.

E. Process for obtaining a certificate of appropriateness in the Local Historic District

1. **Approval of material change in appearance in historic districts or involving historic properties.** After the designation by ordinance of a historic property of a historic district, no material change in the appearance of such historic property, or of a contributing or non-contributing building, structure, site or object within such historic

district, shall be made or be permitted to be made by the owner or occupant thereof, unless or until the application for a certificate of appropriateness has been submitted to and approved by the HPC. A building permit shall not be issued without a certificate of appropriateness. The HPC shall not approve applications for demolition without reviewing at the same time post-demolition plans. The HPC shall have exclusive jurisdiction to issue or to deny an application for a certificate of appropriateness within the historic district and over any designated historic property. The ARB shall not have any jurisdiction within the local historic district.

2. **Submission of plans to HPC**. An application for a certificate of appropriateness shall be accompanied by such drawings, photographs, plans and documentation as may be required by the HPC. The Historic Preservation HPC shall not require that the plans and specifications be prepared by professionals, but only that such documentation be prepared in such a way as to be easily understood by the HPC members.
3. **Interior alterations**. In its review of applications for certificates of appropriateness, the HPC shall not consider interior arrangement or use having no effect on exterior architectural features.
4. **Technical advice**. The HPC shall have the power to seek technical advice from outside its members on any application.
5. **Public hearings on applications for certificates of appropriateness, notices, and right to be heard** The HPC shall hold a public hearing at which each proposed certificate of appropriateness is discussed. Notice of the hearing shall be published in the principal newspaper of local circulation in the city and written notice of the hearing shall be mailed by the HPC to all owners and occupants of the subject property. The written and published notice shall be provided in the same manner and time frame as notices are provided before a public hearing for rezoning.

   The HPC shall give the property owner and/or applicant an opportunity to be heard at the certificate of appropriateness hearing.

6. **Acceptable HPC reaction to applications for certificate of appropriateness** HPC action: The HPC may approve the certificate of appropriateness as proposed, approve the certificate of appropriateness with any modifications it deems necessary, or reject it.

   a. The HPC shall approve the application and issue a certificate of appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district. In making this determination, the HPC shall consider, in addition to any other pertinent factors, the following criteria for each of the following acts:

      1) Reconstruction, alteration, new construction or renovation. The HPC shall issue certificates of appropriateness for the above proposed actions if those actions conform in design, scale, building materials, setback and site features, and to the Secretary of Interior's standards for rehabilitation and guidelines for rehabilitating historic buildings.
      2) Relocation. A decision by the HPC approving or denying a certificate of appropriateness for the relocation of a building, structure, or object shall be guided by:

         a) The historic character and aesthetic interest the building, structure or object contributes to its present setting.

b) Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be.
c) Whether the building, structure or object can be moved without significant damage to its physical integrity.
d) Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site or object.

3) Demolition. A decision by the HPC approving or denying a certificate of appropriateness for the demolition of buildings, structures, sites, judged to be 50 years old or older, or objects shall be guided by:

a) The historic, scenic or architectural significance of the building, structure, site, or object.
b) The importance of the building, structure, site, or object to the ambiance of a district.
c) The difficulty or the impossibility of reproducing such a building, structure, site, object because of its design, texture, material, detail, or unique location.
d) Whether the building, structure, site, object is one of the last remaining examples of its kind in the neighborhood or the city.
e) Whether there are definite plans for use of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be.
f) Whether reasonable measures can be taken to save the building, structure, site, or object from collapse.
g) Whether the building, structure, site, or object is capable of earning reasonable economic return on its value.

7. **Undue hardship**. When, by reason of unusual circumstances, the strict application of any provision of this chapter would result in the exceptional practical difficulty or undue economic hardship upon any owner of a specific property, the HPC, in passing upon applications, shall have the power to vary or modify strict provisions, so as to relieve such difficulty or hardship; provided such variances, modifications interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity, or character of the property, shall be conserved and substantial justice done. In granting variances, the HPC may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this chapter. An undue hardship shall not be a situation of the person's own making.
8. **Deadline for approval or rejection of application for certificate of appropriateness**.

a. The HPC shall approve or reject an application for a certificate of appropriateness within 45 days after the filing thereof by the owner or occupant of a historic property, or of a building structure, site, or object located within a historic district. Evidence of approval shall be by a certificate of appropriateness issued by the HPC. Notice of the issuance or denial of a certificate of appropriateness shall be sent by United States mail to the applicant and all other persons who have requested such notice in writing filed with the HPC.
b. Failure of the HPC to act within said 45 days shall constitute approval, and no other evidence of approval shall be needed.

9. **Necessary action to be taken by HPC upon rejection of application for certificate of appropriateness.**

    a. In the event the HPC rejects an application, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons, in writing, to the applicant. The HPC may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application at any time after doing so.
    b. In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a certificate of appropriateness by the HPC shall be binding upon the building inspector or other administrative officer charged with issuing building permits and, in such a case, no building permit shall be issued.

10. **Requirement of conformance with certificate of appropriateness**

    a. All work performed pursuant to an issued certificate of appropriateness shall conform to the requirements of such certificate. In the event work is performed not in accordance with such certificate, the HPC shall issue a cease and desist order and all work shall cease.
    b. The HPC and the Norcross City Council shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property or historic district, except those changes made in compliance with the provisions of this chapter or to prevent any illegal act or conduct with respect to such historic property or historic district.

11. **Certificate of appropriateness void if construction not commenced**. A certificate of appropriateness shall become void unless construction is commenced, or progress is made toward construction, within six months of date of issuance. A certificate of appropriateness shall be issued for a period of 12 months and is renewable.
12. **Recording an application for certificate of appropriateness.** The HPC shall keep a public record of all applications for certificates of appropriateness, and or all the HPC's proceedings in connection with said application.
13. **Acquisition of property**. The HPC may, where such action is authorized by the Norcross City Council and is reasonably necessary or appropriate for the preservation of a unique historic property, enter into negotiations with the owner for the acquisition by gift, purchase, exchange, or otherwise, to the property or any interest therein.
14. **Appeals.** Any person adversely affected by any determination made by the HPC relative to the issuance or denial of a certificate of appropriateness my appeal such determination to the Norcross City Council. Any such appeal must be filed with the Norcross City Council within 15 days after the issuance of the determination pursuant to subsection 104-6. E. 8. a. or, in the case of a failure of the HPC to act, within 15 days of the expiration of the 45-day period allowed for the HPC action, subsection 104-6. E. 8. b. Appeals for properties within the City of Norcross shall be made to the Norcross City Council. The Norcross City Council may approve, modify, or reject the determination made by the HPC, if the governing body finds that the HPC abused its discretion in reaching its decision. Appeals from decisions of the Norcross City Council may be taken to the Superior Court of Gwinnett County in the manner provided by law for appeals from conviction for the City of Norcross ordinance violations.

F. Process for obtaining a certificate of appropriateness outside the local Historic District

The process for obtaining a certificate of appropriateness from the ARB is provided in the *City of Norcross Architectural and Site Design Standards*, or as amended.

G. Rules of procedure; meetings; minutes, records for a Special Use Permit

The Planning and Zoning Board and the Mayor and City Council will utilize the policies and rules of procedure to govern the calling and conducting their hearings as described in Article III, Sec. 103-3.

H. Development of an Approved Special Use Permit

1. The issuance of a Special Use Permit shall only constitute approval of the proposed use, and development of the use shall not be carried out until the applicant has secured all other permits and approvals required. The Community Development Department shall not issue a Certificate of Occupancy for the specific use unless all requirements and conditions of the Special Use Permit have been fulfilled by the owner of the property.
2. If an application is approved and a Special Use Permit is granted, all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property shall be in accordance with the approved plan and conditions. Once established, the special use shall be in continuous operation. Upon discovery that the operation of the special use has or had ceased for a period of 90 days or more and the owner of the property has not requested voluntary termination of the Special Use Permit, the Community Development Director may forward a report to the Mayor and City Council through the Planning and Zoning Board which may recommend that action be taken to terminate the Special Use Permit from the property.

I. Compliance with Special Use Permit Requirements

1. The Community Development Director shall have the right to periodically examine the operation of the specific use to determine compliance with the requirements and any conditions of a Special Use Permit.
2. If the Community Development Director determines that the requirements and conditions are being violated, a written notice shall be issued by hand-delivery, by electronic mail with delivery and read receipts requested to the owner's e-mail address of record, or by certified mail return receipt requested to the owner of the property outlining the nature of the violation and giving the owner of the property a maximum of 10 days to come into compliance. If such notice is e-mailed or mailed to the owner, the notice shall be deemed to have been given upon the date of sending. The notice shall also state that the owner has the right to appeal the determination of the Community Development Director to the Zoning Board of Appeals.
3. If after 10 days the violations continue to exist, the Community Development Director shall forward a report to the Mayor and City Council through the Planning and Zoning Board, which report may recommend that action be taken to remove or terminate the Special Use Permit from the property, or to exercise all other rights of enforcement permitted by law. The Mayor and City Council may stay their proceedings on such a report from the Director pending resolution of any timely appeal to the Zoning Board of Appeals.

J. Special Use Permits in Residential Districts

An approved Special Use Permit in a residential zoning district where the proposed Special Use is proposed to operate in a dwelling or as an accessory use to a dwelling is subject to the following additional requirements:

1. The Special Use Permit shall be valid for no more than an initial two-year period. Upon or before the expiration of the Special Use Permit, the owner shall make application to renew the Special Use Permit if continuance is desired. As part of a Special Use Permit renewal, the Mayor and City Council may waive any subsequent time limitation.
2. The special use shall operate within the dwelling on the property or, if approved by the Mayor and City Council, in an accessory structure.
3. The exterior character of the dwelling shall be preserved in its residential state and there shall be no outside evidence of the operation of the special use to the neighborhood, except for any accessory structure approved by the Mayor and City Council.
4. The owner of the property or business shall occupy the property and shall operate any business associated with the special use.

K. Variances to the Zoning Board of Appeals

1. Authority.
2. Unless otherwise provided for in the UDO, the ZBA shall have authority to grant variances from the requirements of the UDO, in accordance with the standards and procedures as set forth in this Section. Purpose.

   The purpose of a variance is to provide a mechanism when, owing to special conditions, the strict application of the UDO would impose on a landowner exceptional and undue hardship that can be mitigated without conferring on the applicant special privilege.

3. Initiation.

   A written petition for a variance is to be initiated by the owner(s) of the subject property or the authorized agent(s) of the owner(s) of the property for which relief is sought. Applications shall be filed on forms provided by the Community Development Department and shall not be considered accepted unless complete in every respect. Application fees shall be as established by the Mayor and City Council.

4. Application Procedures.

   An application for a variance shall be filed with the Community Development Department, accompanied by a non-refundable fee, as established from time to time by the Mayor and City Council, to defray the actual cost of processing the application. The application shall be in such form and shall contain at a minimum the following information and documentation:

   a. Name, address, telephone number, fax number and email address of owner(s) and applicant, if not owner.
   b. Legal description, street address, lot number and subdivision name, if any, of the property that is the subject of the application.
   c. A survey, as completed by a Surveyor registered in the State of Georgia, accurately depicting the boundaries of the site.
   d. The size of the subject property.
   e. The purpose for the requested variance, and a statement of the intended development of the property if the variance is granted.
   f. The specific provision of the UDO from which a variance is requested.

g. A statement explaining how the proposed variance is consistent with the general spirit and intent of the Zoning Ordinance and Comprehensive Plan.
h. A statement addressing the applicable standards for a variance from Sec. 103-11. D.

5. Staff Report.

   The staff of the Community Development Department shall conduct a site inspection and shall prepare an analysis of each application for variance. The staff report shall be presented in written form to the Zoning Board prior to the scheduled hearing date.

6. Public Hearing Procedures and Standards.

   a. Before the Zoning Board of Appeals acts upon an application for a Variance, it shall hold a public hearing under the procedures and standards of Chapter 100, Article III, Review Authority
   b. The notice of the time and place of such hearing shall be published at least 15 days, but not more than 45 calendar days, prior to the hearing in a newspaper of general circulation within the territorial boundaries of the City of Norcross. At the hearing any party may appear in person or by agent or attorney.
   c. In addition, the Community Development Department shall at least 15 days prior to the hearing erect in a conspicuous place on the property involved a sign which shall contain information as to the Variance applied for and the time and place of hearing and all other information required by this UDO.

L. Decisions of an Appellate board

1. All appeal hearings and decisions shall be made in a public meeting, as mandated under state law, and following the procedures, standards and provisions of Chapter 100, Article III, Review Authorities.
2. All decisions of an appellate board shall be furnished in writing to the applicant and to the Community Development Director within three days of a final action.
3. The Community Development Director shall take immediate action in accordance with the decision of the appellate board.

Sec. 104-7. Administrative Review

The following requirements apply to all applications that can be approved by a UDO Administrator. Unless specified elsewhere in this section, the procedures for initiation, application, and review of an Administrative Review are included in the provisions of Sec 104-4. B. Common Application Requirements.

A. Administrative Variances

1. Power to grant administrative variances.

   The Director shall have the power to grant administrative variances (except for density and use variances) from the development standards as established in the UDO where, in his/her opinion, the intent of the UDO can be achieved, and equal performance obtained by granting an administrative variance.

2. Limitations on administrative variances

   The authority to grant administrative variances shall be limited to variances from the following requirements:

   a. Front yard or yard adjacent to public street - variance not to exceed 10 feet.

b. Side yard - variance not to exceed five feet.
c. Rear yard - variance not to exceed 10 feet.
d. Accessory structure placement for lots without a rear yard.
e. Height - variance up to but not exceeding 10 feet, provided that no increase in the height for a sign or fence may be granted nor may the variance result in an increase in the number of stories than would otherwise be allowed under the applicable zoning district.
f. Buffers - the dimensions or screening treatment of a buffer as required by the UDO may be reduced by no more than 50 percent where the Comprehensive Plan recommends a more compatible land use on the neighboring property than that for which said property is actually zoned, or in other situations where the intent of the required buffer can be equally or otherwise achieved; provided, however, that no buffer required as a condition of a rezoning or of a grant of a Special Use Permit shall be modified.
g. Reduction in Parking spaces – As per the provisions of Section 203-10. Off-Street Automobile Parking and Loading
h. Demarcation of parking spaces - parking spaces may be left unmarked, provided all of the following conditions are present:

    1) The parking lot must be designated to serve only a multi-family residential project which is designed and intended for rental occupancy.
    2) The parking lots must be designed in relation to the internal circulation system such that the areas reserved for parking are easily identified and clearly distinct from the interior driveways because of their location, design, orientation, or configuration, such as in parking areas with a single interior driveway having parking spaces located perpendicular to and along the sides of the access driveway, allowing the curbing to delineate the exterior dimension of the single parking bay.
    3) Approval for the elimination of the striping has been obtained by the applicant in writing from the City Engineer.

3. Application Procedures.

    a. Application form and Documentation. The application for an administrative variance shall be in such a form and contain such information and documentation as shall be prescribed by the Community Development Department, but shall contain at least the following:

        1) Name and address of the applicant.
        2) Legal description of the subject property.
        3) Size of the subject property.
        4) A statement of the hardship imposed on the applicant by the Zoning Ordinance and a statement of why the administrative variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located.
        5) A notarized letter of consent for proposed administrative variance from adjoining property owners.
        6) A non-refundable application fee shall accompany the application, as established from time to time by the Mayor and City Council, to defray the actual cost of processing the application.
        7) A Site Plan drawn to the requirements of Chapter 100, Article V, Plan Submittal Requirements.

b. *Standards for Issuance of Administrative Variances.* In deciding whether to grant an application for an Administrative Variance, the Director of the Community Development Department shall consider all of the applicable standards provided in the UDO.

B. Building Permits

1. The Building Official shall have the authority to issue a building permit. See Chapter 300 for application review standards, building and construction regulations and related procedures.
2. *Permit application.* Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any utility (electrical, gas, mechanical, or plumbing) system, the installation of which is regulated by the technical codes, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit for the work.
3. *Exceptions.* Permits shall not be required for the following mechanical work:
   a. Any portable heating appliance;
   b. Any portable ventilation equipment;
   c. Any portable cooling unit;
   d. Any steam, hot or chilled water piping within any heating or cooling equipment regulated by this Code;
   e. Replacements of any part which does not alter its approval or make it unsafe;
   f. Any portable evaporative cooler;
   g. Any self-contained refrigeration system containing ten lbs. (4.45 kg) or less of refrigerant and actuated by motors of one horsepower (746W) or less.
4. *Work authorized.* A building or utility permit shall carry with it the right to construct or install the work, provided the same is described or depicted as required on the drawings and set forth in the specifications filed with the application for the permit. Where such work is not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required for each subsequent submission.
5. *Fees.* Permit and inspection fees and any other charges imposed or due under the various construction codes adopted by the City shall be as provided in a fee schedule, approved by the City Council, on file in the Community Development Department Office.
6. *Minor repairs and routine maintenance.* Ordinary minor repairs and routine maintenance may be made with the approval of the Building Official without a permit, provided that such repairs or maintenance shall not violate any of the provisions of the technical codes.
7. *Application Information required.* Each application for a permit, with the required fee, shall be filed with the Building Official on a form furnished for that purpose, and shall contain a general description of the proposed work and its location. The owner, or their authorized agent shall sign the application. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure, and shall contain such other information as may be required by the Building Official and the provisions of Chapter 300, including but not limited to construction drawings, as the requirements of Chapter 100, Article V, Plan Submittal Requirements.
8. *Time limitations on applications.* An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of the filing for the permit, unless before then a permit has been issued.

One or more extensions of time for periods of not more than 90 days each may be allowed by the Building Official for the application, provided the extension is requested in writing and justifiable cause is demonstrated.

9. *Subcontractors affidavits*. The city accepts electrical, plumbing, mechanical and low voltage affidavits from state licensed contractors subordinate to a building permit. The Building Official may require additional information as deemed necessary when accepting an affidavit.

C. Certificate of Appropriateness decisions for minor architectural modifications

1. The Community Development Director shall have the authority to grant administrative Certificate of Appropriateness approval for minor architectural modifications. The following types of changes and activities shall be considered minor and shall require administrative approval from the Director:

    a. Repainting of an existing building to a similar color.
    b. Revisions of window or door placement.
    c. The replacement of awnings or installation of new awnings when utilizing two colors or less.
    d. New construction of a new deck or modifications to an existing deck.
    e. Paint colors for existing and infill residential properties in the Norcross Architectural and Site Design Standards Manual.

2. The basis for approval or denial of a request for the granting of an administrative Certificate of Appropriateness approval for minor architectural modifications shall be whether the requested changes:
    a. Meet, or fail to meet, the requirements of the UDO;
    b. Are consistent, or inconsistent, with applicable design guidelines;
    c. Are consistent, or inconsistent, with the intents or purposes of this UDO; or
    d. Would result in a development that is architecturally appropriate.

    In deciding to approve or deny such an application, the Community Development Director shall consult the minutes of the ARB or HPC at which prior approval took place, if applicable. If the application is denied, the reasons for denial shall be provided in writing to the applicant along with a notice that the applicant may file an application for a Certificate of Appropriateness to the ARB or HPC, as appropriate, to accomplish the requested action if found otherwise to be in compliance with the UDO.

D. Certificate of Completion

Upon satisfactory completion of a building, structure, electrical, gas, mechanical or plumbing system, a certificate of completion may be issued by the Building Official. This certificate is proof that a structure or system is complete and, for certain types of permits, is released for use and may be connected to a utility system. This certificate does not grant authority to occupy or connect a building, such as a shell building, prior to the issuance of a certificate of occupancy.

E. Certificate of Occupancy (CO)

1. *Building occupancy.* A new building shall not be occupied, or a change made in the occupancy, nature or use of a building or part of a building until after the Building Official has issued a certificate of occupancy. Said certificate shall not be issued until all required electrical, gas, mechanical, plumbing and fire protection systems have been

inspected for compliance with the technical codes and other applicable laws and ordinances and released by the Building Official; refer to Chapter 300 for details.

2. A CO is issued at the completion of a building permit, and a separate application for a CO is not required in these situations. However, an application for a CO may be required for an existing building in some circumstances, see Sec. 104-7. F. Change of Occupancy Certificate or may be requested by an applicant. A certificate of occupancy for any existing building may be obtained by applying to the Building Official and supplying the information and data necessary to determine compliance with the technical codes for the occupancy intended. Where necessary, in the opinion of the Building Official, two sets of detailed drawings, or a general inspection, or both, may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of the technical codes and other applicable laws and ordinances for such occupancy, a certificate of occupancy shall be issued.
3. *Issuing certificate of occupancy*. Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical and plumbing systems in accordance with the technical codes, reviewed plans and specifications, and after the final inspection, the Building Official shall issue a CO stating the nature of the occupancy permitted.
4. *Occupancy limits.* Occupancy limits in other than residential buildings shall be determined by the county Fire Marshal.
5. *Temporary/partial occupancy.* A temporary/partial certificate of occupancy may be issued for a portion of a building, which may safely be occupied prior to final completion of the building. In most cases the county Fire Marshal's temporary certificate of occupancy will be honored.

F. Change of Occupancy certificate

1. A Change of Occupancy certificate is required for new businesses, business change of name, business change of location, as per the requirements of the International Building Code, Section 3408.1.
2. A Change of Occupancy certificate for any existing building may be obtained by applying to the Building Official and supplying the information and data necessary to determine compliance with the technical codes for the occupancy intended. Where necessary, in the opinion of the Building Official, two sets of detailed drawings, or a general inspection, or both, may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of the technical codes and other applicable laws and ordinances for such occupancy, a certificate of occupancy shall be issued.

G. Commercial Filming Permit

1. The Community Development Director is the commercial filming permit administrator, and all applications for commercial filming permits shall be submitted to the Community Development Office.
2. The City Manager may appoint one or more city employees to form a committee to review the applications and make recommendations to the Community Development Director.
3. The Community Development Director has authority to suspend or revoke any commercial filming permit for failure to strictly follow the requirements of Chapter 8, Article V – Commercial Filming Activity in the Code of Ordinances.
4. All application requirements and standards for review of commercial filming permits can be found in Chapter 8, Article V – Commercial Filming Activity in the Code of Ordinances.

H. Demolition Permit

1. It is unlawful to demolish any house, dwelling or similar structure formerly used for human habitation or any commercial, industrial or other structure formerly used in the conduct of any trade or business without a proper Demolition Permit.
2. Any violation of this section shall be a continuing violation and each day of the violation shall constitute a new offense.
3. The Building Official is the UDO Administrator responsible for issuing demolition permits, except for recognized historic buildings within the Norcross Historic Districts, and all applications shall be submitted to the Community Development Office, following the provisions of Chapter 300. (Currently Chapter 103, Article VII of the Norcross Zoning Ordinance.)
4. Demolition permits for recognized historic buildings within the Norcross Historic District, must first be reviewed by the HPC or the ARB, and then final decision is made by Mayor and City Council.

I. Development Permit

1. Development activities authorized

A development permit shall be required to authorize all activities associated with development activity regulated by this UDO, including, but not limited to, clearing and grubbing, grading and the construction of such improvements as streets, surface parking areas and drives, storm water drainage facilities, sidewalks, or other structures permanently placed on or in the property except for buildings, signs, or other structures requiring the issuance of a building permit.

2. Responsibility for development actions

a. No person shall conduct any of the land-disturbing activities identified in this subsection, including grading, clearing and grubbing, tree clearance, land development or project construction (as used in this subsection, "development") without first obtaining a development permit from the Community Development Department to perform such activity.
b. Any person proposing development shall first submit to the Community Development Department an application for a development permit, including all construction plans required by this UDO. The application must be authorized by the property owner.
c. The Community Development Department is responsible for administering the review and approval process for issuance of development permits. The Community Development Department shall forward a copy of the development permit application, including the construction plans for the project, to other City and County departments, the Soil and Water Conservation Commission District, the Georgia Department of Transportation or others as appropriate, for their review and comment. The Community Development Department shall provide all comments to the applicant for resolution and shall issue the development permit when all requirements of this UDO are met.
d. Approval of development plans by the appropriate department or agency shall not imply or transfer acceptance of responsibility for the application of the principles of engineering, architecture, landscape architecture or any other profession, from the professional, corporation or individual under whose hand or supervision the development plans were prepared.

e. The completion of inspections of a development and authorization for work continuation shall not transfer responsibility for the quality of the work performed or materials used from the owner, nor imply or transfer acceptance of responsibility for project design or engineering from the professional, corporation or individual under whose hand or supervision the development plans were prepared.

f. No development permit shall be interpreted to relieve any owner of the responsibility of maintaining full compliance with all applicable codes, ordinances and other regulations. Any development permit issued in error or in contradiction to the provisions of this UDO shall be considered to have been null and void upon its issuance.

g. Liability.

1) The approval of an erosion and sedimentation control plan or other plans under the provisions of this UDO, the issuance of a development permit, or the compliance with any other provisions of this UDO shall not relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the City Council for damage to any person or property.
2) The fact that any activity for which a development permit has been issued results in injury to the property of another shall neither constitute proof of, nor create a presumption of, a violation of the standards provided for in this UDO or the terms of the development permit.

3. Development Permit Application Requirements

a. The application for a development permit shall be submitted to the Community Development Department in a digital format (unless otherwise required by the city) and must include the following:

1) Application on the form furnished by the Community Development Department, requesting review for issuance of a development permit.
2) Three copies of:

a) The preliminary plat or site plan requesting or reflecting project approval by the Community Development Department.
b) The construction plans prepared in conformance with the specifications and standards in this UDO, Section 105-4.

3) Two copies of the hydrology study.
4) One copy of the soil tests (if applicable).
5) Payment of any development permit fee.

b. The application will be checked for completeness within five business days of its submission. Incomplete applications will be returned to the applicant.

c. Upon acceptance of a development permit application, the UDO Administrator shall:

1) Refer the soil erosion and sedimentation control plan to the Gwinnett County Department of Water Resources and the Soil & Water Conservation District for their review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan. No development permit will be issued unless the plan has been approved by the District and the Gwinnett County Department of Water Resources, and any variances and bonding, if required, have been obtained.

2) Refer the stormwater management plan and the floodplain management/flood damage prevention plan (if any) to the Gwinnett County Department of Water Resources for its review and approval or disapproval. No development permit will be issued unless the plans have been approved by the County Department of Water Resources.

d. The applicant may be required by the UDO Administrator to secure development approval from other agencies if they are affected by the development. Development approval may be required from but not limited to:

1) Fire Marshal.
2) County Health Department.
3) Georgia Department of Transportation.
4) Georgia Department of Natural Resources.
5) U.S. Army Corps of Engineers.
6) U.S. Environmental Protection Agency.

e. The applicant will be responsible for compliance with all codes, regulations and zoning requirements and for the satisfaction of all the comments received. The owner will also be responsible for obtaining approval from all other agencies affected by the project.
f. No development permit will be issued unless the applicant provides a statement by the County Tax Commissioner's office certifying that all ad valorem taxes levied against the property and due and owing have been paid.

4. Issuance of development permit

a. Following satisfaction of all comments, receipt of approvals from all affected agencies and receipt of all required bonds, the Community Development Department shall obtain signatures from all involved agencies on three (3) sets of plans and return the signed sets of plans to the engineer/surveyor. The engineer/surveyor shall then provide the Community Development Department with a digital copy of the plans including a scanned image of the cover sheet with all signatures. The image files shall be in a .TIF format unless otherwise specified by the Community Development Director. After obtaining the digital copy, the Community Development Department shall issue a development permit authorizing development activity to begin based on the approved construction plans.
b. Permits shall be issued or denied as soon as practicable, but in any event not later than 60 days after receipt by the City of a complete application, providing variances and bonding are obtained, where necessary.
c. If the tract is to be developed in phases, then a separate permit shall be required for each phase.

5. Expiration of development permit

a. A development permit shall expire if the development activity described in the permit is not begun within six months from the date of issuance. Any such expired permit may be renewed by the Community Development Department within six months of development expiration, subject to permit renewal approval by the Gwinnett County Department of Water Resources. If a development permit has expired for more than 6 months, the applicant shall be required to apply for a new development permit under the development permit approval process of this UDO.

b. Every permit or renewal thereof shall be valid for a period of one year, if not sooner renewed, terminated, revoked, or surrendered. Permits shall be eligible for renewal within 60 days prior to expiration. The City may refuse renewal based on materially changed land conditions or based on any ground that would be the basis for revocation of the active permit.
c. Any change or amendment of design and construction plans for the project that may materially impact or negate the permit based on original approval of the plan shall require a permit amendment. All amendments shall be applied for in writing and follow the same procedure for approval as original applications for a development permit.

J. Clearing Permit, Clearing and Grubbing Permit and Grading Permit

The following permits covering portions of the land development process may be issued in accordance with the requirements of this UDO and the provisions of any Metropolitan River Protection Act Certificate, if applicable:

1. Clearing Permit

a. A permit limited to clearing only with no grubbing or other land disturbance except for such activities necessary to install and maintain erosion and sediment control practices (as defined in the Georgia Soil Erosion and Sedimentation Act) may be authorized upon identification of the property, a specimen tree survey, the limits of the area to be cleared, the type of activities to be undertaken and the following items may be required:

    1) Soil Erosion, Sedimentation and Pollution Control Plan (unless exempt under Chapter 400 of this Ordinance).
    2) Hydrology Study if a Soil Erosion, Sedimentation and Pollution Control Plan is required.
    3) Specimen Tree Concept Plan (if specimen trees are present on the property)
    4) Tree Preservation and/or Replacement Plan as may be required under Chapter 630 of this Ordinance
    5) All clearing activities are to be consistent with the provisions of this UDO, Chapter 400 of this UDO, and any conditions of zoning approval. If clearing of the required tree density units is proposed, a performance bond and a development performance agreement may be required prior to issuance of permit to guarantee tree replacement will occur in future phases.

b. A clearing permit shall expire unless activities are commenced within 60 consecutive calendar days of issuance of the permit or if activities lapse and are abandoned for a period exceeding 30 consecutive calendar days.
c. A clearing permit shall not be construed as approval of or authorization to construct any improvements, buildings, or other structures on the property.
d. If landscape improvements are required by the land disturbance permit, then all plantings must be completed, or a performance bond shall be filed for the incomplete work prior to the closing of such permit.

2. Clearing and Grubbing Permit

a. A permit limited to clearing and grubbing only may be authorized upon identification of the property, a specimen tree survey, the limits of the area to be cleared and grubbed, the type of activities to be undertaken, and the following items may be required:

   1) Soil Erosion, Sedimentation and Pollution Control Plan.
   2) Hydrology Study
   3) Specimen Tree Concept Plan (if specimen trees are present on the property)
   4) Tree Preservation and/or Replacement Plan as may be required under Chapter 630 of this Ordinance.

   Appropriate soil erosion, sedimentation and pollution control and tree protection measures shall be placed and maintained as required. If clearing of the required tree density units is proposed, a performance bond and a development performance agreement may be required prior to issuance of permit to guarantee tree replacement will occur in future phases.

b. A permit for clearing and grubbing shall expire unless activities are commenced within 60 consecutive calendar days of issuance of the permit or if activities lapse and the project is abandoned for a period exceeding 30 consecutive calendar days.
c. A clearing and grubbing permit shall be limited to the removal of vegetation and stumps and the placement of required tree protection measures and soil erosion and sedimentation facilities and may authorize the removal of existing stormwater facilities and infrastructure on the property at the option of the developer. A demolition permit is required to remove all other existing structures. No grading or construction activities may be started under a clearing and grubbing permit except for such activities necessary to install and maintain erosion and sediment control practices. The approval of a clearing and grubbing permit shall not imply the approval of or authorization to construct any improvements, buildings, or other structures on the property.
d. If landscape improvements are required by the land disturbance permit, then all plantings must be completed, or a performance bond shall be filed for the incomplete work prior to the closing of such permit.

3. Grading Permit

a. A grading permit, which may include clearing and grubbing, may be issued prior to approval of a development permit, as provided under Chapter 330-20 of this UDO. A grading permit may also be issued for earth borrow or storage, where no development or construction is proposed or imminent, based on approval of a grading plan, Soil Erosion, Sedimentation and Pollution Control Plan, and hydrology study, consistent with the requirements of Chapter 400, the zoning category of the site, and the provisions of the Gwinnett County 2030 Unified Plan (as applicable). A specimen tree survey, a Specimen Tree Concept Plan, and a Tree Preservation and/or Replacement Plan may be required as specified under Chapter 630 of this UDO. If clearing of the required tree density units is proposed, a performance bond and a development performance agreement may be required prior to issuance of permit to guarantee tree replacement will occur in future phases.
b. A permit authorizing but limited to grading (and clearing and grubbing) shall expire unless activities are commenced within 60 consecutive calendar days of issuance of the permit or if activities lapse and the project is abandoned for a period exceeding 30 consecutive calendar days. Any site for which the grading permit expires shall immediately be stabilized to prevent erosion.

c. A grading permit shall be limited in its authorization to land grading activities along with associated tree protection, clearing and grubbing, and demolition activities, and may authorize the construction of storm drainage improvements and soil erosion and sedimentation facilities as allowed by the permit itself.
d. If landscape improvements are required by the land disturbance permit, then all plantings must be completed, or a performance bond shall be filed for the incomplete work prior to the closing of such permit.

K. Parking Waiver (for 5 or more vehicles)

The standard requirements related to the issuance of a parking permit can be found in Chapter 200, Article III, Sec. 203-12.

L. Sign Permit

The standard requirements related to the issuance of a Sign Permit can be found in Chapter 200, Article IV.

M. Temporary Outdoor Activities Permit

The standard requirements related to the issuance of an Temporary Outdoor Activities Permit can be found in Chapter 8, Article IX, of the Norcross Code of Ordinance.

N. Temporary Outdoor Retail Display Permit

The standard requirements related to the issuance of an Outdoor Display Permit can be found in Section 8-319 of the Norcross Code of Ordinance.

O. Tree Removal Permit

No person, corporation, association or other entity shall remove or destroy any tree either on public or private property with a DBH of six inches or greater without having first obtained a tree removal permit from the Community Development Department. A tree plan approved as a part of an approved development permit shall constitute a tree removal permit.

1. Application

a. An application for a tree removal permit when land disturbing activity is involved shall include three copies of a tree conservation and landscape plan which shall be completed and signed by a registered forester, a certified or degreed arborist, or a registered landscape architect whose credentials shall be made available to the Community Development Director.
b. The information that must be included on a tree conservation and landscape plan is described in Article V, Sec. 105-6
c. An application to remove or destroy a specimen tree not associated with land disturbing activity shall be accompanied by photographs, a site drawing and a written statement of the condition of the tree including the threat that it poses, submitted by the owner of the property and a registered forester, a certified or degreed arborist or a registered landscape architect whose credentials shall be made available to the Community Development Director. If in the determination of the Community Development Director, the specimen tree is obviously dead or immediately hazardous then the requirements in this subsection may be waived by the Community Development Director.

d. An application to remove trees with a DBH of six inches or greater that are not specimen trees and are not associated with land disturbing activity shall be accompanied by a site drawing and a statement from the property owner of the condition of the tree and the threat it poses. Photographs and other supporting information may be required by the Director. In cases where such permit is requested on R100, R75, R60, or RD property, said request shall be exempt from Chapter 200, Article V – Buffers, Landscaping, and Tree Conservation.

2. Time for consideration of a tree removal permit application.

   All applications for tree removal permits shall be acted on within 60 days of the receipt of a complete application and permit fee, if any. The tree removal permit fee shall be established by the Mayor and City Council. If the city fails to act on the application within 60 days, the application shall be deemed approved.

3. Standards for review of Tree Removal Permit

   The standards requirements and penalties related to the issuance of a Tree Removal Permit can be found in Chapter 200, Article V.

P. Trade Permits

A trade permit is required to erect, install, enlarge, alter, repair, remove, convert or replace any utility (electrical, gas, mechanical, or plumbing) system. The provisions for issuance of a utility permit can be found under provisions for issuance of a Building Permit, Subsection 104-7. B.

Q. Utility Permits

A utility permit is required to install, enlarge, alter, remove, convert or replace any utility system within City-owned right of way. All utility construction plans within City right-of-way shall be reviewed and approved by the Department before construction begins. Street cuts shall not be allowed unless deemed absolutely necessary due to the presence of rock, the need to tap into an existing line beneath the road surface, or other circumstance which makes boring impossible or infeasible.

R. Zoning Verification Letter

a. A Zoning Verification Letter can be issued by the Zoning Administrator upon request for a fee established by the Mayor and City Council.
b. The letter will convey the current zoning of the subject parcel, and associated conditions of zoning, and known approve variances.
c. The applicant must submit the request by means of a department approved application, along with a survey of the property.
d. The Zoning Verification Letter is only valid for 30 days after issuance.

ARTICLE V. PLAN SUBMITTAL SPECIFICIATIONS

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ARTICLE V. PLAN SUBMITTAL SPECIFICATIONS

Sec. 105-1. Purpose

This Article describes the required specifications for all plans submitted as part of a development permit or building permit application.

Sec. 105-2. Concept Plans and Sketch Plan Specifications

A. Applicability

The following requirements apply to all concept plans submitted for land subdivision, as well as Sketch Plans submitted for many other types of applications in the conformance with the UDO.

B. Generally

An application for an amendment to create or extend a Zoning District shall be accompanied by a sketch plan at scale and such other surveys, plans, elevations or additional information as the Community Development Director and this UDO may require, showing the proposed development and its impact on natural and built systems. Additional information deemed necessary by the Community Development Director to evaluate a proposed use and its relationship to the surrounding area shall be submitted on the plans, including but not limited to square footage of the structure, number of parking spaces, days of operation, and number of employees.

1. A concept plan or sketch plan shall be prepared by a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other similar professional familiar with land development activities.
2. The concept plan or sketch shall be drawn on a boundary survey of the property. The boundary survey shall have been prepared by a Georgia registered land surveyor and shall meet the requirements of the State of Georgia for such a map or plat under O.C.G.A. 15-6-67(b).
3. The concept and sketch plan shall show the following:

    a. Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries if they cross the property.
    b. Man-made features within and adjacent to the property, including existing and future rights-of-way of streets, pavement width and street names; political boundary lines; and other significant information such as location of bridges, utility lines, existing buildings to remain or be demolished, and other features as appropriate to the nature of the request.
    c. Natural features, such as the 100-year flood plain, protected wetlands and stream buffers, steep slopes, and the location of any specimen trees.
    d. Proposed use of the property.
    e. The proposed project layout including:

        1) For residential subdivisions, and office or industrial parks, approximate lot lines and street right-of-way lines, along with the front building setback line on each lot.

2) For multi-family and nonresidential development projects, the approximate outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, dumpsters, zoning buffers, parking areas, loading stations, zoning buffers, stormwater detention facilities, and driveways, entrances and exits.

f. The concept and sketch plan shall also indicate:

1) Name and address of the property owner.
2) Name, address, and telephone number of the applicant (if different than the owner).
3) Date of the survey, north arrow, and graphic scale.
4) Date of drawing, and revision dates, as appropriate.
5) Location (Land District and Land Lot) and size of the property in acres (or in square feet if less than an acre).
6) Location sketch of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets or railroads. Location sketches must be drawn at a scale sufficient to show clearly the information required, but not less than 1 inch equal to 2,000 feet. US. Geological Survey maps may be used as a reference guide for the location sketch.
7) A statement as to the source of domestic water supply.
8) A statement as to the provision for sanitary sewage disposal.
9) The approximate location of proposed storm water detention facilities.
10) Such additional information as may be useful to permit an understanding of the proposed use and development of the property.

C. Concept Plan Statements and Certifications

The following statements and certifications must be included on all concept plans submitted with applications for the subdivision review process.

1. Concept Plan, Owner's Statement

The following statement shall appear in the Concept Plan Application package, and shall be signed by the owner or the owner's authorized agent:

I hereby submit this Concept Plan as the owner, or his/her/its authorized agent, for all property shown thereon.

_____ _____
Signature of Owner or Authorized Agent Date

_____ _____
Name of Owner or Authorized Agent Date

2. Concept Plan, Approved Plan Certification

The following certification statement shall appear in the approved Concept Plan Application package:

The undersigned hereby certifies that this Concept Plan has been reviewed and approved by the city in accordance with the City's Unified Development Ordinance. This approval expires in one year from this date if the owner/developer fails to secure Preliminary Plat approval by that time.

_____ _____

Community Development Director Date

Sec. 105-3. Preliminary Plat Specifications

A. Preliminary Plat general specifications

1. A preliminary plat shall be prepared by a registered professional civil engineer, a registered land surveyor or landscape architect professionally familiar with land development and project construction activities. All such registered professionals must be currently registered and licensed with the State of Georgia.
2. The proposed name of the development and proposed street names shall not duplicate or too closely approximate, phonetically, the name of any other development or street in the City or in Gwinnett County. If shown to the contrary, the Community Development Department may refuse to accept such development or street names. The development may use letter designations in place of proposed street names at the option of the applicant.
3. The preliminary plat shall be prepared on a boundary survey of the entire tract to be subdivided or developed showing the location of the boundaries and dimensions of the tract to be developed.
4. The preliminary subdivision plat shall be clearly and legibly drawn at a scale of not less than 100 feet to 1 inch. The recommended maximum dimensions of the sheet size are 36 inches by 42 inches and the minimum dimensions of 17 inches by 22 inches; however, the Director may approve other sheet sizes and graphic scales as appropriate.

B. Preliminary Plat requirements

Each preliminary plat application shall contain the following:

1. Caption.
    a. Proposed name of the development and its acreage (or square footage if less than an acre).
    b. Name, address, telephone and email address of the property owner and subdivider or developer.
    c. Name, address, telephone and email address of the applicant.
    d. Name, address, telephone and email address of the individual or company responsible for the design of the subdivision. The name, registration number and seal of the professional under whom the preliminary plat was prepared shall be stamped and signed on the plat.
    e. Date of the survey, north arrow, and graphic scale.
    f. Date of preliminary plat drawing, and revision dates, as appropriate.

2. Development information

    a. Proposed use of the property, including a statistical summary of development factors such as density, nonresidential floor area, number of lots or dwelling units, and minimum unit sizes, as may be pertinent to the type of project.
    b. Location (Land District and Land Lot) and size of the property in acres.
    c. Location map of the property in relation to the surrounding area with regard to well known landmarks such as arterial streets, railroads or others. Location maps may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than 1 inch equal to 2,000 feet. US. Geological Survey maps may be used as a reference guide for the location map.
    d. Name and boundaries of former approved subdivisions if any or all of the land in the preliminary subdivision plat that has been previously subdivided, showing boundaries of the lots to be re-subdivided.
    e. Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries as appropriate.
    f. Rezoning or Special Use application number, date of approval, and stipulations (conditions of approval), as applicable to the subject property(ies).
    g. Variances obtained on the property by application number, date of approval, and stipulations (conditions of approval), as applicable to the subject property(ies).
    h. Recorded deed names of adjoining property owners.

3. Development design.

    a. Ground elevations on the tract based on field surveys or photogrammetric methods from aerial photographs. The basis for the topographic information shall be shown. Mean sea level contour lines shall be drawn at intervals of not more than 2 feet. If the tract is to be developed on a public or community sewerage or subdivided into lots having a minimum area of one acre, a contour interval of 5 feet shall be acceptable. In such cases, contour lines shall be based on a datum plane as approved by the health department.
    b. Natural features within the property, including:

        1) Drainage channels, bodies of water, wooded areas and other significant natural features such as rock outcroppings and specimen trees.
        2) On all watercourses leaving the tract, the direction of flow shall be indicated, and for all watercourses entering the tract the direction and acreage of the drainage area above the point of entry shall be noted. Floodplains shall be outlined, and the source of floodplain information shall be shown. If applicable, the applicant must provide a copy of the Wetland Delineation that has been approved by the US Army Corps of Engineers, or at a minimum a delineation prepared by a qualified wetland scientist.
        3) Wildlife and priority habitats as identified by the Georgia Department of Natural Resources, other significant natural features, and notations designating any federal, state or local regulatory agency permits or approvals that are or may be required relative to development of or around such features.

    c. Boundary lines of the overall property perimeter showing bearings in degrees, minute and seconds and distances in feet and hundredths of a foot along all lines and the bearings and distances to an existing street intersection or other recognized permanent landmark. The source of boundary information shall be shown.

d. Existing man-made features within and adjacent to the property, including street rights-of-way and pavement widths, names of existing streets, all easements, city and county political boundary lines, and other significant information such as location and dimensions of bridges, utility lines and structures, existing buildings to remain, culverts, all known existing or previous landfills, and other man-made features.
e. Accurate locations of all cultural features, such as all existing historic resources, public recreational facilities, and cemeteries.
f. The proposed project layout including:

    1) For subdivisions, lot lines, lot numbers, block letters, and street right-of-way lines (with proposed street names and right-of-way widths), along with the front building setback line and the dimension of its length on each lot (i.e., the lot width) and land to be reserved for public uses.
    2) For multi-family and nonresidential development site plans, the outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, zoning buffers, parking areas, driveways, curb cuts, and designated fire lanes.
    3) The proposed phasing of the subdivision if it is proposed to be developed in sections.

g. Water and sewer facilities.

    1) Location and size of existing water lines and sewer lines, and proposed placement of water lines, sewer lines and fire hydrants.
    2) A statement as to the source of domestic water supply.
    3) A statement as to the provision for sanitary sewage disposal. For those properties that will not be served by a public or community sanitary sewerage system, location and results of percolation tests as required and approved by the County Health Department are to be shown.
    4) Location, site plan, and other information as may be required by the County Health Department for all community sewage disposal plants.
    5) The location of proposed storm water facilities, as part of a Stormwater Management Plan.

h. Proposed streetlight layout and design standards/drawings.
i. Such additional information as may be reasonably required to permit an adequate evaluation of the development activity proposed in the application.

C. Preliminary Plat Statement and Certifications

Each preliminary plat is to include the following signed statements and certifications, including certification by the owner or his authorized agent, and the registered professional civil engineer, registered land surveyor or landscape architect responsible for the project design.

1. Preliminary Plat, Owner's Statement

The following statement from the owner shall appear in the Preliminary Plat Application package, and shall be signed by the owner or the owner's authorized agent:

I hereby submit this Preliminary Plat as the owner, or his/her/its authorized agent, of all property shown thereon.

_____ _____

Signature of Owner or Authorized Agent Date

_____ _____

Name of Owner or Authorized Agent Date

2. Preliminary Plat, Designer's Statements and Certification

The following statement from the design professional of record shall appear in the Preliminary Plat Application package:

I hereby certify that the plans for the proposed subdivision shown on this Preliminary Plat were prepared by me or under my supervision

_____ _____

Signature of Designer Date

Registered Landscape Architect No. _____; or
Registered Land Surveyor No. _____; or
Registered Civil Engineer No. _____; or

3. Preliminary Plat, Conformance with Concept Plan Certification

The following statement shall appear in the approved Preliminary Plat Application package:

I hereby certify that this Preliminary Plat conforms to the approved Concept Plan and the requirements of the UDO:

_____ _____

Community Development Director Date

_____ _____

City Engineer Date

4. Preliminary Plat Approval Certification

The following certification statement shall appear in the approved Preliminary Plat Application package:

The undersigned hereby certifies that this Preliminary Plat has been reviewed and approved by the city in accordance with the city's Unified Development Ordinance. This approval expires in one year from this date if the owner/developer fails to secure Final Plat approval by that time."

_____	_____
Community Development Director	Date
_____	_____
Owner/Developer	Date

Sec. 105-4. Construction Plans Requirements

A. Purpose of Construction Plans

The purpose of construction plans is to provide all of the detailed engineering information necessary to build a proposed subdivision in accordance with the approved Preliminary Plat and the requirements of the UDO.

B. Construction Plans and Specifications

The Construction Plans for a subdivision shall be clearly and legibly drawn at a scale of not less than 100 feet to one inch. The sheet size shall not exceed 36 inches by 48 inches, and the minimum sheet size shall be 17 inches by 22 inches. The Construction Plans shall include the following information and shall only be prepared by a Professional Engineer:

1. Name of the Subdivision;
2. Name, Address, emails and Telephone Numbers of the Owner/Developer of the property;
3. Name, Address and Telephone Number of the Professional Engineer who prepared the plans;
4. Name, Address and Telephone Number of the designated 24-hour contact person for the project;
5. Date plans were prepared, North Arrow and Graphic Scale on all appropriate sheets;
6. Location Map at a scale of 600 feet to the inch;
7. An accurate list of all conditions relative to the zoning or development of the property as a Subdivision and the approval of the Concept Plan and Preliminary Plat;
8. A copy of each permit or approval that shall be required from any federal, state or local regulatory agency for or in connection with the proposed subdivision, or any portion thereof, or a copy of a pending application for any such permit or approval;
9. Detailed limits of all clearing and tree-save areas;
10. Detailed limits of all undisturbed buffers and open space;
11. Erosion and Sediment Control Plans;
12. Detailed Stormwater Management Plans;
13. Detailed Electric and Natural Gas Utility Plans;
14. Detailed Roadway Plans;
15. Detailed Grading Plans;
16. Detailed Water Supply/Utility Plans;
17. Details Sanitary Sewer Plans; and
18. Such other information as may be required by the City Engineer to fully evaluate and review the project.
19. Detailed landscape and Tree Conservation Plan drawn by a Registered Landscape Architect, Certified Arborist or other certified landscape professional.

C. Construction Plans Certifications

Approved Constructions Plan packages shall include the following certifications:

1. Construction plans, engineer's certification of design

The following certification statement from the professional engineer of record shall appear in the approved Construction Plan package:

I hereby certify that the designs of: (i) stormwater and drainage facilities, including culverts, drainage structures and detention or retention ponds and appurtenances; (ii) roadways and streets; (iii) water system facilities including pipelines, fire hydrants, valves and appurtenances; and (iv) sanitary sewerage facilities including gravity sewer pipelines, force mains, manholes and appurtenances, were prepared under my direct supervision and are in strict accordance with all applicable federal, state, and local regulatory permits and approvals, and all applicable local codes, ordinances and regulations.

_____ _____

Signature of Engineer of Record Date

_____ _____

Name (Printed) (Seal)

2. Construction plans approval, City Engineer

The following certification statement from the City Engineer shall appear in the approved Construction Plan package:

The undersigned hereby certifies that all requirements of the City of Norcross relative to the preparation and submission of these plans and specifications have been fulfilled and approval is hereby granted subject to the conditions stipulated below This approval expires in six months from the approval date if construction has not commenced.

_____ _____

City Engineer Date

Sec. 105-5. Final Plat Specifications

A. Final Plat general standards

1. The final plat shall conform in all ways to Georgia law pertaining to the recordation of maps or plats (O.C.G.A. § 15-6-67, as may be amended), as well as the additional information required in this Section.
2. The Final Plat shall be based on a certified boundary survey delimiting the entirety of the property contained within the Final Plat and tied to a city-established monument with the same degree of accuracy as the boundary

itself. The survey shall have an accuracy of no less than 1 in 10,000. The final plat shall be submitted in an electronic format acceptable by the City.

3. The Final Plat shall conform to the approved Concept Plan and Preliminary Plat and it may constitute only a portion of the approved Concept Plan, which the subdivider proposes to record at any one time, provided that such portion conforms to the requirements of these regulations, and said portion is not inconsistent with the public health, safety, or welfare. Any substantial deviation from the approved Concept Plan or Preliminary Plat shall require revision and re-approval of both the Concept Plan and Preliminary Plat.

B. Final Plat Requirements

The Final Plat shall contain the following information:

1. Caption.

   Final Plats shall contain a caption with the following information:

   a. The name of the subdivision and unit or phase number, if any.;
   b. The name of the former subdivision if any or all of the property has been previously subdivided;
   c. The name, address, email addresses and telephone numbers of the property owner of record, and the developer or subdivider;

      1) The subdivision location including county, land lot(s). land district(s), and the name of existing subdivision, if the property lies within a particular subdivision;
      2) Total area of the subdivision in acres;
      3) Date of the plat and survey, and a graphic and stated which shall be 100 feet to one inch or larger scale;
      4) Name, address, telephone number, and registration number of the land surveyor; and
      5) Name, address, and telephone number of each professional design or engineering firm associated with the portion of the subdivision depicted on the Final Plat
      6) All reproductions of original maps or plats shall bear the original signature of the registrant placed across the registration seal in order to be a valid or recordable map or plat.

   d. Plat data,

      Plats shall be made in a professional manner and in accordance with the standards of good drafting procedures and shall show the following information:

      1) A north arrow to indicate the principal meridian, and a notation shall be made as to the reference of bearings to magnetic north, astronomic north, or grid north. A grid north reference shall indicate the zone;
      2) Bearings of all boundary or lot lines, and distances of all boundary or lot lines, and area of the parcels expressed in acres or square feet;
      3) The width and the former widths, if pertinent, of all rights-of-way adjacent to or crossing the property or adjacent to any point of reference;
      4) Easements and apparent encroachments, if pertinent;
      5) All land lot lines, land district lines, land section lines, and city or county boundaries intersecting or adjacent to the surveyed property shall be indicated by lines drawn upon the map or plat with appropriate words and figures;

6) All corner markers and markers of pertinent reference points shall be fully described and indicated as to their material or types.
7) All linear distances shown on maps or plats shall be horizontal;
8) All angular directions shown on maps or plats shall be represented in degrees and minutes. Where plats state or surveys require accuracy in excess of 1 in 5,000, the angular directions shall be represented in degrees, minutes, and seconds. All angular directions shall be referenced to the principal meridian;
9) In the case of curved lines, the curve shall be defined by curve data to include the radius, arc length, chord bearing, and distance for regular curves. Chord distances and directions shall be given for irregular curves; and
10) The state plane coordinates of at least two permanent monuments thereon, when a National Geodetic Survey monument is within 500 feet of any point on the property mapped or platted, or any point of reference shown thereon.

2. Specifications shown.

a. Location map of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets, railroads or others. Location maps shall be drawn at a scale sufficient to show clearly the information required, but not less than 1 inch equal to 2,000 feet. US. Geological Survey maps may be used as a reference guide for the location sketch.
b. Index map when more than one sheet is required to present the final plat;
c. Street names including both the name and the suffix, such as "street" or "avenue" and any prefix such as “north” or “west”.
d. Lots or sites numbered in numerical order and blocks lettered alphabetically;
e. Accurate location, material and description of lot monuments and markers. All monuments and markers shall be in place prior to approval of the Final Plat.
f. Lot lines with dimensions to the 1/10 (0.1) foot, necessary internal angles, arcs, and chords and tangent or radii of rounded corners;
g. Front building setback lines with dimensions as to length across each lot and distance from the street right-of-way;
h. When lots are located on a curve or when side lot lines are at angles other than 90 degrees, the lot width at the front building setback line shall be shown;
i. Centerline data including the radius, central angle, arc length, chord bearing and distance, and tangent distance between curves must be given for regular curves. Curve data shall be required for all roadway centerline curves. Chord distances and directions shall be given for irregular curves on preexisting roads;
j. Location, material and size of all drainage pipes, location and type of all drainage system appurtenances such as catch basins, headwalls and inlets;
k. Location and extent of detention ponds with 100-year event level noted, and the location, width and purpose of any associated easements, including slope easements;
l. The exact location of water lines, cut-off valves and fire hydrants as approved by the Gwinnett County Water Resources Department;
m. Location of any areas to be reserved, donated, or dedicated to public use with notes stating their purpose and limitations. Location of any areas to be reserved by private deed covenant for common use of all property owners or dedicated to a homeowner’s association.

n. The plat must show the location of streetlights as they are to be installed by the utility company, or if the light poles have been installed, the exact location thereof;
o. The extent of any area of special flood hazard, as defined in this UDO; and
p. The street address number of each lot.

C. Final plat supplemental information and certifications

1. Statement of private covenants or conservation easements.

A statement of restrictive covenants or conservation easements, if any, and if the statement is brief enough, be put directly on the Final Plat: otherwise, if the restrictive covenants or conservation easements are separately recorded, a statement as follows:

"This property depicted in this plat is subject to the private covenants [or conservation easements] set forth in the separate document(s) dated _____ and recorded on _____(date), in the Record Book ____, Page ___, of the Office of the Clerk of the Superior Court of Gwinnett County.

2. Certification by health department.

Certification as to the source of water supply and method of waste disposal as approved by the Gwinnett County Health Department shall be printed or stamped on the plat, and signed by the Health Department. For developments with public sewerage and public water systems, this certification may be omitted.

3. Certification of the Gwinnett County Water Resources Department.

The final survey plat must be approved by the Gwinnett County Water Resources Department, as evidenced by the placement of the notation on the final plat, which shall be signed by the Gwinnett County Water Resources Director or their designee.

4. As-built construction plans

As-built construction plans in an electronic format, showing all infrastructure installation details, and certified by the engineer of record.

5. Final Plat Surveyor's Certification

The following certification statement from the Surveyor of Record shall appear in the approved Final Plat Package:

I hereby certified that this plat is true and correct and was prepared from an actual survey of the property made by me or under my supervision, and that all monuments shown hereon actually exist and their location, size, type, and material are correctly shown: This plat conforms to all requirements of O.C.G.A. 15-6-67, the Georgia Plat Act, as may be amended, and by the requirement of the City of Norcross UDO. By:

_____	_____
Signature of Registered Georgia Land Surveyor	Date
_____	_____
Name (Printed)	No. (Seal)

6. Engineer's Certification

The following certification statement from the Engineer of Record shall appear in the approved Final Plat Package:

I hereby certify that this subdivision was constructed in accordance with the construction plans and specifications which were approved by the City of Norcross City Engineer, as well as any approved revisions thereto, and that all applicable engineering requirements of the applicable Unified Development Ordinance have been fulfilled, except as noted below:

Signature of Engineer of Record	Date
Name (Printed)	No. (Seal)

7. Final Plat Approval Certification

The following certification statement from the Community Development Director shall appear in the approved Final Plat Application package:

We hereby certify that this Final Plat has been prepared in accordance with the Concept Plan, the approved Preliminary Plat, the approved Construction Plans, and the other applicable development codes and ordinances, and has been approved by the City of Norcross for recording in the Office of the Clerk of the Superior Court of Gwinnett County.

City Engineer	Date
City Clerk	Date
Community Development Director	Date

8. Maintenance Bond (or Guarantee)

a. A maintenance bond warranting workmanship and covering damages for a period not less than five years from the date the City issues an acceptance letter of final plat approval of the completed improvements.
b. The developer will provide a cash or surety bond for the maintenance of the improvements within the ROW, before an acceptance letter will be issued, with Qualifications as listed on the current version of US Treasury Circular 570, or as amended. (https://fiscal.treasury.gov/surety-bonds/circular-570.html) This bond is made in accordance with the applicable Unified Development Ordinance and other subdivision and development regulations of the City of Norcross. This bond includes not only paving but also all other appurtenant structures and amenities lying within the right-of-way of any road and within any buffer areas, including but

not limited to all landscape materials, curbing, drainage pipes, culverts, catch basins, drainage ditches, and pedestrian walks. Utilities owned and operated by a governmental body or a public utility company shall be the responsibility of said governmental body or public utility company and not the developer.

c. The developer shall correct and repair, or cause to be corrected and repaired, all damages to said improvements. In the event the developer fails to correct and repair any damages within 30 calendar days after written notice thereof, then said damages may be corrected by the City of Norcross. All costs and charges for the correction and repairs will be by the City of Norcross, or paid by the developer directly or by the calling in of the bond; but this remedy shall not limit the City of Norcross and the city shall also have any and all remedies available to it under the law.
d. The terms of this agreement shall be for a period of five years beginning on the date of written acceptance of said improvements by the City of Norcross as evidenced by the final plat approval of said completed improvements.
e. After the termination of said five-year period the City of Norcross shall be responsible to the citizens for maintenance of said improvements as provided by law. Provided, however, any damages which occurred prior to the end of said five-year period and which still are unrepaired at the termination of said period shall remain the responsibility of the developer (provided further that written notice of said damages was given by the city to the developer prior to the time the five-year period ends).

9. Certificate of Dedication

State of Georgia
County of Gwinnett

The owner of the land shown on the attached Final Plat (the "Plat") acknowledges that the Plat was made from an actual survey, and for value received, the receipt and sufficiency of which are hereby acknowledged, does hereby convey in fee simple to the City of Norcross, Georgia, and further dedicates to the use of the public forever all streets and rights-of-way, pedestrian walks, watercourses, drains, easements, greenbelts and public places shown on the Plat, except those easements designated on this plat as other utility company easements, and except those streets specifically designated on the Plat as private streets.

In consideration of the approval of this Plat and other valuable considerations, the owners do hereby agree to hold the City of Norcross, Georgia, harmless for a five year period from any and all liabilities arising from any and all claims, damages, or demands arising on account of the design and construction of the improvements shown on the Plat, to include but not be limited to, the roads, streets, fills, embankments, ditches, cross drains, culverts, and bridges within the proposed rights-of-way shown, resulting from any all causes other than by an intentional or grossly negligent act of the City of Norcross, Georgia.

And further, the owner warrants that he/she/it owns fee simple title to the property shown on the Plat and agrees that the City of Norcross shall not be liable to the undersigned or subsequent owners in title for a period of five years for any claim of damages resulting from negligence in exercising engineering techniques and due caution in the construction of cross drains extension, drives, structures or buildings, the changing of courses of streams and rivers, flooding from natural creeks and rivers and any other matter whatsoever on private property. All monetary liability arising from the property shown on the Plat during the term of the five-year hold harmless period

specified herein shall be the liability of the owner, or its successors and assigns in interest. I further warrant that I have the right to convey said land according to this plat and do hereby bind myself and the owners subsequent in title to defend the covenants and agreements set out.

IN WITNESS WHEREOF, I have hereunto set by hand affixed my seal this _____ day of _____, 20_____.

_____ _____
Owner/Developer Date

_____ _____
Title (Seal)

_____
Notary Public State of Georgia (Seal)

Sec. 105-6. Site Plan Specifications

A. General Requirements.

1. All site plans and supporting materials shall be prepared by or under the supervision of a professional engineer registered in the State, except that the Landscaping, Buffer and Tree Conservation plans are to be prepared by or under the supervision of a landscape architect registered in the State.
2. The plans shall be drawn on sheets a minimum format of 24 inches by 36 inches in size when plotted
3. Each sheet shall contain the following minimum information:

    a. Project name;
    b. Project description;
    c. Project location and tax parcel number;
    d. Name, address, email address and telephone number of property owner;
    e. Name, address, email address and telephone number of developer;
    f. Name, address, email address and telephone number of the person responsible for preparing the plan, and the seal, signature, and statement of professional qualifications of such person;
    g. Size of project area in acres or square feet;
    h. Size of the buildable area in acres or square feet;
    i. Total landscaped area required in percent and square foot area;

B. Site Plan

1. The construction documents submitted with a permit application shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations.
2. All plans shall be drawn in accordance with an accurate boundary line survey.
3. A site plan shall also be accompanied by:

a. an erosion and sedimentation control plan;
b. a grading plan;
c. a stormwater management plan;
d. a floodplain management / flood damage prevention plan;
e. a street improvement plan;
f. landscaping, buffer and tree conservation plans;
g. a public utilities plan; and
h. A lighting plan.

4. In the case of demolition, the site plan shall show structures to be demolished and the location and size of existing structures that are to remain on the site or plot.
5. The designated UDO Administrator is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

C. Erosion and sedimentation control plan

Erosion and sedimentation control plans are identified in the Stormwater Management Article of this UDO in Chapter 400, Article II.

D. Grading plan

The grading plan may be combined with the erosion and sedimentation control plan if clarity will not be compromised.

1. Grading plans shall identify existing and planned topographic contours as required for erosion and sedimentation control plans.
2. Grading plans shall outline any area that is required to remain undisturbed, such as a natural zoning buffer, tree protection area, stream buffer or wetland (see the Chapter 200, Article V, Tree Conservations, Buffers, Landscaping, and Chapter 401-1 and the Gwinnett County Stormwater Management GC UDO, Chapter 800 ,) and shall identify and describe the protective fencing or staking to be placed surrounding such area.
3. Grading plans shall include a Wetlands Certification from the design professional indicating whether or not wetlands are located on the property.
4. If the property contains any area of special flood hazard (the 100-year flood plain), grading plans in and around the flood plain shall be designed in conformance to all requirements relating to Flood Damage Prevention in Chapter 400, Article IV.

E. Stormwater management plan

The application and plan requirements for stormwater management plans are found in the Stormwater Management Article of the Gwinnett UDO, Chapter 800, which the City of Norcross adopted in Sec. 401-1.

F. Floodplain management/flood damage prevention plan

The floodplain management permit application requirements and requirements for floodplain management/flood damage prevention plans are found in the Floodplain Management Article of this UDO in Chapter 400, Article IV

G. Street improvement plan

1. Center line profiles and typical street sections of all proposed streets shall be required. Profiles shall be drawn on standard plan and profile sheet with plan section showing street layout, pavement and right-of-way width, curvature, and required drainage facilities. Typical street sections shall be provided for street widening.
2. Where sanitary sewer or storm water sewers are to be installed within a street right-of-way, the grade, size, location and bedding class of pipe, and the location and invert elevation of manholes shall be indicated on the road profile.
3. Center line profiles covering streets that are extensions of existing streets shall include elevations at 50-foot intervals for such distance as may be required by this Development Code for street improvements, but no less than 200 feet.
4. All plan elevations shall be coordinated and sited into any U.S. Coast and Geodetic Survey or Georgia Department of Transportation bench marks within 1,200 feet of the street, or into reference monuments established by the Federal Emergency Management Agency.
5. A street striping plan, showing striping in accordance with the Manual on Uniform Traffic Control Devices, latest edition as published by the Federal Highway Administration, shall be prepared for any street newly constructed or widened to 4 or more lanes.

H. Landscaping, buffer and tree conservation plans

All proposed landscaping as required by this UDO in front, side and rear landscape areas; for parking lot landscape areas, trees and street-side screening; in zoning buffers; and trees to be retained or planted as required by the tree conservation provisions of this UDO, shall be illustrated on plans as described in this Subsection. The plans may be consolidated as one plan if the information can be clearly shown.

1. Landscaping plan.

    a. Scale at 1 inch = 20 feet to 50 feet, as needed to clearly illustrate the proposed plantings. Multiple sheets keyed to an index sheet may be used.
    b. Caption:

        1) The name of the development and its acreage (or square footage if less than an acre).
        2) Name, address, telephone and email addresses of the property owner and subdivider or developer.
        3) Name, address, telephone and email addresses of the applicant.
        4) Name, address, telephone and email addresses of the individual or company responsible for the design.
        5) The name, registration number, signature and seal of the landscape architect who prepared the plan shall be stamped on the plan.
        6) Date of survey, north point and graphic scale, source of datum, date of plan drawing, and revision dates, as appropriate.

    c. The location and size of all underground or aboveground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas.
    d. The location of all existing and proposed parking areas, sidewalks and other paved or impervious surfaces.
    e. The outline of all existing and proposed buildings and structures.
    f. The boundaries of all natural zoning buffers, stream buffers and other areas required to remain undisturbed.

g. The boundaries of each required landscape strip or landscaped area.
h. A planting plan showing the location, size and common name of proposed plant materials.
i. The location, size and common name of all existing plant materials to be retained that contribute to meeting the minimum requirements of this Code for landscape strips, landscaped areas or parking lot landscaping.

2. Buffer plan.

A buffer plan shall be prepared for any zoning buffer required in accordance with the specifications and standards contained in this UDO. The buffer plan shall show:

a. Caption, as required for site landscaping plans.
b. The boundaries of each required zoning buffer area.
c. The location and size of all underground or aboveground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas.
d. For each natural zoning buffer, the plan must show:

1) Methods to be employed to protect the drip line areas of the trees in the buffer from disturbance during construction, including fencing details, erosion control, signage, etc., consistent with the Protection of Existing Trees Section of the Tree Conservation, Buffers, and Landscaping Article of this UDO, Chapter 200, Article V.
2) Proposed supplemental plantings required to maintain the opaque visual screen required.

e. For each structural zoning buffer, the plan must show:

1) All grading and construction details for earthen berms, walls and fences that are proposed as part of the visual screen.
2) A planting plan showing the location, size and type of proposed plant materials.
3) The location, size and common name of all existing plant materials to be retained that contribute to meeting the minimum requirements of this UDO for zoning buffers.
4) Typical cross-sections of the zoning buffer illustrating the improvements proposed and typical location of vegetation. At least one cross-section shall be provided for each type of buffer provided.

3. Tree conservation plan.

The tree conservation plan shall be submitted prior to any grading, bulldozing, or other removal of existing vegetation that may affect the health of existing tree coverage.

a. Tree conservation plan; preparation.

1) The tree conservation plan shall be related to the site plan for the project. Combination of the tree conservation plan and the site landscaping plan is encouraged.
2) For subdivisions, the tree conservation plan shall be drawn on a copy of the preliminary subdivision plat, to which the information required by this Subsection must be added.
3) The tree conservation plan shall comply with the requirements of the Community Tree Planting and Establishment Guidelines of the Georgia Forestry Commission, latest edition.

b. The tree conservation plan shall include the following basics:

1) Scale at 1 inch = 20 feet to 50 feet, as needed to clearly illustrate the proposed plantings. Multiple sheets keyed to an index sheet may be used.
2) Caption, as required for site landscaping plans.
3) The location and size of all underground or aboveground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas. Off-site easements that may be affected by tree plantings must also be shown.
4) The location of all existing and proposed parking areas, sidewalks and other paved or impervious surfaces.
5) The location, size in dbh, and species of all existing trees on the site.
6) The outline of all existing and proposed buildings and structures.
7) The boundaries of all natural zoning buffers, stream buffers and other areas required to remain undisturbed.
8) The boundaries of each required landscape strip.

c. The tree conservation plan shall show the following:

1) The extent of the development site or disturbed area, the gross area of the site, and the net site area to which the tree conservation requirements apply.
2) Specimen trees:

a) Each specimen tree or specimen tree stand that will be removed from the development site, including its size in DBH and its common name; and all other trees or tree stands that are submitted for credit as part of the tree conservation requirement.
b) Each specimen tree or specimen tree stand that will remain on the development site and be protected during construction, including its size in DBH and its common name; and all other trees or tree stands that are submitted for credit as part of the tree conservation requirement.
c) Grade changes or other work adjacent to a specimen tree that would affect it adversely, with drawings or descriptions as to how the grade, drainage, and aeration will be maintained around the tree.

3) Tree plan:

a) Limits of tree conservation areas, showing existing trees to be retained and new trees to be planted, specifying type and size.
b) In heavily wooded areas that will not be disturbed, the plan may show only the boundaries of each stand of trees and a list of trees in each stand that are submitted for credit by number and size.
c) Calculations showing compliance with the tree unit requirements of the Chapter 200, Article V, Tree Conservation, Buffers, and Landscaping.
d) Planting schedule, if applicable.
e) Curb stops to prevent vehicle overhang, where required to protect planting areas and vegetation.

4) Irrigation Plan

a) During-construction activities:

i. Methods to be employed to protect the critical root zones of the trees in the zoning buffer from disturbance during construction, including fencing details, erosion control, signage, etc., consistent with the Protection of Existing Trees Section of Chapter 200, Article V.
ii. Staging areas for parking, materials storage, concrete washout, and debris burn and stump grinding.

b) Additional information

Additional information that the administrator of the UDO may require to provide a full understanding of conditions on the site and the elements of the proposed tree conservation plan or during-construction activities.

c) Notes. Each tree conservation plan shall include notes clearly printed on each plan sheet, that state:

i. All tree protection devices must be installed and inspected prior to any clearing, grubbing or grading. Call the Norcross Community Development Department for an inspection.
ii. Tree protection shall be vigorously enforced. No activities of any kind are to be allowed within any area shown to be undisturbed on this plan.
iii. The retention and planting of trees as shown on this plan must be verified prior to issuance of a Certificate of Occupancy or acceptance of the project. Call the Norcross Community Development Department for an inspection.
iv. A maintenance inspection of trees will be performed prior to the expiration of a 2-year maintenance period. Project owners at the time of the maintenance inspection are responsible for compliance with the provisions of this plan and of the Norcross UDO.

I. Public utility plans

1. *Domestic water supply plan.* If connection to a public water system is proposed or required, the domestic water supply plan shall depict all water system improvements, water mains, fire hydrants, valves and other appurtenances, and other information as may be required by the Gwinnett County Water Resources Department.
2. *Sewage disposal plan.* If a connection to a public sanitary sewer system is proposed or required, Sewage disposal plans shall include: Sanitary sewerage plans, including profiles of all mains and outfalls, lift station and force main details, typical manhole construction details, and other information as may be required by Gwinnett County Water Resources Department.
3. On-site septic system plans.

For projects approved to be served by on-site sewage disposal systems, location of septic tank, extent of drain field and attendant structures, location and results of percolation tests, and other information shall be shown as required by the County Health Department. Specific plan requirements include:

a. A letter from the Gwinnett County Water Resources Department stating that connection to public sewerage is not available.
b. Soils map and classification of soils as performed by a Soil Scientist. Percolation tests and additional soil borings magi be required by the Health Department. When percolation tests are performed, a minimum of

three percolation tests per installation site shall be conducted and highest soil absorption rate shall be used. Test boring shall be shown on the plot plan.

c. Calculations relating to the design of the septic system shall be submitted with a plot plan showing the maximum daily waste water usage (GPD); the sewage percolation coefficient; size of septic tank and area of absorption trenches, length depth and width of absorption trenches, and depth of gravel bed; all mathematical calculations and supporting data. Systems shall be designed using the maximum daily waste water usage and the highest percolation rate. The minimum acceptable percolation rate shall be 45 minutes per inch.
d. Identification of location of wells within 500 feet of the property.
e. Location of soil test holes referenced to a description of the soils.
f. Location of septic tank and primary and secondary (replacement) absorption trenches. Solid and perforated pipe shall be shown as solid and dotted lines, respectively. All absorption trenches shall run parallel with contour lines and shall be at least 10 feet apart. Absorption trenches shall not be installed on filled graded sites or where slopes exceed 25 percent. Trenches shall not be greater than 4 feet deep unless recommended by a Soil Scientist to improve percolation rates.
g. Where an existing septic system is to be utilized, an evaluation of the system shall be performed to indicate its suitability for treating the anticipated daily waste water requirements. The existing systems shall be plotted on the site plan.

J. Lighting plans

Details of exterior lighting shall be provided on a site plan. Photometric calculations shall be detailed on an exterior lighting plan unless waived by the Director. Photometric calculations shall be based on the "mean" light output per the manufacturer's values of the specified lamp and luminaire photometry data formatted on Illumination Engineering Society (I.E.S.) file complied by an approved testing laboratory. The details provided for exterior lighting shall include point-to-point photometric calculations at intervals of not more than ten (10) feet, at ground level, and may also be required at six (6) feet above ground level, depending on the applicable risk factors.

Sec. 105-7. Building Drawings and Specifications

When required by the Building Official, two or more copies of specifications, and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a building permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

A. Additional data

The Building Official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications and accompanying data required by the Building Official to be prepared by an architect or engineer shall be affixed with their official seal.

B. Design professional

The design professional shall be an architect or engineer legally registered under the laws of Georgia regulating the practice of architecture or engineering and shall affix their official seal to said drawings, specifications and accompanying data, for the following:

1. All group A, E, and I occupancies.
2. Buildings and structures three stories high or more in area.
3. Buildings and structures 5,000 square feet (465 square meters) or more in area.

For all other buildings and structures, the submittal shall bear a certification by the applicant that some specific Georgia law allows exception to its preparation by a non-registered design professional.

C. Structural and fire-resistant integrity

The city relies on the Gwinnett County Fire Marshal's Office for review and inspection of all buildings, except residential buildings, for compliance with life safety and handicap regulations. Plans for all buildings shall indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistance wall, floor or partition will be made for electrical, gas, mechanical, plumbing, signal and communication conduits, pipes and systems and also indicate in sufficient detail how the fire resistance integrity will be maintained where required fire-resistant floors intersect the exterior walls.

D. Site drawings

Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The Building Official may require a boundary line survey prepared by a qualified surveyor.

E. Hazardous occupancies

For buildings or structures used for hazardous material, the Building Official may require the following:

1. General site plan.
   A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.
2. Building floor plan.
   A building floor plan drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire-rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class or the hazardous materials stored.

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ARTICLE VI. ENFORCEMENT

Sec. 106-1. Enforcement Authority

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this UDO under the advisement of the Community Development Director or their designee.

Sec. 106-2. Violation

A. Any action or inaction that violates the provisions of this UDO, or violates any permit issued subject to this UDO may be subject to an enforcement action.

B. No building or other structure shall be erected, moved, added to or structurally altered without a building permit issued by the Building Official. No building permit shall be issued except in conformance with the provisions of this chapter and the provisions set out under this UDO.

C. Certificate of occupancy required.

1. A certificate of occupancy issued by the Building Official is required in advance of the use or occupancy of:
   a. Any lot or a change in the use thereof; and
   b. A building hereafter erected or a change in the use of an existing building.

2. No certificate of occupancy shall be issued unless the lot or building or structure complies with all the provisions of this UDO.
3. A record of all certificates of occupancy shall be kept on file in the office of the Building Official and a copy shall be furnished, on request, to any person having a proprietary or tenancy interest in the building or land involved.

Sec. 106-3. Emergency Work

Emergency work necessary to preserve life or property. When emergency work is performed under this UDO, the person performing it shall report the pertinent facts relating to the work to the Building Official on the next business day after commencement of the work. Within 10 days thereafter, the person shall apply for a permit and perform such work within such time as may be determined by the Community Development Department.

Sec. 106-4. Notice of violation.

A. If the City determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit or has failed to comply with any of the provisions of this UDO, it must issue a written notice of violation to the applicant or other responsible person. Where a person is engaged in activity covered by this UDO without having first secured a permit for that activity, the notice of violation will be served on the owner or the responsible person in charge of the activity being conducted on the site.

B. The notice of violation must contain:

1. The name and address of the owner or the applicant or the responsible person;

2. The address or other description of the site upon which the violation is occurring;
3. A statement specifying the nature of the violation;
4. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, or with the provisions of this UDO, and the date for the completion of such remedial action;
5. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
6. A statement that the determination of violation may be appealed to the City by filing a written notice of appeal within 30 days after the notice of violation (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice will be sufficient).

Sec. 106-5. Penalties for violation

In addition to other penalties and withholding of permits as may be specifically provided for elsewhere in this UDO, penalties for violating this UDO are provided in Chapter1, Section 1-11 of the City Code of Ordinances. Where a violation of this UDO exists with respect to the use of any building, structure, or land, the City may employ the following remedies and penalties.

A. Citation

If the violation is by a tenant, person, corporation, firm or other entity who is not the owner of record of the building, structure or land, issue a citation for the violation of the City Code of Ordinances to that person or entity. In addition, the City may provide written notice, either personally or by certified mail, to the owner of record of such building, structure or land. Notice must contain a description of the violation and a 30-day period within which to abate or correct the violation. If the owner of record does not bring the use of the building, structure or land into compliance within 30 days, the owner shall be cited for violation of the City Code of Ordinance. Each day any violation continues shall constitute a separate offense.

B. Bond Forfeiture

If, through inspection, it is determined that a person has failed to comply with an approved plan, a written notice to comply must be served upon that person. The notice must set forth the measures necessary to achieve compliance with the plan and state the time within which such measures must be completed. If the person fails to comply within the time specified, that person will be deemed in violation of the UDO and, in addition to other penalties, will be deemed to have forfeited their performance bond, if required to post one. The local issuing authority may call the bond or any part of the bond to be forfeited and may use the proceeds to hire a contractor to bring the site into compliance

C. Withhold Permits and Licenses

If the violation is by the owner of record of the building, structure or land, or his/her/its agent, employee or representative, in addition to other remedies available, the City may refuse or deny all City permits, licenses, certificates or applications to that owner or his/her/its agents until the violation is abated or corrected.

D. Withhold Certificate of Occupancy

The City may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described in the notice.

E. Suspension, Revocation or Modification of Permit

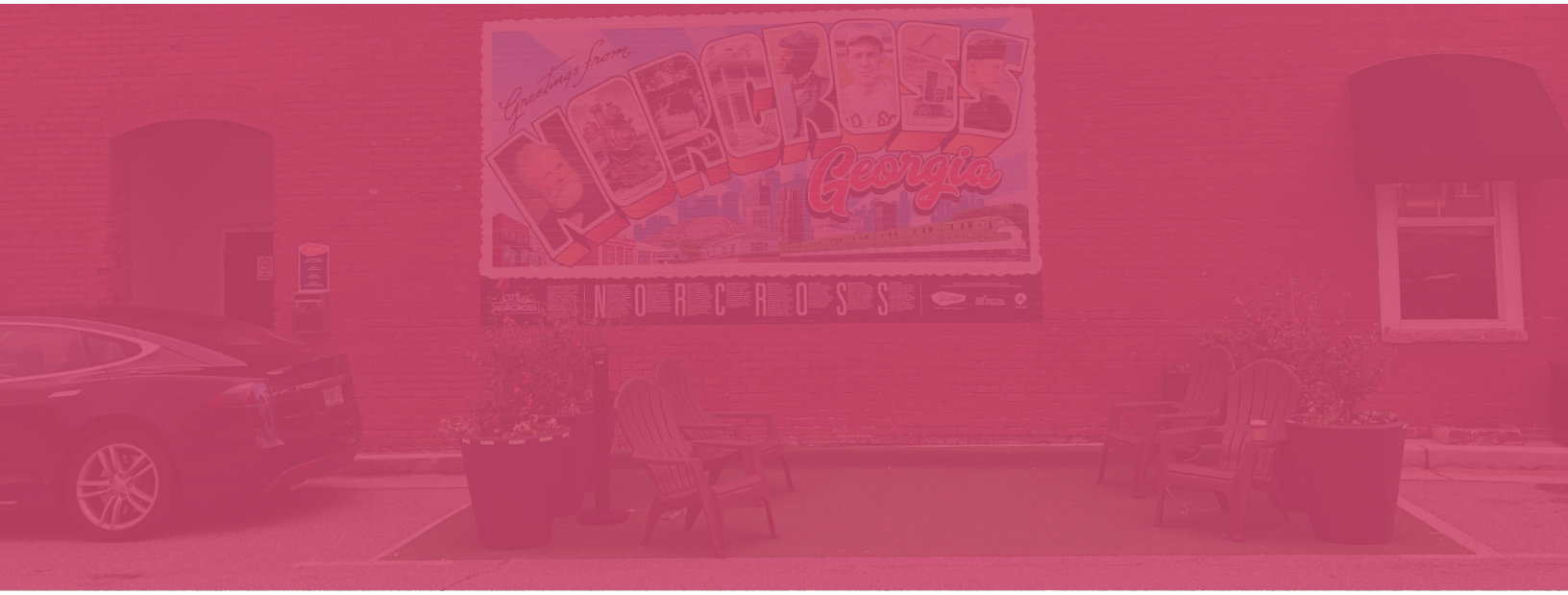
The City may suspend, revoke or modify any permit authorized by this UDO. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described in the notice, provided the permit may be reinstated upon such conditions as the City may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

F. Monetary Fines

Any person who violates any provision of this UDO, or any permit condition or limitation established pursuant to this UDO, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the City issued as provided in this Article will be liable for a fine established by City Council by ordinance. For the purpose of enforcing the provisions of this Section, the municipal court is authorized to impose a fine for each violation. Notwithstanding any limitation of law as to fines which can be assessed for violations of City ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this UDO under City ordinances approved under this Section will be authorized to impose penalties for such violations for each violation. Each day during which violation or failure or refusal to comply continues is a separate violation.

Sec. 106-6. Remedies

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or if any building, structure or land is used in violation of this UDO, the City Council, the Building Official or any adjacent or other property owner who would be damaged by the violation, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceeding to stop the violation in the case of such building, structure or land use.


Greetings from
NORCROSS
Georgia
NORCROSS

CHAPTER

200

Land Use & Zoning

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CHAPTER 200 – Land Use and Zoning

ARTICLE I. ZONING DISTRICTS AND USE PROVISIONS

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CHAPTER 200 – Land Use and Zoning

ARTICLE I. ZONING DISTRICTS AND USE PROVISIONS

DIVISION 1. General

Sec. 201-1. General Applicability

It is the intent of this Article to:

A. Regulate the location and use of buildings and land for residential, commercial and service, industrial and manufacturing, transportation, communications, utilities and other purposes to promote the health, safety and general welfare.
B. To regulate the height and size of buildings and structures hereafter erected, enlarged, structurally altered or demolished, the size of yards and open space, setbacks and the density of population.
C. To establish reasonable site development and design standards, subdivision regulations and requirements for adequate public facilities and services.

Sec. 201-2. Establishment of Zoning Districts

The following districts are hereby established in the City of Norcross:

A. Single Family Residential Zoning Districts

1. R100 Single Family Residence
2. R75 Single Family Residence
3. R60 Single Family Residence
4. RTH Townhouse Residence

B. Multi-Family Residential Zoning Districts

1. RD Duplex Residence
2. PRD Planned Residential District

C. Mixed-use and Commercial Zoning Districts

1. OI Office-Institutional
2. C1 Neighborhood Business
3. C2 General Business
4. HX Historic Mixed-use
5. NX Neighborhood Mixed-use
6. CX Community Mixed-use
7. CAR Commercial Auto Related Business
8. BH Buford Highway

D. Industrial Districts

1. M1 Light Industrial
2. M2 Heavy Industrial

E. Special Districts

1. P Public
2. FH Flood Hazard
3. CSO Conservation Subdivision/Open Space Development
4. H Historic

Sec. 201-3. Official Zoning Map

A. Official Zoning Map

1. The city is hereby divided into zoning districts, as shown on the official zoning map which, together with all notations, references, data and other information shown on the map, is hereby adopted by reference and declared to be a part of this zoning ordinance.
2. The Official Zoning Map shall be a hard copy map (paper, mylar, vellum or other similar material) identified by a signature block that includes the signature of the Mayor, and attested by the City Clerk, over the following words: "This is to certify that this is the official zoning map referred to in the Norcross Zoning Ordinance" together with the date of its adoption.
3. The location and boundaries of the zoning districts established by this zoning ordinance are depicted on and maintained as part of the city's geographic information system (GIS), under the direction of the City Manager. A print out or plot of this "zoning" geographic coverage layer that includes the signature block signed by the Mayor and attested by the City Clerk constitutes the City of Norcross' Official Zoning Map.
4. The latest adopted version of the official zoning map shall be available for inspection in the offices of the City of Norcross Community Development Department during regular business hours of the City, and a copy will be available for general public reference on the City's official website.

B. Maintenance and updates

The Community Development Director is responsible for directing revisions to the official zoning map to reflect its amendment as soon as possible after the effective date of zoning map amendments. No unauthorized person may alter or modify the Official Zoning Map. The Community Development Director may authorize printed copies of the official zoning map to be produced and must maintain digital or printed copies of superseded versions of the official zoning map for historical reference.

C. Replacement of official zoning map

In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Mayor and City Council may by ordinance adopt a new official zoning map which shall supersede the prior official zoning map, and shall be identified by the signature block described in subsection 201-3. A. 2.

D. Annexation

Any land subsequently annexed to the city shall be annexed in accordance with the procedures adopted by mayor and council that are based upon state law and are part of the City Code. It shall, immediately upon annexation, be classified into a zoning category compatible with adjacent zoning and land uses, and sound planning principles in

accordance with the procedure in sub-section 201-3. E., Interpretation of zoning district boundaries, and applicable state law.

E. Interpretation of zoning district boundaries

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

1. Where a zoning district boundary line is shown as approximately following a corporate limits line, a militia district line, a land lot line, a lot line or the centerline of a street, a county road, a state highway, an interstate highway or a railroad right-of-way or such lines extended, then such lines shall be constructed to be the zoning district boundary lines.
2. Where a zoning district boundary line is shown as being set back from a street, a county road, a state highway, an interstate highway or a railroad right-of-way, and approximately parallel thereto, then such zoning district boundary line shall be construed as being at the scaled distance from the centerline of street, county road, state highway, interstate highway or railroad right-of-way and as being parallel thereto.
3. Where a zoning district boundary line divides a lot, the location of the line shall be the scaled distance from the lot lines. In this situation, the requirements of the zoning district in which the greater portion of the lot lies shall apply to the balance of the lot except that such extension shall not include any part of a lot that lies more than 50 feet beyond the zoning district boundary line.
4. In the case of a through lot fronting on two approximately parallel streets, that is divided by a zoning district boundary line paralleling the streets, the restrictions of the zoning district in which each frontage of the through lot lies shall apply to that portion of the through lot.

DIVISION 2. Single Family Residential Districts

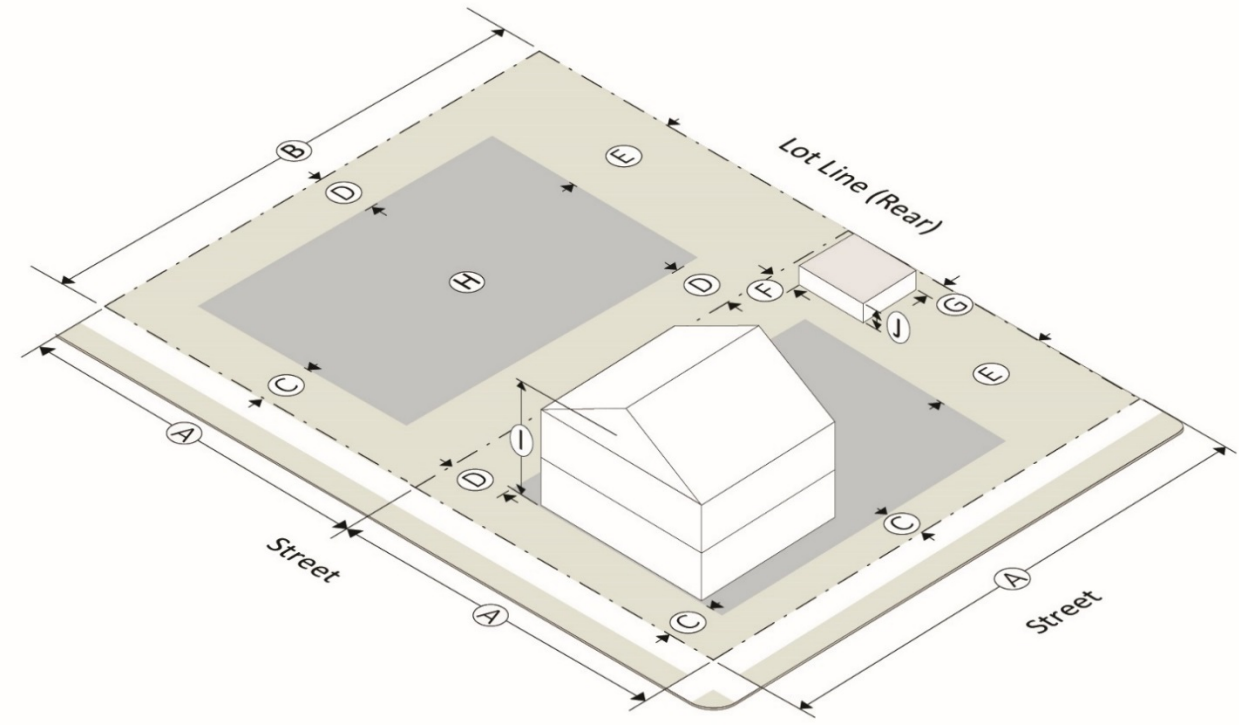
Sec. 201-4. Single Family Residential Districts, General Provisions

The intent of the Single Family Residential Districts is to protect established residential neighborhoods with detached and attached one family dwelling units as well as promote well designed and properly located similar future residential developments. The district provisions discourage any use that would substantially interfere with the residential nature of the districts. Compatible park, open space, utility and civic uses are permitted in these districts as identified in this Article.

Sec. 201-5. Interpretation, of lot development standards for single family residential districts

The following table and graphics depict the interpretation of lot development standards for residential districts. The official definitions for these terms can be found in Chapter 100, Article II, Definitions.

Ⓐ Lot Width	Ⓕ Accessory Side Yard Setback
Ⓑ Lot Depth (Interior or Through Lot Only	Ⓖ Accessory Rear Yard Setback
Ⓒ Principal Building Front Yard Setback	Ⓗ Buildable Area
Ⓓ Principal Building Side Yard Setback	Ⓘ Principal Building Maximum Height
Ⓔ Principal Building Rear Yard Setback	Ⓙ Accessory Building Maximum Height



Sec. 201-6. R100 Single Family Residence

A. R100 Purpose

The R100 Single Family Residence zoning district is intended primarily for single family residences and related uses on large sized lots in the city.

B. R100 Lot Development Standards

Lot Dimensions	
Minimum Lot Area	18,000 SQUARE FEET 15,000 SQUARE FEET if sewered
Minimum Lot Width	100’
Minimum Lot Frontage	50’
Minimum Setbacks	
Principal Building	
Front (from right-of-way)	50’
Side	10’ one side / 25’ total
Rear	40’
Accessory Building	
From Principal Structure	5’
Front	Not Allowed
Side	5’
Rear	5’
Maximum Height	
Principal	35’
Accessory	12’
Impervious Surface Coverage	35%

C. R100 Supplemental Regulations

1. Accessory Use Standards – see Chapter 200, Article II, Supplemental and Accessory Use Standards
2. Landscape and Buffering – see Chapter 200, Article V, Tree Conservation, Buffers, and Landscaping
3. Parking and Loading – see Chapter 200, Article III, Parking and Loading Requirements
4. Signs – see Chapter 200, Article IV, Sign Regulations

D. R100 Permitted Uses

The following uses shall be permitted as of right in this district. Supplemental regulations for uses are in Chapter 200, Article II, Supplemental Use Standards, as applicable.

1. Residential

a. Single family detached dwelling

2. Services

a. Existing cemetery

3. Educational, Cultural, Religious, Philanthropic, Social or Fraternal

a. Places of public assembly

4. Miscellaneous Semi-Public Facilities and Uses

a. Utility transmission and monitoring facilities

E. R100 Special Permit Uses

The following uses shall be considered Special Permit Uses in this district. Supplemental regulations for uses are in Chapter 200, Article II, Supplemental Use Standards, as applicable.

1. Miscellaneous Lodging, Rooms for Rent Situations

a. Bed and Breakfast – but only when in a Historic District Overlay

2. Educational, Cultural, Religious, Philanthropic, Social or Fraternal

a. Elementary and secondary private education
b. Nursery schools and kindergartens

F. R100 Accessory Uses

The following uses shall be considered accessory uses in this district. Supplemental regulations for uses are in Article II, Supplemental Use Standards, as applicable.

1. Customary residential accessory buildings
2. Accessory dwelling units
3. Home occupations

Sec. 201-7. R75 Single family Residence

A. R75 Purpose

The R75 Single Family Residence zoning district is intended primarily for single family residences and related uses on medium sized lots in the city.

B. R75 Lot Development Standards

Lot Dimensions	
Minimum Lot Area	15,000 SQUARE FEET 12,000 SQUARE FEET if sewered
Minimum Lot Width	75’
Minimum Lot Frontage	40’
Minimum Setbacks	
Principal Building	
Front (from right-of-way)	25’ if on minor road 50’ if on county or state road
Side	10’ one side / 25’ total
Rear	40’
Accessory Building	
From Principal Structure	5’ min
Front	Not Allowed
Side	5’ min
Rear	5’ min
Maximum Height	
Principal	35’
Accessory	12’
Impervious Surface Coverage	35%

C. R75 Supplemental Regulations

1. Accessory Use Standards – see Chapter 200, Article II, Supplemental and Accessory Use Standards
2. Landscape and Buffering – see Chapter 200, Article V, Tree Conservation, Buffers, and Landscaping
3. Parking and Loading – see Chapter 200, Article III, Parking and Loading Requirements
4. Signs – see Chapter 200, Article IV, Sign Regulations

D. R75 Permitted Uses

The following uses shall be permitted as of right in this district. Supplemental regulations for uses are in Article II, Supplemental Use Standards, as applicable.

1. Residential

a. Single family detached dwelling

2. Services

a. Existing cemetery

3. Educational, Cultural, Religious, Philanthropic, Social or Fraternal

a. Places of public assembly

4. Miscellaneous Semi-Public Facilities and Uses

a. Utility transmission and monitoring facilities

E. R75 Special Permit Uses

The following uses shall be considered Special Permit Uses in this district. Supplemental regulations for uses are in Chapter 200, Article II, Supplemental Use Standards, as applicable.

1. Educational, Cultural, Religious, Philanthropic, Social or Fraternal

a. Elementary and secondary private education

F. R75 Accessory Uses

The following uses shall be considered accessory uses in this district. Supplemental regulations for uses are in Chapter 200, Article II, Supplemental Use Standards, as applicable.

1. Customary residential accessory buildings
2. Accessory dwelling units
3. Home occupations

Sec. 201-8. R60 Single Family Residence

A. R60 Purpose

The R60 Single Family Residence zoning district is intended primarily for single family residences and related uses on small sized lots in the city.

B. R60 Lot Development Standards

Lot Dimensions	
Minimum Lot Area	7,500 SQUARE FEET
Minimum Lot Width	60’
Minimum Lot Frontage	30’
Minimum Setbacks	
Principal Building	
Front (from right-of-way)	25’
Side	7½ each side
Rear	25’
Accessory Building	
From Principal Structure	5’
Front	Not allowed
Side	5’
Rear	5’
Maximum Height	
Principal	35’
Accessory	12’
Impervious Surface Coverage	45%

C. R60 Supplemental Regulations

1. Accessory Use Standards – see Chapter 200, Article II, Supplemental and Accessory Use Standards
2. Landscape and Buffering – see Chapter 200, Article V, Tree Conservation, Buffers, and Landscaping
3. Parking and Loading – see Chapter 200, Article III, Parking and Loading Requirements
4. Signs – see Chapter 200, Article IV, Sign Regulations

D. R60 Permitted Uses

The following uses shall be permitted as of right in this district. Supplemental regulations for uses are in Article II, Supplemental Use Standards, as applicable.

1. Residential

a. Single family detached dwelling
b. Single family detached dwelling; manufacture or modular Home

2. Services

a. Existing cemetery

3. Educational, Cultural, Religious, Philanthropic, Social or Fraternal

a. Places of public assembly

4. Miscellaneous Semi-Public Facilities and Uses

a. Utility transmission and monitoring facilities

E. R60 Special Permit Uses

The following uses shall be considered Special Permit Uses in this district. Supplemental regulations for uses are in Article II, Supplemental Use Standards, as applicable.

1. Educational, Cultural, Religious, Philanthropic, Social or Fraternal

a. Elementary and secondary private education

F. R60 Accessory Uses

The following uses shall be considered accessory uses in this district. Supplemental regulations for uses are in Article II, Supplemental Use Standards, as applicable.

1. Customary residential accessory buildings
2. Accessory dwelling units
3. Home occupations

Sec. 201-9. RTH Townhouse Residence

A. RTH Purpose

The RTH Townhouse Residence zoning district is intended primarily for attached, single family residences (townhomes) and related uses.

B. RTH Lot Development Standards

Lot Dimensions	**Single Family Detached**	**Townhomes**
Minimum Lot Area	5,445 SQUARE FEET	None; Max 8 du/acre
Minimum Lot Width	40’	20’
Minimum Lot Frontage	20’	20’
Minimum Setbacks		
Principal Building		
Front (from right-of-way)	10’	
Side	5’ side yard end unit	0’ interior unit/ 5’ side yard end unit
Rear	40’	
Accessory Building		
From Principal Structure	5’	
Front	Not Allowed	
Side	5’	
Rear	5’	
Maximum Height		
Principal	See the appropriate Comprehensive Plan Character Area narrative; unless otherwise stated in the Comprehensive Plan 45’ maximum	
Accessory	12’	
Impervious Surface Coverage	**70%**	

C. RTH Supplemental Regulations

1. Accessory Use Standards – see Chapter 200, Article II, Supplemental and Accessory Use Standards
2. Landscape and Buffering – see Chapter 200, Article V, Tree Conservation, Buffers, and Landscaping
3. Parking and Loading – see Chapter 200, Article III, Parking and Loading Requirements
4. Signs – see Chapter 200, Article IV, Sign Regulations

D. RTH Permitted Uses

The following uses shall be permitted as of right in this district. Supplemental regulations for uses are in Chapter 200, Article II, Supplemental Use Standards, as applicable.

1. Residential

a. Single family detached dwelling
b. Single family detached dwelling; more than one housing unit per lot
c. Townhouse

2. Services

a. Existing Cemetery

3. Educational, Cultural, Religious, Philanthropic, Social or Fraternal

a. Places of public assembly

4. Miscellaneous Semi-Public Facilities and Uses

a. Utility transmission and monitoring facilities

E. RTH Special Permit Uses

The following uses shall be considered Special Permit Uses in this district. Supplemental regulations for uses are in Article II, Supplemental Use Standards, as applicable.

1. Educational, Cultural, Religious, Philanthropic, Social or Fraternal

a. Elementary and secondary private education

F. RTH Accessory Uses

The following uses shall be considered accessory uses in this district. Supplemental regulations for uses are in Article II, Supplemental Use Standards, as applicable.

1. Customary residential accessory buildings
2. Home occupations

DIVISION 3. Multi-Family Residential Districts

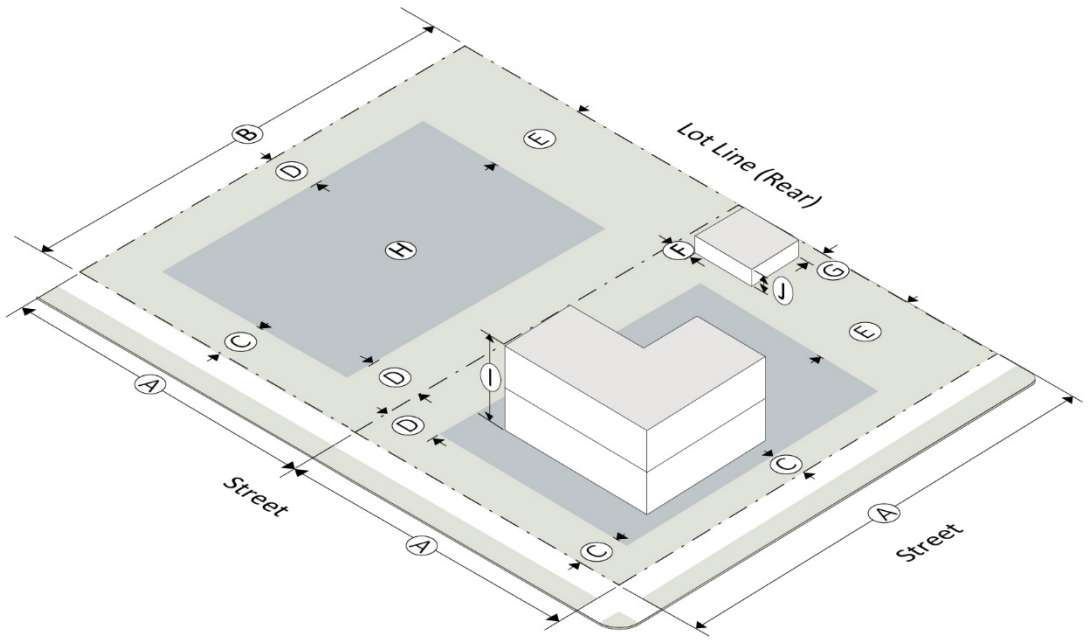
Sec. 201-10. General Provisions, Multi-family Residential Districts

The intent of the Multi-Family Residential Districts is to protect established multi-family residential developments as well as promote well designed and properly located similar future multi-family residential developments. The district provisions discourage any use that would substantially interfere with the residential nature of the districts. Compatible park, open space, utility and civic uses are permitted in these districts as identified in this Article.

Sec. 201-11. Interpretation of lot development standards for multi-family residential districts

The following table and graphics depict the interpretation of lot development standards for multi-family residential districts. The official definitions for these terms can be found in the Article II, Definitions.

Ⓐ Lot Width	Ⓕ Accessory Side Yard Setback
Ⓑ Lot Depth (Interior or Through Lot Only	Ⓖ Accessory Rear Yard Setback
Ⓒ Principal Building Front Yard Setback	Ⓗ Buildable Area
Ⓓ Principal Building Side Yard Setback	Ⓘ Principal Building Maximum Height
Ⓔ Principal Building Rear Yard Setback	Ⓙ Accessory Building Maximum Height



Sec. 201-12. RD Residential Duplex District

A. RD Purpose

The RD Residential Duplex zoning district is intended primarily for two-family residences and related uses.

B. RD Lot Development Standards

Lot Dimensions	
Minimum Lot Area	24,000 square feet 16,000 square feet if sewered
Minimum Lot Area per Family	8,000 square feet
Minimum Lot Width	100’
Minimum Lot Frontage	50’
Minimum Setbacks	
Principal Building	
Front (from right-of-way)	25’
Side	15’ each yard
Rear	40’
Accessory Building	
From Principal Structure	5’
Front	Not Allowed
Side	5’
Rear	5’
Maximum Height	
Principal	40’
Accessory	12’
Impervious Surface Coverage	40%

C. RD Supplemental Regulations

1. Accessory Use Standards – see Chapter 200, Article II, Supplemental and Accessory Use Standards
2. Landscape and Buffering – see Chapter 200, Article V, Tree Conservation, Buffers, and Landscaping
3. Parking and Loading – see Chapter 200, Article III, Parking and Loading Requirements
4. Signs – see Chapter 200, Article IV, Sign Regulations

D. RD Permitted Uses

The following uses shall be permitted as of right in this district. Supplemental regulations for uses are in Chapter 200, Article II, Supplemental Use Standards, as applicable.

1. Residential

a. Single family detached dwelling
b. Single family detached dwelling; more than one housing unit per lot
c. Duplex

2. Services

a. Existing cemetery

3. Educational, Cultural, Religious, Philanthropic, Social or Fraternal

a. Places of public assembly

4. Miscellaneous Semi-Public Facilities and Uses

a. Utility transmission and monitoring facilities

E. RD Special Permit Uses

The following uses shall be considered Special Permit Uses in this district. Supplemental regulations for uses are in Article II, Supplemental Use Standards, as applicable.

1. Educational, Cultural, Religious, Philanthropic, Social or Fraternal

a. Elementary and secondary private education

F. RD Accessory Uses

The following uses shall be considered accessory uses in this district. Supplemental regulations for uses are in Chapter 200, Article II, Supplemental Use Standards, as applicable.

1. Customary residential accessory buildings
2. Home occupations

Sec. 201-13. PRD Planned Residence District

A. PRD Purpose

The PRD Planned Residence District is intended for higher density, multi-family residences and related uses. Approved PRDs will only contain housing types or densities allowed under the Comprehensive Plan's character area description.

B. PRD Lot Development Standards

The PRD is a flexible district for which plans are developed and submitted for review and approval. The process for establishment, review and approval are found in Chapter 100, Article IV of this UDO.

C. PRD Supplemental Regulations

1. Accessory Use Standards – see Chapter 200, Article II, Supplemental and Accessory Use Standards
2. Landscape and Buffering – see Chapter 200, Article V, Tree Conservation, Buffers, and Landscaping
3. Parking and Loading – see Chapter 200, Article III, Parking and Loading Requirements
4. Signs – see Chapter 200, Article IV, Sign Regulations

D. PRD Density

The overall density for a development in the PRD district is determined by an approved site plan for new development, or in the case of PRD development built before June 1, 2019 is determined by their approved final plats.

E. PRD Permitted Uses

The following uses shall be permitted as of right in this district. Supplemental regulations for uses are in Chapter 200, Article II, Supplemental Use Standards, as applicable.

1. Residential

a. Single family detached dwelling
b. Single family detached dwelling; more than one housing unit per lot
c. Duplex
d. Townhome
e. Multi-family

2. Group, Institutional and Social Service Living

a. Nursing care institutions, intermediate care institutions, handicapped or infirm institutions and child care institutions

3. Services

a. Existing cemetery

4. Educational, Cultural, Religious, Philanthropic, Social or Fraternal

a. Places of public assembly

5. Miscellaneous Semi-Public Facilities and Uses

a. Utility transmission and monitoring facilities

F. PRD Special Permit Uses

The following uses shall be considered Special Permit Uses in this district. Supplemental regulations for uses are in Article II, Supplemental Use Standards, as applicable.

1. Educational, Cultural, Religious, Philanthropic, Social or Fraternal

a. Elementary and secondary private education

G. PRD Accessory Uses

The following uses shall be considered accessory uses in this district. Supplemental regulations for uses are in Article II, Supplemental Use Standards, as applicable.

1. Customary residential accessory buildings
2. Home occupations

DIVISION 4. Mixed-Use and Commercial Districts

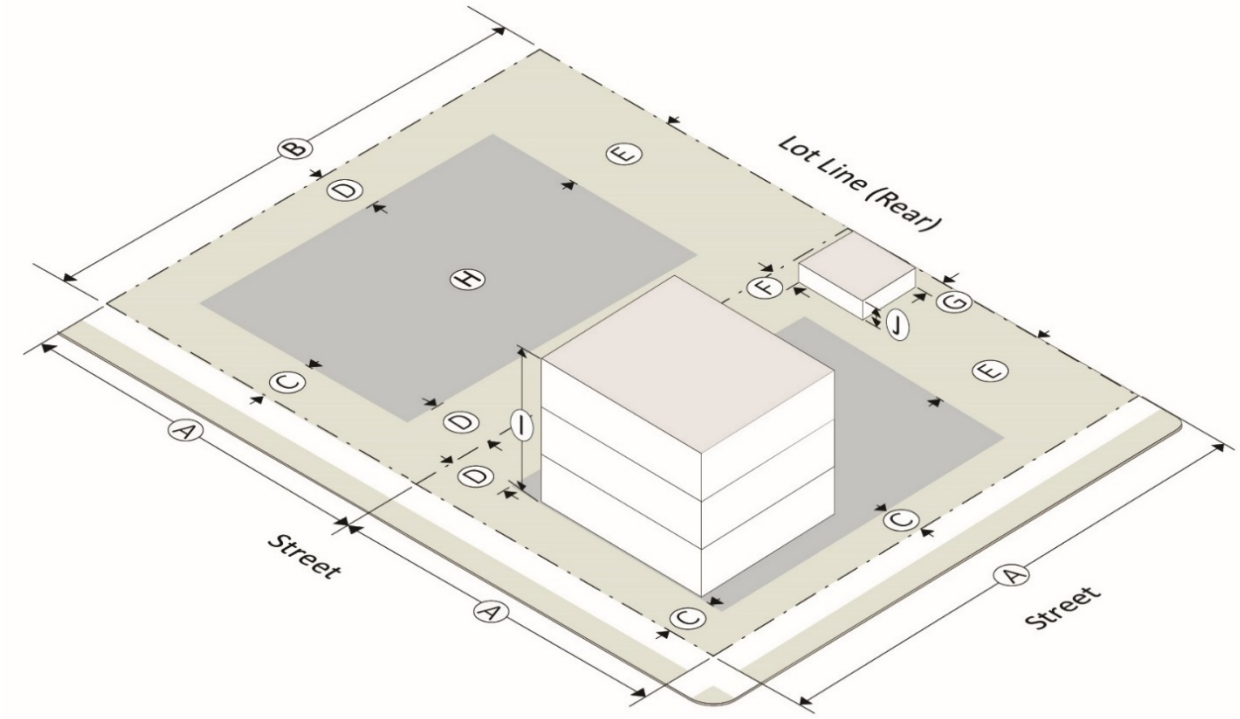
Sec. 201-14. General Provisions, Mixed-Use and Commercial Districts

The intent of the Mixed-Use and Commercial Districts is to encourage the creation of new, and the enhancement of, existing mixed-use and commercial areas that primarily serve a variety of retail, service and office needs at a variety of intensities.

Sec. 201-15. Interpretation of lot development standards for mixed-use and commercial districts

The following table and graphics depict the interpretation of lot development standards for mixed-use and commercial districts. The official definitions for these terms can be found in the Article II, Definitions.

Ⓐ Lot Width	Ⓕ Accessory Side Yard Setback
Ⓑ Lot Depth (Interior or Through Lot Only	Ⓖ Accessory Rear Yard Setback
Ⓒ Principal Building Front Yard Setback	Ⓗ Buildable Area
Ⓓ Principal Building Side Yard Setback	Ⓘ Principal Building Maximum Height
Ⓔ Principal Building Rear Yard Setback	Ⓙ Accessory Building Maximum Height



Sec. 201-16. OI Office-Institutional

A. OI Purpose

The OI Office-Institutional district established to provide a location for offices, institutions and limited related service activities in buildings of high character in attractive surroundings.

B. OI Lot Development Standards

Lot Dimensions	
Minimum Lot Area	None
Minimum Lot Width	None
Minimum Lot Frontage	None
Minimum Setbacks	
Principal Building	
Front (from right-of-way)	50’
Side	0’
Rear	15’ 40’ if abutting a Residential District
Accessory Building	
From Principal Structure	5’
Front	Not Allowed
Side	5’ unless abutting a residential district, then 15’
Rear	5’ unless abutting a residential district, then 15’
Maximum Height	
Principal	40’
Accessory	20’
Impervious Surface Coverage	60%

C. OI Supplemental Regulations

1. Accessory Use Standards – see Chapter 200, Article II, Supplemental and Accessory Use Standards
2. Landscape and Buffering – see Chapter 200, Article V, Tree Conservation, Buffers, and Landscaping
3. Parking and Loading – see Chapter 200, Article III, Parking and Loading Requirements
4. Signs – see Chapter 200, Article IV, Sign Regulations

D. OI Permitted Uses

The following uses shall be permitted as of right in this district. Supplemental regulations for uses are in Chapter 200, Article II, Supplemental Use Standards, as applicable.

1. **Residential – Group, Institutional and Social Service Living**
   a. Nursing care institutions, intermediate care institutions, handicapped or infirm institutions and child care institutions
   b. Institutions (other than halfway houses) where mentally ill persons are confined

2. **Services – Office, Clerical, Repair, Research and Personal not Primarily Related to the Sale of Goods or Merchandise**
   a. Banks and financial institutions
   b. Business college or business schools operated as a business enterprise
   c. Day care center
   d. Funeral home
   e. Medical clinic or dental office
   f. Personal services
   g. Professional and business offices
   h. Professional services

3. **Educational, Cultural, Religious, Philanthropic, Social or Fraternal**
   a. Places of public assembly
   b. Elementary and secondary schools
   c. Library, museum, art gallery, art center and similar uses including associated educational and instructional activities

4. **Storage and Parking**
   a. Automobile parking garage or parking lot not located on a lot on which there is another principal use to which the parking is related
   b. Parking of vehicles or storage of equipment outside enclosed structures where: (i) vehicles or equipment are owned and used by the person making use of the lot, and (ii) parking or storage is more than a minor and incidental part of the overall use made of the lot

5. **Miscellaneous Semi-Public Facilities and Uses**
   a. Museum
   b. Community center or recreation area
   c. Utility transmission and monitoring facilities

E. OI Special Permit Uses

The following uses shall be considered Special Permit Uses in this district. Supplemental regulations for uses are in Article II, Supplemental Use Standards, as applicable.

1. **Residential – Miscellaneous Lodging, Rooms for Rent Situations**
   a. Hotel

2. **Services – Office, Clerical, Repair, Research and Personal Not Primarily Related to the Sale of Goods or Merchandise**
   a. Other service establishments not listed, but similar to the listed uses compatible with uses on adjoining property and meeting the intent and purpose of this district

3. Educational, Cultural, Religious, Philanthropic, Social or Fraternal

a. Private schools, trade or vocational schools

4. Food and Drink

a. Event facilities, business, social and catering

b. Restaurants, No Drive-In or Drive-Thru

F. OI Accessory Uses

Supplemental regulations for accessory uses are in Chapter 200, Article II, Supplemental Use Standards, as applicable.

Sec. 201-17. C1 Neighborhood Business

A. C1 Purpose

The C1 Neighborhood Business District is established to provide a location for convenience goods and services for people in nearby residential neighborhoods.

B. C1 Lot Development Standards

Lot Dimensions	
Minimum Lot Area	None
Minimum Lot Width	None
Minimum Lot Frontage	None
Minimum Setbacks	
Principal Building	
Front (from right-of-way)	25’
Side	If provided, 10’ each yard Required 20’ each yard if abutting Residential District
Rear	If provided, 10’ each yard Required 40’ if abutting Residential District
Accessory Building	
From Principal Structure	5’
Front	Not Allowed
Side	5’ unless abutting a residential district, then 15’
Rear	5’ unless abutting a residential district, then 15’
Maximum Height	
Principal	35’
Accessory	20’
Impervious Surface Coverage	80%

C. C1 Supplemental Regulations

1. Accessory Use Standards – see Chapter 200, Article II, Supplemental and Accessory Use Standards
2. Landscape and Buffering – see Chapter 200, Article V, Tree Conservation, Buffers, and Landscaping
3. Parking and Loading – see Chapter 200, Article III, Parking and Loading Requirements
4. Signs – see Chapter 200, Article IV, Sign Regulations

D. C1 Permitted Uses

The following uses shall be permitted as of right in this district. Supplemental regulations for uses are in Chapter200, Article II, Supplemental Use Standards, as applicable.

1. Sales and Rental of Goods, Merchandise and Equipment

a. Art gallery
b. Retail sales < 5,000 square feet
c. Studio or meeting facility < 5,000 square feet

2. Services – Office, Clerical, Repair, Research and Personal not Primarily Related to the Sale of Goods or Merchandise

a. Banks and financial institutions
b. Day care center
c. Medical or dental office or clinic
d. Personal service
e. Professional and business office
f. Professional service

3. Educational, Cultural, Religious, Philanthropic, Social or Fraternal

a. Nursery school and kindergarten
b. Social, fraternal, clubs and lodges
c. Library
d. Museum

E. C1 Special Permit Uses

The following uses shall be considered Special Permit Uses in this district. Supplemental regulations for uses are in Article II, Supplemental Use Standards, as applicable.

1. Sales and Rental of Goods, Merchandise and Equipment

a. Fuel sales
b. Fuel sales when accessory to a permitted retail use
c. Studio or meeting facility 5,000 – 19,999 square feet
d. Any retail establishment not specifically permitted, but which is similar to the listed Uses, compatible with uses on adjoining property and which meets the intent and purpose of the district

2. Motor Vehicle Related Sales and Service Operations

a. Motor vehicle service and fuel station

F. C1 Accessory Uses

Supplemental regulations for accessory uses are in Chapter 200 Article II, Supplemental Use Standards, as applicable.

Sec. 201-18. C2 General Business

A. Purpose

The C2 General Business District is established to provide adequate space in appropriate locations along major streets, thoroughfares and at intersections for various types of business and service uses. These uses should include the retailing of major goods and services, general office facilities and public functions that would serve a community area of several neighborhoods. Development of uses in the district characteristically occupies a larger area than in the C1, Neighborhood business district because it is intended to serve a greater population and to offer a wider range of goods and services. Orientation and expansion of this district should occur as an increase in depth at major intersections rather than as a strip-like extension along the street or thoroughfare.

B. C2 Lot Development Standards

Lot Dimensions	
Minimum Lot Area	None
Minimum Lot Width	None
Minimum Lot Frontage	None
Minimum Setbacks	
Principal Building	
Front (from right-of-way)	50’
Side	If provided, 10’ each yard Required 20’ each yard if abutting Residential District
Rear	If provided, 10’ each yard Required 40’ if abutting Residential District
Accessory Building	
From Principal Structure	5’
Front	Not Allowed
Side	5’ unless abutting a residential district, then 15’
Rear	5’ unless abutting a residential district, then 15’
Maximum Height	
Principal	35’
Accessory	20’
Impervious Surface Coverage	80%

C. C2 Supplemental Regulations

1. Accessory Use Standards – see Chapter 200, Article II, Supplemental and Accessory Use Standards
2. Landscape and Buffering – see Chapter 200, Article V, Tree Conservation, Buffers, and Landscaping

3. Parking and Loading – see Chapter 200, Article III, Parking and Loading Requirements
4. Signs – see Chapter 200, Article IV, Sign Regulations

D. C2 Permitted Uses

The following uses shall be permitted as of right in this district. Supplemental regulations for uses are in Chapter 200, Article II, Supplemental Use Standards, as applicable.

1. Residential – Miscellaneous, Lodging, Rooms for Rent Situations

a. Hotel

2. Sales and Rental of Goods, Merchandise and Equipment

a. Art gallery
b. Equipment rental – No heavy equipment or outdoor storage
c. Plumbing, electrical, pool and home building supply showrooms and sales – No outdoor storage
d. Motorcycle sales, rental, and service
e. Retail sales
f. Studio or meeting facility.

3. Services – Office, Clerical, Repair, Research and Personal not Primarily Related to the Sale of Goods or Merchandise

a. Banks and financial institutions
b. Building, electrical or plumbing contractors – No outside storage
c. Business college or business school operated as a business enterprise
d. Day care center
e. Funeral home
f. Massage therapist, certified
g. Medical or dental office or clinic
h. Motorcycle service
i. Outdoor theater
j. Personal service
k. Professional and business office
l. Professional service
m. Taxi cab or limousine service

4. Manufacturing, Wholesale and Warehousing

a. Radio, recording or television studio and broadcast station

5. Educational, Cultural, Religious, Philanthropic, Social or Fraternal

a. Places of public assembly
b. Private college, university, community college – Including associated facilities such as dorms, offices, athletic fields
c. Libraries, museums, art galleries, art centers and similar uses
d. Private schools, trade or vocational schools
e. Social, fraternal, clubs and lodges

6. **Recreation, Amusement, Entertainment**
   a. Activity constructed entirely within a building or substantial structure – Theater, bowling alley, skating rink, shooting range, movie theater, game room, etc.
   b. Pool hall or billiard hall – Three or more tables

7. **Food and Drink**
   a. Event facility, business, social and catering
   b. Restaurant
   c. Microbreweries
   d. Brew pubs

8. **Motor Vehicle Relates Sales and Service Operations**
   a. Auto parts store – No on-premise installation
   b. Emissions inspection station
   c. Motor vehicle service and fuel station

9. **Storage and Parking**
   a. Automobile parking garage or parking lot not located on a lot on which there is another principal use to which the parking is related

10. **Services and Enterprises Related to Animals**
    a. Veterinarian clinic – No outdoor boarding

11. **Miscellaneous Semi-Public Facilities and Utilities**
    a. Library
    b. Museum
    c. Utility transmission and monitoring facility

E. C2 Special Permit Uses

The following uses shall be considered Special Permit Uses in this district. Supplemental regulations for uses are in Article II, Supplemental Use Standards, as applicable.

1. **Residential – Miscellaneous, Lodging, Rooms for Rent Situations**
   a. Extended stay hotel

2. **Sales and Rental of Goods, Merchandise and Equipment**
   a. Building material sales
   b. Fuel sales
   c. Fuel sales when accessory to a permitted retail use
   d. Garden supply center and greenhouse
   e. Any retail establishment not specifically permitted, but which is similar to the listed uses, compatible with uses on adjoining property and which meets the intent and purpose of the district

3. **Services – Office, Clerical, Repair, Research and Personal – Not Primarily Related to the Sale of Goods or Merchandise**
   a. Hospital, clinic or other medical treatment facility > 10,000 square feet

b. Tattoo and/or body piercing establishment
c. Any service establishment not specifically permitted, but which is similar to the listed uses, compatible with uses on adjoining property and which meets the intent and purpose of the district

4. Manufacturing, Wholesale, Warehousing

a. Wholesale warehouse – No outdoor storage

5. Recreation, Amusement, Entertainment

a. Activity conducted outside an enclosed building or substantial structure – Golf driving range, etc.

6. Motor Vehicle Related Sales and Service Operations

a. Automobile vehicle rental
b. Car wash
c. Motor vehicle repair and maintenance – Including painting and body work
d. Motor vehicle repair and maintenance – Not including substantial body work
e. Motor vehicle sales or rental – With repair and body work as an accessory use
f. Motor vehicle service and fuel station

7. Miscellaneous Semi-Public Facilities and Uses

a. Telecommunications antenna
b. Telecommunications tower

F. C2 Accessory Uses

Supplemental regulations for accessory uses are in Chapter 200, Article II, Supplemental Use Standards, as applicable.

Sec. 201-19. HX Historic Mixed-use

A. HX Purpose

The HX Historic Mixed-use district is established to provide for a variety of retail, service, office, public and semi-public uses, with the inclusion of limited residential uses, in a pedestrian friendly environment to promote live-work and mixed-use opportunities.

B. HX Lot Development Standards

Lot Dimensions	
Minimum Lot Area	None
Minimum Lot Width	None
Minimum Lot Frontage	None
Minimum Setbacks	
Principal Building	
Front (from right-of-way) Build-to-Line	0'-10'
Side	0'
Rear	0'
Accessory Building	
From Principal Structure	5'
Front	Not Allowed
Side	5' unless abutting a residential district, then 15'
Rear	5' unless abutting a residential district, then 15'
Maximum Height	
Principal	40'
Accessory	20'
Impervious Surface Coverage	100%
Note: Maximum multi-family density as allowed in the Comprehensive Plan Character Area	

C. HX Supplemental Regulations

1. Accessory Use Standards – see Chapter 200, Article II, Supplemental and Accessory Use Standards
2. Landscape and Buffering – see Chapter 200, Article V, Tree Conservation, Buffers, and Landscaping
3. Parking and Loading – see Chapter 200, Article III, Parking and Loading Requirements
4. Signs – see Chapter 200, Article IV, Sign Regulations

D. HX Permitted Uses

The following uses shall be permitted as of right in this district. Supplemental regulations for uses are in Chapter 200, Article II, Supplemental Use Standards, as applicable.

1. **Residential – Household Residence**
   a. Accessory dwelling unit
2. **Sales and Rental of Goods, Merchandise and Equipment**
   a. Retail sales < 5,000 square feet
   b. Studio or meeting facility < 19,999 square feet
3. **Services – Office, Clerical, Repair, Research and Personal not Primarily Related to the Sale of Goods or Merchandise**
   a. Banks and financial institutions – No drive-in facilities
   b. Business college or business school operated as a business enterprise
   c. Day care center
   d. Medical or dental office or clinic
   e. Personal service
   f. Professional and business office
   g. Professional service
4. **Educational, Cultural, Religious, Philanthropic, Social or Fraternal**
   a. Libraries, Museums, Art Galleries, Art Centers and Similar Uses
5. **Food and Drink**
   a. Restaurant – No drive-in or drive-thru
   b. Microbreweries
   c. Brew pubs
6. **Mixed-use**
   a. Mixed-use as defined in Chapter 100, Article II.

E. HX Special Permit Uses

The following uses shall be considered Special Permit Uses in this district. Supplemental regulations for uses are in Article II, Supplemental Use Standards, as applicable.

1. **Residential – Household Residence**
   a. Townhouse
2. **Residential – Miscellaneous, Lodging, Rooms for Rent Situations**
   a. Bed and Breakfast
   b. Hotel
3. **Sales and Rental of Goods, Merchandise and Equipment**
   a. Retail sales >5,000 square feet

b. Studio or meeting facility > 20,000 square feet
c. Any retail establishment not specifically permitted, but which is similar to the listed uses, compatible with uses on adjoining property and which meets the intent and purpose of the district

4. Services – Office, Clerical, Repair, Research and Personal – Not Primarily Related to the Sale of Goods or Merchandise

a. Outdoor theater
b. Any service establishment not specifically permitted, but which is similar to the listed uses, compatible with uses on adjoining property and which meets the intent and purpose of the district

5. Educational, Cultural, Religious, Philanthropic, Social or Fraternal

a. Places of public assembly
b. Private college, university, community college – Including associated facilities such as dorms, offices, athletic fields
c. Libraries, museums, art galleries, art centers and similar uses
d. Private schools, trade or vocational schools
e. Social, fraternal, clubs and lodges

6. Recreation, Amusement, Entertainment

a. Activity conducted entirely within a building or substantial structure – Theater, bowling alley, skating rink, movie theater, game room, etc.)

7. Storage and Parking

a. Automobile parking garage or parking lot not located on a lot on which there is another principal use to which the parking is related

F. HX Accessory Uses

1. Supplemental regulations for accessory uses are in Chapter 200, Article II, Supplemental Use Standards, as applicable.
2. Accessory Dwelling Unit in the HX District – may be permitted if it meets the following criteria:

a. The principal use and secondary use shall be subject to fire separation as required by the county Fire Marshal;
b. The dwelling unit must not occupy ground floor frontage (storefront) on South Peachtree Street or Jones Street
c. The dwelling unit must not displace any space that has been actively used within the preceding 12 months for retail, office or food service not including passive storage;
d. The exterior appearance of any new construction will be subject to the approval of the HPC;
e. Only one accessory dwelling unit per lot is permitted.

Sec. 201-20. NX Neighborhood Mixed-use

A. NX Purpose

The NX Neighborhood Mixed-Use District is established to provide suitable locations for a compatible mix of dense residential uses, convenience goods, services, office uses and dedicated open space in a compact, walkable environment. Buildings with mixed-uses are required to include a non-residential use at street level.

B. NX Lot Development Standards

Lot Dimensions	
Minimum Lot Area	None
Minimum Lot Width	None
Minimum Lot Frontage	None
Maximum Residential Density	
Townhome	6 dua
Multi-Family Residence	30 dua
Minimum Setbacks	
Principal Building	
Front (from right-of-way)	0' (at sidewalk)
Side	0' Required 20' each yard if abutting Residential District
Rear	0' Required 40' if abutting Residential District
Accessory Building	
From Principal Structure	5'
Front	Not Allowed
Side	5' unless abutting a residential district, then 25'
Rear	5' unless abutting a residential district, then 25'
Maximum Height	
Principal	See the appropriate Comprehensive Plan Character Area narrative
Accessory	20'
Impervious Surface Coverage	80%
Note: Maximum multi-family density as allowed in the Comprehensive Plan Character Area	

C. NX Supplemental Regulations

1. Accessory Use Standards – see Chapter 200, Article II, Supplemental and Accessory Use Standards
2. Landscape and Buffering – see Chapter 200, Article V, Tree Conservation, Buffers, and Landscaping
3. Parking and Loading – see Chapter 200, Article III, Parking and Loading Requirements
4. Signs – see Chapter 200, Article IV, Sign Regulations

D. NX Permitted Uses

The following uses shall be permitted as of right in this district. Supplemental regulations for uses are in Article II, Supplemental Use Standards, as applicable.

1. Residential

a. Townhouse
b. Multi-family residence

2. Sales and Rental of Goods, Merchandise and Equipment

a. Art gallery
b. Retail sales < 5,000 square feet
c. Studio or meeting facility < 5,000 square feet

3. Services – Office, Clerical, Repair, Research and Personal not Primarily Related to the Sale of Goods or Merchandise

a. Banks and financial institutions
b. Day care center
c. Home occupation
d. Medical or dental office or clinic
e. Personal service
f. Professional and business office
g. Professional service

4. Educational, Cultural, Religious, Philanthropic, Social or Fraternal

a. Places of public assembly
b. Private college, university, community college – Including associated facilities such as dorms, offices, athletic fields
c. Libraries, Museums, Art Galleries, Art Centers and Similar Uses
d. Private schools, trade or vocational schools
e. Social, fraternal, clubs and lodges

5. Recreation, Amusement, Entertainment

a. Activity conducted entirely within a building or substantial structure (e.g. theater)

6. Food and Drink

a. Restaurant – No drive-in or drive-thru facility

7. Miscellaneous Semi-Public Facilities and Utilities

a. Library

b. Museum
c. Utility transmission and monitoring facility

8. Mixed-use

a. Mixed-use as defined in Chapter 100, Article II.

E. NX Special Permit Uses

The following uses shall be considered Special Permit Uses in this district. Supplemental regulations for uses are in Chapter 200, Article II, Supplemental Use Standards, as applicable.

1. Sales and Rental of Goods, Merchandise and Equipment

a. Retail sales 5,000 – 24,999 square feet
b. Studio or meeting facility 5,000 – 19,999 square feet

F. NX Accessory Uses

Supplemental regulations for accessory uses are in Chapter 200, Article II, Supplemental Use Standards, as applicable.

Sec. 201-21. CAR Commercial Auto Related Business

A. CAR Purpose

The CAR Auto Oriented District is established to provide for a variety of retail, service, office, public and semi-public uses in an auto oriented environment including drive-in and drive through access.

B. CAR Lot Development Standards

Lot Dimensions	
Minimum Lot Area	None
Minimum Lot Width	None
Minimum Lot Frontage	None
Minimum Setbacks	
Principal Building	
Front (from right-of-way)	50’
Side	10’ each yard 20’ if abutting a residential district
Rear	10’ 40’ if abutting a residential district
Accessory Building	
From Principal Structure	5’
Front	Not Allowed
Side	5’ unless abutting a residential district, then 15’
Rear	5’ unless abutting a residential district, then 15’
Maximum Height	
Principal	40’
Accessory	20’
Impervious Surface Coverage	90%

C. CAR Supplemental Regulations

1. Accessory Use Standards – see Chapter 200, Article II, Supplemental and Accessory Use Standards
2. Landscape and Buffering – see Chapter 200, Article V, Tree Conservation, Buffers, and Landscaping
3. Parking and Loading – see Chapter 200, Article III, Parking and Loading Requirements
4. Signs – see Chapter 200, Article IV, Sign Regulations

D. CAR Permitted Uses

The following uses shall be permitted as of right in this district. Supplemental regulations for uses are in Chapter 200, Article II, Supplemental Use Standards, as applicable.

1. Sales and Rental of Goods, Merchandise and Equipment

a. Building material sales
b. Farm, heavy equipment, mobile home, recreational vehicle sales and service
c. Fuel sales
d. Fuel sales when accessory to a permitted retail use
e. Garden supply center and greenhouse
f. Open air market and outdoor flea market
g. Plumbing, electrical, pool and home building supply showrooms and sales center
h. Retail sales
i. Studio or meeting facility

2. Services – Office, Clerical, Repair, Research and Personal Not Primarily Related to the Sale of Goods or Merchandise

a. Banks and financial institutions
b. Business college or business school operated as a business enterprise
c. Food service/catering
d. Medical or dental office or clinic
e. Personal service
f. Professional and business office
g. Professional service
h. Building, electrical or plumbing contractors – No outdoor storage
i. Bus station or terminal, private
j. Taxi cab or limousine service

3. Manufacturing, Wholesaling, and Warehousing

a. Truck terminal

4. Food and Drink

a. Restaurant – With or without drive-in or drive-thru facility

5. Motor Vehicle Related Sales and Service Operations

a. Automobile vehicle rental establishments
b. Automotive parts store
c. Motor vehicle service and fuel station
d. Car wash
e. Motorcycle sales, rental and service
f. Motor vehicle repair and maintenance – Including painting and body work
g. Motor vehicle repair and maintenance – Not including substantial body work
h. Motor vehicle sales or rental – Including repair and body work as an accessory use

i. Window tinting or stereo installation

6. Storage and Parking

a. Automobile parking garage or standalone parking lot
b. Landscaping service

7. Services and Enterprises Related to Animals

a. Veterinarian clinic, with or without kennel or boarding

8. Educational, Cultural, Religious, Philanthropic, Social or Fraternal

a. Places of public assembly
b. Private college, university, community college – Including associated facilities such as dorms, offices, athletic fields
c. Libraries, museums, art galleries, art centers and similar uses
d. Private schools, trade or vocational schools
e. Social, fraternal, clubs and lodges

E. CAR Special Permit Uses

Any service establishment not specifically permitted, but which is similar to the listed uses, compatible with uses on adjoining property and which meets the intent and purpose of the district

F. CAR Accessory Uses

Supplemental regulations for accessory uses are in Chapter 200, Article II, Supplemental Use Standards, as applicable.

Sec. 201-22. CX Community Mixed-use

A. CX Purpose

The CX Community Mixed-Use District is established to provide suitable locations for a compatible mix of residential uses, retail goods and services, office uses and dedicated open space that serves the needs of the region.

B. CX Lot Development Standards

Lot Dimensions	
Minimum Lot Area	None
Minimum Lot Width	None
Minimum Lot Frontage	None
Maximum Residential Density	
Townhouse	15 dua
Multi-Family Residence	35 dua
Minimum Setbacks	
Principal Building	
Front (from right-of-way)	40’
Side	0’ Required 30’ each yard if abutting Residential District
Rear	0’ Required 40’ if abutting Residential District
Accessory Building	
From Principal Structure	5’
Front	Not Allowed
Side	5’ unless abutting a residential district, then 15’
Rear	5’ unless abutting a residential district, then 15’
Maximum Height	
Principal	See the appropriate Comprehensive Plan Character Area
Accessory	20’
Impervious Surface Coverage	80%
Note: Maximum multi-family density as allowed in the Comprehensive Plan Character Area	

C. CX Supplemental Regulations

1. Accessory Use Standards – see Chapter 200, Article II, Supplemental and Accessory Use Standards

2. Landscape and Buffering – see Chapter 200, Article V, Tree Conservation, Buffers, and Landscaping
3. Parking and Loading – see Chapter 200, Article III, Parking and Loading Requirements
4. Signs – see Chapter 200, Article IV, Sign Regulations

D. CX Permitted Uses

The following uses shall be permitted as of right in this district. Supplemental regulations for uses are in Chapter 200, Article II, Supplemental Use Standards, as applicable.

1. Residential – Household Residence

a. Multi-family residence
b. Townhouse

2. Residential – Miscellaneous, Lodging, Rooms for Rent Situations

a. Hotel

3. Sales and Rental of Goods, Merchandise and Equipment

a. Art gallery
b. Equipment rental – No heavy equipment or outdoor storage
c. Plumbing, electrical, pool and home building supply showrooms and sales centers – No outdoor storage
d. Retail sales
e. Studio or meeting facility

4. Services – Office, Clerical, Repair, Research and Personal not Primarily Related to the Sale of Goods or Merchandise

a. Banks and financial institutions
b. Building, electrical or plumbing contractors – Provided no equipment or materials are stored outside
c. Business college or business school operated as a business enterprise
d. Day care center
e. Funeral home
f. Medical or dental office or clinic
g. Outdoor theater
h. Personal service
i. Professional and business office
j. Professional service
k. Taxi cab or limousine service

5. Manufacturing, Wholesale and Warehousing

a. Radio, recording or television studio and broadcasting station
b. Wholesale trade/distribution office
c. Logistics

6. Educational, Cultural, Religious, Philanthropic, Social or Fraternal

a. Places of public assembly

b. Private college, university, community college
c. Library, museum, art gallery, art center and similar uses
d. Private school, trade or vocational school
e. Social, fraternal, clubs and lodges
f. Event Facilities

7. Recreation, Amusement, Entertainment

a. Activity conducted entirely within a building or substantial structure (e.g. Theater)
b. Pool hall or billiard hall – Three or more tables

8. Food and Drink

a. Event Facility – Business, social and catering
b. Restaurant –With or without drive-in or drive-thru facility
c. Microbreweries
d. Brew pubs

9. Storage and Parking

a. Automobile parking garages or parking lots not located on a lot on which there is another principal use to which the parking is related

10. Services and Enterprises Related to Animals

a. Veterinarian – Including veterinary clinics with no outdoor kennel or boarding

11. Mixed-use

a. Mixed-use as defined in Chapter 100, Article II.

E. CX Special Permit Uses

The following uses shall be considered Special Permit Uses in this district. Supplemental regulations for uses are in Article II, Supplemental Use Standards, as applicable.

1. Residential – Miscellaneous, Lodging, Rooms for Rent Situations

a. Extended stay hotel

2. Sales and Rental of Goods, Merchandise and Equipment

a. Building material sales with outdoor storage
b. Fuel sales
c. Fuel sales when accessory to a permitted retail use
d. Garden supply centers and greenhouses – Including outdoor storage
e. Similar retail establishment not listed – Compatible with uses on adjoining property and which meets the intent and purpose of the district

3. Services – Office, Clerical, Repair, Research and Personal not Related to the Sale of Goods or Merchandise

a. Hospital, clinic or other medical treatment facility in excess of 10,000 square feet

b. Tattoo and/or body piercing establishment
c. Similar service establishment not listed – Compatible with uses on adjoining property and which meets the intent and purpose of the district

4. Manufacturing, Wholesale and Warehousing

a. Wholesale warehouse – No outdoor storage

5. Recreation, Amusement, Entertainment

a. Activity conducted outside enclosed building or substantial structure (e.g. Driving range)

6. Storage and Parking

a. Landscaping services

7. Miscellaneous Public, Semi-Public Facilities and Utilities

a. Telecommunication antenna
b. Telecommunication tower

F. CX Accessory Uses

Supplemental regulations for accessory uses are in Chapter 200, Article II, Supplemental Use Standards, as applicable.

Sec. 201-23. BH Buford Highway

A. BH Purpose

The Buford Highway District is intended to encourage the redevelopment of Buford Highway in conformance with the vision for the corridor in the City's Comprehensive Plan. The district utilizes design standards and land use controls that will provide the necessary transition from the industrial and commercial character into the historic areas of the city, while maintaining opportunity for growth and economic vibrancy.

B. BH Lot Development Standards

Lot Dimensions	
Minimum Lot Area	None
Minimum Lot Width	None
Minimum Lot Frontage	None (subject to DOT approval)
Maximum Residential Density	
Townhouse	15 dua
Multi-Family Residence	35 dua
Minimum Setbacks	
Principal Building	
Front (from right-of-way)	No minimum, with 20' maximum
Side	20' if abutting residential
Rear	40' if abutting residential
Accessory Building	
From Principal Structure	Per Fire Marshall's office
Front	NA
Side	NA
Rear	40' if abutting residential
Maximum Height	
Principal	See the appropriate Comprehensive Plan Character Area narrative
Accessory	12'
Maximum Impervious Surface Coverage	90%
Note: Maximum multi-family density as allowed in the Comprehensive Plan Character Area	

C. BH Supplemental Regulations

1. Accessory Use Standards – see Chapter 200, Article II, Supplemental and Accessory Use Standards
2. Landscape and Buffering – see Chapter 200, Article V, Tree Conservation, Buffers, and Landscaping
3. Parking and Loading – see Chapter 200, Article III, Parking and Loading Requirements
4. Signs – see Chapter 200, Article IV, Sign Regulations

D. BH Permitted Uses

The following uses shall be permitted as of right in this district. Supplemental regulations for uses are in Chapter 200, Article II, Supplemental Use Standards, as applicable.

1. Residential – Household Residences

a. Townhouse
b. Multi-family residential – south of Buford Highway,
c. Multi-family residential - not to exceed 350 feet north of the centerline of Buford Highway between Lively Avenue, Magnolia Street, and Holcomb Bridge Road.

2. Sales and Rental of Goods, Merchandise and Equipment

a. Art gallery
b. Retail sales
c. Studio or meeting facility

3. Services – Office, Clerical, Repair, Research and Personal Not Primarily Related to the Sale of Goods or Merchandise

a. Banks and financial institutions
b. Business college or business school operated as a business enterprise
c. Day care center
d. Medical or dental office or clinic
e. Personal service
f. Professional service
g. Professional and business office

4. Recreation, Amusement, Entertainment

a. Activity conducted entirely within building or substantial structure – Theater, bowling alley, skating rink, shooting range, movie theatre, game room, etc.

5. Food and Drink

a. Restaurant
b. Brew pubs
c. Microbreweries – with or without food
d. Catering facilities

6. Educational, Cultural, Religious, Philanthropic, Social or Fraternal

a. Places of public assembly
b. Library

c. Museum
d. Art galleries, art centers and similar uses
e. College, university, community college – Including associated facilities such as dorms, offices, athletic fields, etc.

7. Mixed-use

a. Mixed-use as defined in Chapter 100, Article II.

E. BH Special Permit Uses

The following uses shall be considered Special Permit Uses in this district. Supplemental regulations for uses are in Article II, Supplemental Use Standards, as applicable.

1. Residential – Miscellaneous, Lodging, Rooms for Rent

a. Hotel

2. Sales and Rental of Goods, Merchandise and Equipment

a. Fuel sales
b. Any retail establishment not specifically permitted, but which is similar to the listed uses, compatible with uses on adjoining property and which meets the intent and purpose of the district

3. Services – Office, Clerical, Repair, Research and Personal – Not Primarily Related to the Sale of Goods or Merchandise

a. Any service establishment not specifically permitted, but which is similar to the listed uses, compatible with uses on adjoining property and which meets the intent and purpose of the district

4. Storage and Parking

a. Automobile parking garage
b. Standalone parking
c. Landscaping services

5. Miscellaneous Semi-Public Facilities and Utilities

a. Telecommunications antenna
b. Telecommunications tower

F. BH Accessory Uses

Supplemental regulations for accessory uses are in Chapter 200, Article II, Supplemental Use Standards, as applicable.

G. BH Residential Density Bonus Incentive

1. Structured Parking

A density bonus of 40 percent may be applied to the overall residential component if the applicant submits a structured parking plan (garage) that is approved by the Community Development Department, plus and additional 10 percent density bonus if providing Electric Vehicle charging stations for 5% of the parking spaces are provided, with a minimum of 5 charging stations.

2. Green Building Materials

A density bonus of 25 percent may be applied to the overall residential component if the applicant utilizes a minimum of three green building methods as identified by the Green Building Alliance or LEED, or site components that promote energy efficiency, and which reduce surface water run-off. This would include, but not be limited to:

a. Green roof components
b. Roof mounted solar panels
c. Cool roofing materials
d. Energy efficient windows
e. Rain gardens or bio-swales
f. Geothermal
g. Permeable pavement
h. Native planting
i. Stormwater planters
j. Parking lot run-off landscaping

3. Calculation of density bonuses

a. Density bonuses are applied to the maximum residential density.
b. A density bonus is rounded up on the half, 0.5, unit or above.
c. A Structured Parking Bonus and a Green Building Materials Bonus may be combined for a maximum 75 percent increase to the maximum residential density.

DIVISION 5. Industrial Districts

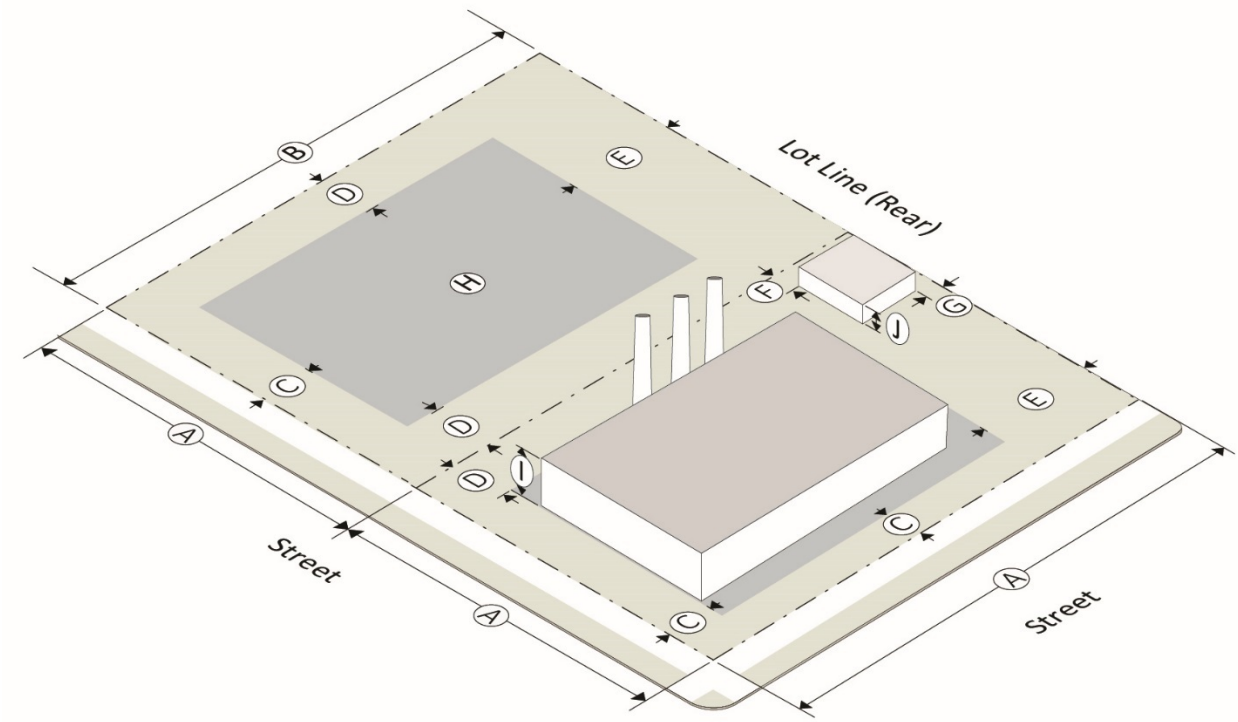
Sec. 201-24. General Provisions, Industrial Districts

The intent of the Industrial Districts is to encourage the preservation of existing and the creation of new areas that have the necessary infrastructure in place to promote manufacturing uses of varying types and intensities.

Sec. 201-25. Interpretation of lot development standards for industrial districts.

The following table and graphics depict the interpretation of lot development standards for industrial districts. The official definitions for these terms can be found in the Chapter 100, Article II, Definitions.

Ⓐ Lot Width	Ⓕ Accessory Side Yard Setback
Ⓑ Lot Depth (Interior or Through Lot Only	Ⓖ Accessory Rear Yard Setback
Ⓒ Principal Building Front Yard Setback	Ⓗ Buildable Area
Ⓓ Principal Building Side Yard Setback	Ⓘ Principal Building Maximum Height
Ⓔ Principal Building Rear Yard Setback	Ⓙ Accessory Building Maximum Height



Sec. 201-26. M1 Light Industry

A. M1 Purpose

The M1 Light Industry District is comprised of lands that are located on, or have ready access to, a major street or state highway and are well adapted to industrial development but whose proximity to residential or commercial districts makes it desirable to limit industrial operations and processes to those that are not objectionable by reason of the emission of noise, vibration, smoke, dust, gas, fumes, odors or radiation and that do not create fire or explosion hazards or other objectionable conditions.

B. M1 Lot Development Standards

Lot Dimensions	
Minimum Lot Area	1 acre
Minimum Lot Width	100’
Minimum Lot Frontage	None
Minimum Setbacks	
Principal Building	
Front (from right-of-way)	50’
Side	20’ 50’ if abutting Residential District
Rear	15’ 50’ if abutting a Residential District
Accessory Building	
From Principal Structure	5’
Front	Not Allowed
Side	5’ unless abutting a residential district, then 25’
Rear	5’ unless abutting a residential district, then 25’
Maximum Height	
Principal	See the appropriate Comprehensive Plan Character Area; otherwise 65’, with minimum 1st floor height of 28’, 40’ if abutting residential, with minimum 1st floor height of 28’
Accessory	No higher than the principal building
Impervious Surface Coverage	70%

C. M1 Supplemental Regulations

1. Accessory Use Standards – see Chapter 200, Article II, Supplemental and Accessory Use Standards
2. Landscape and Buffering – see Chapter 200, Article V, Tree Conservation, Buffers, and Landscaping

3. Parking and Loading – see Chapter 200, Article III, Parking and Loading Requirements
4. Signs – see Chapter 200, Article IV, Sign Regulations

D. M1 Permitted Uses

The following uses shall be permitted as of right in this district. Supplemental regulations for uses are in Article II, Supplemental Use Standards, as applicable.

1. Sales and Rental of Goods, Merchandise and Equipment

a. Equipment rental – including heavy equipment or outdoor storage
b. Farm and heavy equipment, mobile home, recreational vehicles and equipment - Including sales and service
c. Garden supply center and greenhouse – Including outdoor storage
d. Micro-brewery
e. Open air market and outdoor flea market
f. Plumbing, electrical, pool and home building supply showroom and sales center

2. Services – Office, Clerical, Repair, Research and Personal Not Primarily Related to the Sale of Goods or Merchandise

a. Building, electrical or plumbing contractor
b. Business college or business school operated as a business enterprise
c. Machine or welding shop
d. Professional and business office
e. Professional service
f. Taxi cab or limousine service

3. Manufacturing, Wholesale, and Warehousing

a. Building material or other outdoor storage yard – Excluding junk yard
b. Business that services industries
c. Cold storage plant
d. Food processing
e. Manufacturing, artisanal
f. Manufacturing, light
g. Radio, recording or television studio and broadcasting station
h. Warehouse
i. Wholesale Trade/Distribution Office - With showroom
j. Wholesale warehouse
k. Similar industry that meets district standards
l. Microbreweries

4. Educational, Cultural, Religious, Philanthropic, Social or Fraternal

a. Places of public assembly
b. Private school, trade or vocational
c. Library
d. Museum
e. Art galleries, art centers and similar uses

f. College, university, community college – Including associated facilities such as dorms, offices, athletic fields, etc.

5. Recreation, Amusement, Entertainment

a. Activity conducted entirely within building or substantial structure – Theater, bowling alley, skating rink, shooting range, movie theatre, game room, etc.
b. Activity conducted outside enclosed building or substantial structure – driving range, etc.
c. Adult entertainment
d. Massage therapy

6. Motor Vehicle Related Sales and Service

a. Automobile Vehicle Rental
b. Emission Inspection Station
c. Motor vehicle repair and maintenance – Including paint and body work
d. Motor vehicle repair and maintenance – Not including substantial body work
e. Motor vehicle sales and rental – Including repair and body work as an accessory use

7. Storage and Parking

a. Landscaping service
b. Mini-warehouse – No flammable or hazardous materials
c. Parking of fleet vehicles or storage of equipment outside enclosed structures accessory to the permitted use on site

8. Services and Enterprise Related to Animals

a. Animal hospital or veterinarian clinic – Including outdoor kennel or boarding

9. Miscellaneous Semi-Public Facilities and Utilities

a. Telecommunications Antenna
b. Telecommunications Tower

E. M1 Special Permit Uses

The following uses shall be considered Special Permit Uses in this district. Supplemental regulations for uses are in Article II, Supplemental Use Standards, as applicable.

1. Sales and Rental of Goods, Merchandise and Equipment

a. Any retail establishment not specifically permitted, but which is similar to the listed uses, compatible with uses on adjoining property and which meets the intent and purpose of the district

2. Services – Office, Clerical, Repair, Research and Personal – Not Primarily Related to the Sale of Goods or Merchandise

a. Any service establishment not specifically permitted, but which is similar to the listed uses, compatible with uses on adjoining property and which meets the intent and purpose of the district

F. M1 Accessory Uses

Supplemental regulations for accessory uses are in Chapter 200, Article II, Supplemental Use Standards, as applicable.

Sec. 201-27. M2 Heavy Industry

A. M2 Purpose

The M-2 Heavy industry district provides a location for industrial operations and processes conducted both indoors and outdoors, and which due to their intensity of use and potential off-site impacts, should be located on or have ready access to a major thoroughfare or state highway.

B. M2 Lot Development Standards

Lot Dimensions	
Minimum Lot Area	1 acre
Minimum Lot Width	100’
Minimum Lot Frontage	None
Minimum Setbacks	
Principal Building	
Front (from right-of-way)	50’
Side	20’ 50’ if abutting Residential District
Rear	15’ 50’ if abutting a Residential District
Accessory Building	
From Principal Structure	5’
Front	Not Allowed
Side	5’ unless abutting a residential district, then 25’
Rear	5’ unless abutting a residential district, then 25’
Maximum Height	
Principal	See the appropriate Comprehensive Plan Character Area narrative; otherwise if not stated in the comprehensive plan 65’, with minimum 1st floor height of 28’, 40’ if abutting residential, with minimum 1st floor height of 28’
Accessory	No higher than the principal building
Impervious Surface Coverage	70%

C. M2 Supplemental Regulations

1. Accessory Use Standards – see Chapter 200, Article II, Supplemental and Accessory Use Standards
2. Landscape and Buffering – see Chapter 200, Article V, Tree Conservation, Buffers, and Landscaping
3. Parking and Loading – see Chapter 200, Article III, Parking and Loading Requirements
4. Signs – see Chapter 200, Article IV, Sign Regulations

D. M2 Permitted Uses

The following uses shall be permitted as of right in this district. Supplemental regulations for uses are in Chapter 200, Article II, Supplemental Use Standards, as applicable.

1. Sales and Rental of Goods, Merchandise and Equipment

a. Farm and heavy equipment, mobile home, recreational vehicles and equipment – Including sales and service

2. Services – Office, Clerical, Repair, Research and Personal Not Primarily Related to the Sale of Goods or Merchandise

a. Bus station or terminal - Private
b. Machine or welding shop
c. Professional and business office

3. Manufacturing, Wholesale, and Warehousing

a. Building material or other outdoor storage yard – Excluding junk yard
b. Business that services industries
c. Cold storage plant
d. Manufacturing, artisanal
e. Manufacturing, heavy
f. Manufacturing, light
g. Truck terminal
h. Warehouse
i. Similar industry that meets district standards

4. Motor Vehicle Related Sales and Service

a. Motor vehicle repair and maintenance – Including paint and body work
b. Motor vehicle repair and maintenance – Not including Substantial body work

5. Storage and Parking

a. Landscaping service
b. Mini-warehouse – No flammable or hazardous materials
c. Parking of fleet vehicles or storage of equipment outside enclosed structures accessory to the permitted use on site

6. Agriculture, Silviculture, Mining, Quarrying Operations

a. Yard trimming composting

E. M2 Special Permit Uses

The following uses shall be considered Special Permit Uses in this district. Supplemental regulations for uses are in Article II, Supplemental Use Standards, as applicable.

1. Services – Office, Clerical, Repair, Research and Personal – Not Primarily Related to the Sale of Goods or Merchandise

a. Any service establishment not specifically permitted, but which is similar to the listed uses, compatible with uses on adjoining property and which meets the intent and purpose of the district

F. M2 Accessory Uses

Supplemental regulations for accessory uses are in Chapter 200, Article II, Supplemental Use Standards, as applicable.

DIVISION 6. Special Districts

Sec. 201-28. Purpose and Intent of Special Districts

The intent of the special districts to provide additional standards and protections for special or unique areas in the city. These districts include public lands, public rights-of-way, and a variety of overlay districts. Overlay districts are placed over an existing base zoning district(s) and impose special provisions in addition to those in the underlying base zone. An overlay district can share common boundaries with the base zone or cut across base zone boundaries.

Sec. 201-29. P Public

A. P Purpose

The P Public district is established to provide a district for public uses including public facilities in road rights-of-way, government buildings, schools and publicly owned parks and recreation facilities, in accordance with the comprehensive plan for the city.

B. P Lot Development Standards

The City of Norcross is exempt from all lot development standards but are subject to a concept plan approval.

C. P Supplemental Regulations

Applicable supplemental use regulations shall be as established in Chapter 200, Article II, Use Regulations and Restrictions.

Sec. 201-30. FH Flood Hazard Overlay District

A. FH Purpose

The FH, Flood hazard district is comprised of lands that are subject to periodic flooding. The intent of the regulations within this zoning district is to limit the use of such floodplain lands to:

1. Prevent flood damage to persons and properties and minimize expenditures for flood relief programs, flood control projects and flood damage repair.
2. Preserve drainage courses that will be adequate to carry stormwater runoff from existing and future land developments.
3. Prohibit landfills or other obstructions to the flow of floodwaters, except those included in the permitted uses listed below.
4. Permit uses that are appropriate on floodplains and utilize effectively this valuable city resource.

B. FH Uses Permitted

Uses permitted within the FH, Flood hazard district, are subject to the provisions of Chapter 400, Article 4, Floodplain Management.

C. Procedure for correction of error in the FH, Flood hazard zoning district boundary line

If a property owner can demonstrate to the satisfaction of the Zoning Board of Appeals that an error has been made in establishing the flood hazard zoning district boundary line and that his property or a designated portion of it that now lies in the flood hazard zoning district is actually not subject to flooding, the Zoning Board of Appeals may correct the

flood hazard district boundary line accordingly. The Zoning Board of Appeals and the property owner involved may seek the advice and assistance of the Soil Conservation Service of the Department of Agriculture or of the United States Army Corps of Engineers.

Sec. 201-31. CSO Conservation Subdivision Overlay District

A. CSO Purposes

The purposes of this overlay district are as follows:

1. To encourage the development of residential communities, that are density neutral based upon the comprehensive plan, designed to preserve and protect environmental resources, scenic vistas, and natural and cultivated landscapes.
2. To enhance land, water, air and tree resources by minimizing the area of land disturbance, reducing impervious surface, optimizing stream buffers, preserving tree cover and encouraging retention and protection of conservation space.
3. To reduce infrastructure maintenance costs as a result of efficient community design.
4. To provide conservation space and pedestrian linkages and wildlife corridors among residential communities and to encourage recreation opportunities.
5. To preserve significant historical and archeological features.
6. To preserve and protect contiguous undeveloped areas within the development.

B. CSO Applicability

1. This overlay district may be overlaid only upon the R100 and R75 districts utilizing the public sanitary sewer system.
2. Any conditions of zoning or special use approval of the underlying district shall also be observed (exception: lot area, width or quantity).
3. For properties which are submitted for rezoning to R100 or R75, the applicant shall declare the intent to utilize this overlay district at the time of application and the application shall be accompanied by an existing features site analysis plan, an environmental site assessment (phase one) report, and a concept plan meeting the requirements of this subsection.
4. In the absence of a declaration of intent to use the overlay district with a rezoning application, the overlay district shall not be used on rezoned property for at least two years from the date of the resolution adopting a zoning change.

C. CSO Permitted uses

Those uses permitted in the underlying district are permitted.

D. CSO Existing features site analysis plan

At time of development, or if a zoning action is proposed, and prior to preparing the concept plan, an existing features site analysis plan, sealed by a registered engineer or landscape architect, and an environmental site assessment (phase one) report, shall be prepared and submitted by the applicant or developer.

1. Purpose

The purposes of the site analysis plan are to:

a. Delineate areas that have been identified as worthy of permanent protection in conservation space because of their environmental values. This delineation shall include, but shall not be limited to, the information and steps listed in this section.
b. Set forth the particulars of the site, including boundary, topographic data (minimum four-foot contour intervals), existing structures and utility easements.
c. Together with the environmental site assessment (phase one) report, provide the starting point for design of the conservation subdivision with built areas being designed as separate from the areas delineated as worthy of permanent protection.

2. Existing Features

The existing features site analysis plan shall include at least the following information:

a. Perennial and intermittent streams, FEMA designated 100-year flood hazard zones and wetlands. The source of this information shall also be indicated.
b. Identification of tree lines, native woodlands, open fields or meadows, peaks or rock outcroppings, and prime agricultural land.
c. Delineation of tree resource areas by type such as hardwoods, pines or mixed; and old or new growth.
d. Delineation of steep slope areas (15 percent or greater). The designer shall endeavor to preserve slopes greater than 40 percent.
e. Identification of historical, archeological or other significant features identified in the environmental site assessment (phase one) report.
f. Identification of conservation space, open space or common areas adjacent to the project.
g. Identification of protected plant species as listed by the state department of natural resources, to be certified by a registered landscape architect, forester, arborist, biologist, botanist or horticulturist. The plan also shall include certification that timber harvesting activity has not occurred on the property in the previous 24 months prior to the approval of a rezoning application or the approval of a concept plan. At time of development, a concept plan shall be submitted by the developer for review and approval in accordance with the requirements and procedures of the development regulations. If a zoning action is proposed, the rezoning site plan shall include the following information:

    1) Delineation and specifications of conservation space including calculations and exclusions (see section 1316.5.c); and any pocket parks, neighborhood greens, play areas, or trail system to be constructed.
    2) A typical detail on the plan indicating dwelling size, lot width, building setback lines, off-street parking, street trees, sidewalks, and street pavement and right-of-way width.
    3) Lot width average, area and percent of floodplain specifications in tabular form; and density calculations (gross and net).

3. Density

Subdivisions in the overlay district may build to a maximum net density in excess of that normally allowed in the underlying district in exchange for the dedication of conservation space, as follows:

a. R100 - normally allows 2.9 dwelling units per acre (DUA), can build to 3.6 DUA in R100 CSO with the dedication of 40 percent conservation space;
b. R75 – normally allowed 3.6 DUA, can build to 5.8 DUA with the dedication of 40 percent conservation space.
c. Accessory dwelling units are not counted in the density calculations.

4. Conservation space requirements

In order to qualify for this overlay district, conservation space shall meet the following requirements:

a. Delineation

Priority shall be given in delineating conservation space areas as those areas of significance identified in the existing features site analysis plan, around which the built areas are designed.

b. Undeveloped and natural

Conservation space shall remain undeveloped and natural except for the provision of non-motorized passive recreation opportunities such as running, walking, biking, and similar outdoor activities. Wetland and stream bank mitigation projects also are permitted. Primary conservation areas are required to be included in the conservation space. These areas shall be covered by a provision for permanent protection and shall include 100-year floodplains, stream buffer zones, slopes greater than 40 percent consisting of a contiguous area of at least 5,000 square feet, wetlands, endangered or threatened species or their habitat, archeological sites, cemeteries or burial grounds. Secondary conservation areas are features and areas recommended and desirable for conservation space designation and may be covered by the provisions for permanent protection. These include important historic sites, existing healthy, native forests of at least one contiguous acre, scenic view sheds, peaks and rock outcroppings, prime agriculture lands, and existing trails that connect the tract to neighboring areas. Also considered secondary conservation areas are pocket parks, neighborhood greens and stormwater management facilities and practices and may be constructed and maintained in conservation space. However, pocket parks and neighborhood greens shall not exceed ten percent of the total required conservation space.

5. Exclusions

Excluded from meeting the minimum amount of conservation space are the following (also see the definition of primary conservation areas):

a. Residential yards

b. Recreation area improvements

Impervious surfaces in recreation areas shall not be credited.

c. Easements

Land area within power, or gas pipeline easements, sewer line easements or pump stations shall not be credited.

d. Other

Land area devoted to public or private streets or any land that has been, or is to be, conveyed to a public agency via a purchase agreement for such uses as parks, schools, or other public facilities shall not be credited.

6. Ownership

Conservation space shall be owned in fee-simple by a mandatory property owner's association; or other entity approved in advance by the Mayor and Council during their normal course of business. The developer shall record the deed to the conservation space prior to, or concurrent with, the recording of the first final subdivision plat. An access easement following the alignment of future public streets is acceptable. However, pocket parks or neighborhood greens may be deeded concurrent with the unit or phase of the final subdivision plat of which it is a part.

7. Property owner's association

The property owner's association bylaws or covenants, at a minimum, shall contain the following provisions:

a. Governance of the association by the Georgia Property Owner's Association Act (O.C.G.A. § 44-3-220 et seq.) or a successor to that Act that grants lien rights to the association for maintenance expenses and tax obligations.
b. Responsibility for the appropriate maintenance of the conservation space and should include removal of invasive or exotic plant species such as Chinese privet, kudzu and Japanese honeysuckle.
c. Responsibility for insurance and taxes.
d. Automatic compulsory membership of all lot purchasers and their successors; and compulsory assessments.
e. Conditions and timing of transferring control of the association from the developer to the lot owners.
f. Guarantee that the association will not be dissolved without the advance approval of the Mayor and Council.

8. Maintenance

The property owner's association, or other entity approved in advance by the Mayor and Council, shall be responsible for the continuous maintenance of buffers, conservation space and recreation areas.

9. Conservation surety

Conservation space delineated on the final plat and required to be in a primary conservation area shall be permanently protected by either one or both of the following options:

a. Option 1, conveyance to the public and subdivision lot owners. A deed conveying ownership of the conservation space to the mandatory property owner's association shall be recorded and delivered prior to, or concurrent with, the approval of the final plat for the first phase of the subdivision. Both the deed and the final plat shall contain, at a minimum, the following covenant:

"The conservation space conveyed by deed and shown on the final plat shall remain permanently protected and shall not be disturbed, cleared or developed except in accordance with section 1316.6.b. of the 1985 Zoning Resolution of the City of Norcross and with O.C.G.A. § 36-22-1 et seq., having the following greenspace goals: protection of streams, floodplains and wetlands; steep slopes; woodlands,

open fields and meadows; historical and archeological features; significant wildlife habitats; scenic vistas; passive recreation and connectivity with nearby open spaces. The following uses may be allowed: passive recreational amenities, such as pervious-surface paths and minimal parking spaces; picnic and restroom facilities (constructed facilities shall not exceed 15 percent of the conservation space). This covenant is intended to benefit said area to the public and the use of same to the subdivision lot owners and residents, and it shall run in perpetuity as provided by O.C.G.A. § 44-5-60(c)."

b. Option 2, conveyance to other qualified organizations or entities. Except for pocket parks or neighborhood greens, developed recreation areas or secondary conservation areas not desired for permanent protection, conservation space shall be permanently protected by the:

   1) Recording of a covenant or conveyance of an easement which runs in perpetuity under O.C.G.A. § 44-5-60 in favor of any corporation, trust, or other organization holding land for the use of the public or certain governmental entities; or
   2) Conveyance of a conservation easement running in perpetuity to a third-party qualified organization recognized by Federal Treasury Regulation section 170A-14(c)(1). Qualified organizations recognized by this treasury regulation include, but may not be limited to, governmental entities, certain publicly supported charities, local and national land trusts, or other conservation groups that are organized or operated primarily or substantially for one of the conservation purposes specified in the Internal Revenue Code. Governmental entities that qualify to be named in covenants under O.C.G.A. § 44-5-60 or to receive conservation easements under the treasury regulation referred to in this subsection (h)(2)b for purposes of this section shall include the federal government, the state, the city, or authorities of the state or the city. If a covenant is recorded or an easement conveyed in favor of a governmental entity, formal acceptance by the governmental entity or qualified conservation organization shall be obtained prior to the recording of the covenant or conveyance of the easement. The developer shall record the necessary legal instrument to accomplish protection of the conservation space prior to, or concurrent with, the recording of the final plat. The legal instrument shall contain, at a minimum, the same language required to be placed on a deed as stated in Option 1 of this section. Secondary conservation areas may also be covered by the same permanent protection options.

10. Development requirements

Subdivisions in this overlay district shall meet the following requirements unless a special use permit is submitted and approved by the Mayor and City Council:

a. Minimum subdivision size: Three contiguous acres.
b. Lot area: No minimum.
c. Average lot width: The average width of all building lots shall be at least 60 feet.
d. Minimum road frontage per lot: 40 feet. Exception: Road frontage may be reduced to 20 feet for lots with frontage upon cul-de-sac or "eyebrow cul-de-sac" turnarounds.
e. Minimum yard areas (setbacks):

   1) Front: 20 feet. Exception: The front yard setback may be reduced to five feet if dwellings are constructed with side or rear entry garages. To qualify for the reduced setback on a corner lot, side entry garages must be located to the side adjacent to an abutting lot.

2) Rear: 20 feet.
3) Side: five feet.

f. Maximum height: 35 feet.
g. Garages: Dwellings shall have two-car garages.
h. Street trees: Street trees, in accordance with the requirements of Chapter 200, Article V, Tree Conservation, Buffers, and Landscaping, shall be provided.
i. Underground utilities: Utilities shall be located underground.

11. Grandfathering

a. Any concept plan approved prior to the adoption of this amendment shall be considered "grandfathered" and, at the developer's option, may proceed to project completion.
b. Any concept plan submitted but not approved shall be considered "grandfathered" and, at the developer's option, may proceed to plan approval and project completion provided that the concept plan is approved within 90 calendar days of the adoption of this amendment.

Sec. 201-32. H Historic Overlay Districts

A. H Purpose

The purpose and intent of this section to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, objects, and landscape features having a special historical, cultural or aesthetic interest or value, in areas defined as both the local and national historic districts.

B. Applicability and the difference between local and national historic districts

1. The City of Norcross has two types of historic overlay districts, local and national.
2. Local and national historic districts can overlap, in which case the provisions of a local historic district take precedence over those of national historic districts.
3. Construction, major changes, and demolition of structures within the Local Historic Districts are subject to HPC approval. The HPC is also responsible for issuing certificates of appropriateness within a local historic district.
4. Construction, major changes, and demolition of structures within National Historic Districts only, outside of a local historic district, are subject to ARB approval. The ARB is also responsible for issuing certificates of appropriateness within the national historic district, but outside the local historic district.
5. Minor structure changes within the historic districts are subject to Administrative approval by the Director.
6. New historic districts and properties can be established by the Council based on HPC recommendations.
7. Properties within any historic district are subject to the City of Norcross Design Guidelines.

C. Recommendation and designation of historic districts and properties.

1. Preliminary research by the HPC

a. *HPC's mandate to conduct and maintain a survey of local historical resources*. The HPC shall compile and collect information and conduct surveys of historic resources within the City of Norcross.
b. *HPC's power to recommend districts and buildings to the Norcross City Council for designation*. The HPC shall present to the Norcross City Council recommendations for historic districts and properties.

c. *HPC's documentation of proposed designation*. Prior to the HPC's recommendation of a historic district or historic property to the Norcross City Council for designation, the HPC shall prepare a report for nomination consisting of:

1) A physical description;
2) A statement of the historical, cultural, architectural and/or aesthetic significance;
3) A map showing district boundaries and classification {i.e. contributing, non-contributing or historic, non-historic, vacant, intrusive} of individual properties therein, or showing boundaries of individual historic properties; and
4) Representative photographs.

2. Designation of a historic district

a. *Criteria for selection of historic districts*. A historic district is a geographically definable area, either contiguous or not per the recommendation of the HPC which contains buildings, structures, sites, objects, and landscape features or a combination thereof, which:

1) Has special character or special historic/aesthetic value or interest;
2) Represents one or more periods, styles or types of architecture typical of one or more eras in the history of the municipality, county, state or region; and
3) Causes such area, by reason of such factors, to constitute a visibly perceptible section of the municipality or county.

b. *Boundaries of a historic district*. Boundaries of a historic district shall be included in the separate ordinances designating such districts and shall be shown on the official zoning map of the City of Norcross.

c. *Evaluation of properties within historic districts*. Individual properties within historic districts shall be classified as:

1) Historic (more than 50 years old);
2) Non-Historic (less than 50 years old, yet possessing architectural character);
3) Intrusion (structure less than 50 years old which do not contribute to the character of the district);
4) Vacant.

3. Designation of a historic property

a. *Criteria for selection of historic properties*. A historic property is a building, structure, site, or object; including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the City of Norcross, the region or the State of Georgia for one of the following reasons:

1) It is an outstanding example of a structure representative of its era;
2) It is one of the few remaining examples of a past architectural style;
3) It is a place or structure associated with an event or persons of historic or cultural significance to the City of Norcross, State of Georgia, or the region; or
4) It is the site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the municipality, county, state or region.

4. Requirements for adopting an ordinance for the designation of historic districts and historic properties

   a. *Application for* designation of historic districts of property. Designations may be proposed by the Norcross City Council, the HPC, or:

      1) For historic districts—A historical society, neighborhood association or group of property owners may apply to the HPC for designation;
      2) For historic properties—A historical society, neighborhood association or property owner may apply to the HPC for designation.

   b. *Required components of a designation ordinance*. Any ordinance designating any property or district as historic shall:

      1) List each property in a proposed historic district of describe the proposed individual historic property;
      2) Set forth the name(s) of the owner(s) of the designated property or properties;
      3) Require that a certificate of appropriateness be obtained from the HPC prior to any material change in appearance of the designated property; and
      4) Require that the property or district be shown on the official zoning map of the City of Norcross and be kept as a public record to provide notice of such designation.

   c. *Require public hearings*. The HPC or the Norcross City Council shall hold a public hearing on any proposed ordinance for the designation of any historic district or property. Notice of the hearing shall be published in at least three consecutive issues in the principle newspaper of local circulation, and written notice of the hearing shall be mailed by the HPC to all owners and occupants of such properties. All such notices shall be published or mailed not less than ten days but not more than 20 days prior to the date set for the public hearing. A notice sent via the United States mail to the last-known owner of the property shown on the city tax digest and a notice sent via attention of the occupant shall constitute legal notification to the owner and occupant under this chapter.
   d. *Notification of Historic Preservation Division*. No less than 30 days prior to making a recommendation on any ordinance designating a property or district as historic, the HPC must submit the report, required in subsection 201-32. C. 1. c. to the Historic Preservation Division of the Department of Natural Resources.
   e. *Recommendations on proposed designations*. A recommendation to affirm, modify or withdraw the proposed ordinance for designation shall be made by the HPC within 15 days following the public hearing and shall be in the form of a resolution to the Norcross City Council.
   f. *The Norcross City Council actions on the HPC's recommendation*. Following receipt of the HPC recommendation, the Norcross City Council may adopt the ordinance as proposed, may adopt the ordinance with any amendments they deem necessary, or reject the ordinance.
   g. *Notification of adoption of ordinance for designation*. Within 30 days following the adoption of the ordinance for designation by the Norcross City Council, the owners and occupants of each designated historic property, and the owners and occupants of each structure, site or work of art located within a designated historic district, shall be given written notification of such designation by the Norcross City Council, which notice shall apprise said owners and occupants of the necessity of obtaining a certificate of appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district designated. A notice sent via the United States mail to the last-known owner of the property

shown on the city tax digest and a notice sent via United States Mail shall constitute legal notification to the owner and occupant under this chapter.

h. *Notification of other agencies regarding designation*. The HPC shall notify all necessary agencies within the City of Norcross of the ordinance for designation.

i. *Moratorium on applications for alteration or demolition while ordinance for designation is pending*. If an ordinance for designation is being considered, the HPC shall have the power to freeze the status of the involved property.

D. Maintenance of Historic Properties and Building and Zoning Code provisions

1. *Ordinary maintenance or repair*. Ordinary maintenance or repair of any exterior architectural or environmental feature in or on a historic property to correct deterioration, decay, or to sustain the existing form, and that does not involve a material change in design, material or outer appearance thereof, does not require a certificate of appropriateness.
2. *Failure to provide ordinary maintenance or repair*. Property owners of historic properties or properties within historic districts shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The HPC shall be charged with the following responsibilities regarding deterioration by neglect.

    a. The HPC shall monitor the condition of historic properties and existing buildings in historic districts to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors and exterior openings which allow the elements and vermin to enter, or the deterioration of a buildings structural system shall constitute failure to provide ordinary maintenance or repair. Refer to the existing building code for building conditions.

    b. In the event the HPC determines a failure to provide ordinary maintenance or repair, the HPC will notify the owner of the property and set forth the steps which need to be taken to remedy the situation. The owner of such property will have 30 days in which to do this.

    c. In the event that the condition is not remedied in 30 days, the owner shall be penalized as provided in Chapter 100, Article VI, and, at the direction of the Norcross City Council, the HPC may perform such maintenance or repair as is necessary to prevent deterioration by neglect. The owner of the property shall be liable for the cost of such maintenance and repair performed by the HPC.

    d. The city may enforce the collection of any amount due on such lien only in the following manner:

        1) The owner or parties at interest shall be allowed to satisfy the amount due on such lien by paying the city within 30 days after the perfection of such lien, a sum of money equal to 25 percent of the total amount due and by further paying to the city the remaining balance due on such lien, together with interest at the rate of seven percent per annum, in three equal annual payments, each of which shall become due and payable on the anniversary date of the initial payment made as prescribed in this subsection;

        2) Should the property upon which such lien is perfected be sold, transferred or conveyed by the owner or parties at interest at any time prior to the termination of the three-year period, then the entire balance due on such lien shall be due and payable to the city at the time of the sale, transfer or conveyance; and

        3) Should the amount of such lien or any portion thereof, be unpaid after the passage of such three-year period, or upon the occurrence of the contingency provided, the city may enforce the collection of any amount due on such lien for repair of dwellings, buildings or other structures in the same manner as

provided in O.C.G.A. § 48-5-358, and other applicable state statutes. This procedure shall be subject to the right of redemption by any persons having any right, title or interest in or lien upon such property, all as provided by O.C.G.A. § 58-4-40 et seq.

3. *Appeals of minimum maintenance and repair decisions*. Any owner or other party of interest who takes exception to the city's decision relative to a recommendation of action regarding the failure to provide minimum maintenance and repair may appeal such decision to the superior court of the county in the manner provided by law for convictions of municipal ordinance violations, namely, via petition for writ of certiorari.
4. *Affirmation of existing building and zoning codes*. Nothing in this chapter shall be constructed as to exempt property owners from complying with existing city building and zoning codes, nor prevent any property owner from making any use of this property not prohibited by other statutes, ordinances or regulations.
5. *Demolition of historic structures*. See Sec. 307-6, for procedures required for demolition of structures.

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ARTICLE II. SUPPLEMENTAL AND ACCESSORY USE STANDARDS

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ARTICLE II. SUPPLEMENTAL AND ACCESSORY USE STANDARDS

Sec. 202-1. Applicability

The following specific requirements apply to each of the following principal and accessory uses in all zoning districts where each principal or accessory use is otherwise permitted by right or as a special use unless otherwise stated in this article.

Sec. 202-2. Supplemental Use Standards

A. Artisan and craft sales

Artisan and craft sales shall be permitted within the R100 residential district as an accessory use under the following regulations. It shall not be the intention of this regulation to prohibit the occasional sale of personal belongings on one's property.

1. Permit required

a. All artisan and craft sales shall require a permit, which shall be obtained from the Community Development Department by personal application. This permit will contain the name and address of the applicant, and the time frame for which the applicant wishes to sell merchandise and the permit number.
b. No permit shall be issued for more than four times in any calendar year for a street address.
c. The property owner and all sellers must obtain the appropriate business license from the General Government Administration Department.
d. It shall be the responsibility of the property owner to obtain the permit and to post said permit in full view of the public at the place of the artisan and craft sale. It shall be a violation of this regulation to sell merchandise in an artisan or craft market without a proper permit.
e. Sales are allowed from 8:00 a.m. to 8:00 p.m. on Saturdays only.
f. Adequate off-street parking must be provided for all sites. No parking in street rights-of-way will be allowed.
g. Amplified music is not allowed. Acoustic music will be allowed from noon until 6:00 p.m.

2. Exclusions

This section shall not regulate the private sale of major possessions such as homes and personal autos.

B. Bed and breakfast inns

1. Bed and breakfast inns are permitted only within the National Historic District Boundaries.
2. The dwelling unit in which the bed and breakfast inn operates shall be the principal residence of the owner and lived in by the principal owner when the bed and breakfast inn is in operation.
3. The maximum number of guestrooms provided by the bed and breakfast inn shall be six. Unless further restricted by the county Fire Marshal, the maximum occupancy per guestroom shall be no more than three adults.
4. Accessory structures and outdoor activities.

    a. Accessory structures may be utilized for guest accommodation purposes as part of a bed and breakfast inn use. Such accessory structures do not have to be physically connected to the principal structure.

b. Such accessory structures shall have or shall be constructed to have architectural compatibility with the principal structure as determined by the ARB.
c. Accessory structures used as accommodations for the guests of bed and breakfast inns shall not exceed 50 percent of the gross floor area of the principal structure, and/or more than 50 percent of the total number of guestrooms, and they shall comply with the setback requirements for accessory structures.

5. Notwithstanding the limits on number of vehicles in the residential parking ordinance, off-street parking spaces must be provided and shall be a minimum of one per guestroom and a maximum number of non-enclosed parking spaces less than or equal to the number of guestrooms.
6. Exterior lighting shall be residential in nature and shall not be directed towards adjacent properties.
7. An owner's bed and breakfast inn business license will be required and will be nontransferable. The bed and breakfast inn guest fees will be subject to the city hotel/motel tax.

C. Building Materials and Outdoor Storage Yards

1. Shall not be located within a required front yard;
2. Shall be set back at least 25 feet from any side or rear property lines and shall be screened by a solid fence at least eight feet high set back a similar distance from any side or rear property lines, appropriately landscaped and maintained; and
3. If an outdoor storage yard is established in connection with a permitted building, it shall meet the above requirements.
4. There will be no variances to the screening and distance requirements when abutting residential uses.

D. Chickens

The keeping of chickens for personal pleasure or utility on a lot which contains the dwelling of the property owner is permitted, subject to the following requirements:

1. The minimum lot size for the keeping of chickens shall be one-half of an acre;
2. The keeping of chickens shall be permitted only on the same lot as the dwelling of the owner;
3. Chickens must be kept securely in an enclosed yard or six-sided pen at all times;
4. Minimum pen area of chickens shall be ten square feet per chicken;
5. Chickens must be housed at least 20 feet from any property line and 50 feet from any residence other than the owner's residence;
6. Any structure housing chickens must be located in the rear yard;
7. The keeping of roosters is not permitted;
8. No more than six chickens shall be permitted on any lot;
9. No slaughter of chickens is permitted on the property;
10. All enclosed yards and pens permitted herein are "accessory structures" as set forth in section 202-3 and shall comply with that code section in addition to the requirements set forth above;
11. It shall be the duty of the chief of police or his delegated representative, including the city code enforcement officer, to administer and enforce the provisions of this subsection (9).

E. Commercial filming operations.

Commercial filming operations shall be regulated in the Norcross Code of Ordinances, Part II, Chapter 8, Business and Business Regulations, Article V, Commercial Filming Activity.

F. Community Garden

Community gardens shall be subject to the following requirements:

1. The garden shall not be located within any required buffer.
2. Signage shall be limited to a single, non-illuminated sign of no more than four square feet.
3. Gardening equipment and machinery must be stored in an enclosed, secure building or shed or off-site.
4. Composting is permitted on the premises if stored in a manner that prevents odor, insect or rodent infestation and controls runoff into waterways and onto adjacent properties.
5. The garden must maintain an orderly appearance and may not be neglected or allowed to become overgrown or eroded.
6. If a community garden ceases operation and is no longer desired by the owners, it shall be stabilized with grass, trees and/or shrubbery in accordance with a plan submitted for approval by the Community Development Director.

G. Day Care

1. Shall comply with all State of Georgia requirements.
2. Shall comply with all health department requirements.

H. Fences and Walls

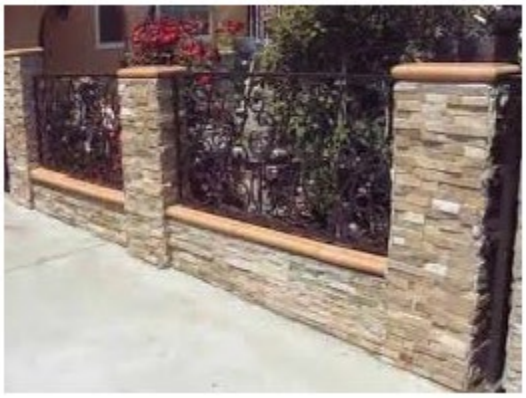
Fences and walls shall be permitted in any zoning district and are not subject to setback requirements, except as provided for in this section.

1. In a residential zoning district, the following provisions shall apply:

    a. No wall or fence shall exceed eight feet in height within a side yard or rear yard.
    b. No wall or fence that extends into the front yard shall exceed four feet in height, except that any gate or gatepost within the wall or fence shall not exceed six feet in height.
    c. No wall or fence constructed of woven wire or metal fabric (e.g., chainlink, hog wire or barbed wire) shall extend into a front yard, except that woven wire or metal fabric fences may extend into a front yard when the property contains a minimum of three acres.
    d. Any wall or fence which extends into the front yard on property containing less than three acres shall be ornamental or decorative and may be constructed of brick, stone, wood, stucco, wrought iron or split rail; provided that no wall or fence shall be constructed of exposed concrete block, tires, junk or other discarded materials.

Sample Images of Decorative Fencing

Wood pickets with gate



Masonry and wrought iron

Wrought iron

Simple wooden fence

Any subdivision entrance wall or fence shall not exceed ten feet in height and shall be subject to the approval of the Community Development Director after the submission of a landscape plan and an architectural elevation.

2. In a nonresidential district, the following provisions shall apply:

    a. Any fence or wall to be located in the HX, Historic Mixed Use district shall be subject to the approval of the Community Development Director.
    b. No fence or wall shall be allowed in any front yard.

I. Emission Inspection Stations

1. The facility shall be in a permanent noncombustible structure.
2. The facility shall provide a minimum of four paved parking spaces. Drive-through facilities shall also provide a paved stacking lane for a minimum of four vehicles. Parking spaces and stacking lane shall be striped.

J. Home occupation

In order to protect and preserve the residential character of the city:

1. The home occupation must be clearly secondary to the use of the dwelling as a residence and must not change the residential character of the dwelling or lot in any visible manner.
2. The home occupation must not create any objectionable odor, noticeable vibration, or offensive noise that increases the level of ambient sound at the property lines.
3. The home occupation must not cause unsightly conditions or waste which is visible from off the property.
4. The home occupation must not cause interference with radio or television reception in the vicinity.
5. The home occupation employees in the residence are only those persons who reside in the residence.
6. The home occupation has no signs.
7. The home occupation occupies less than one-fourth of the floor area of the dwelling.
8. The home occupation has a maximum of one commercial vehicle, that is in compliance with the off-street parking ordinance, parked at the residence.
9. The home occupation has no storage outside the residence.
10. The home occupation does not create a volume of passenger or commercial traffic that is inconsistent with the normal level of traffic on the street on which the dwelling is located.
11. The following uses shall not be permitted as home occupations: massage therapists, psychics and fortunetellers, tattoo and/or body piercing businesses.

K. Hotels

1. Guest rooms shall be accessed internally to the building with no direct room access to the outside.
2. The lobby shall be a minimum of 700 square feet in size.
3. Each hotel/motel site shall be a minimum of two acres.
4. Each hotel/motel must provide management on duty 24 hours a day.
5. Each guest room shall have a minimum of 300 square feet.
6. For buildings three stories or less or containing no more than 130 rooms, each motel/hotel building shall have a minimum roof pitch of four in 12.
7. Outside storage of commercial equipment is prohibited.
8. No business license shall be issued for any business operating from any guest room of the facility.
9. Shall provide a 75-foot natural buffer, enhanced with an additional 25-foot landscaped buffer (total 100 feet) adjacent to residentially zoned property.

L. Garage Sales

No more than two garage sales per lot are permitted during any 12-month period and each garage sale is limited to a period not to exceed three consecutive days.

M. Gasoline Pumps

Within the C1, Neighborhood business district, gasoline service station pumps are permitted within the front yard setback, provided they are located:

1. Not closer than 15 feet to the highway right-of-way; and
2. Not less than the existing setback for any residential structure on abutting lots on either the frontage street or a side street.

N. Honey Bees

The raising and keeping of honey bees for personal pleasure or utility on a lot which contains the dwelling of the property owner of the honey bee hive boxes provided that:

1. The lot is at least 10,000 square feet in area, and
2. The honey bee hive boxes are in the rear yard and no closer than five feet to any property line and provided that no nuisance is created as defined under other sections of this Code.
3. It shall be the duty of the chief of police or his delegated representative, including the city code enforcement officer, to administer and enforce the provisions of this subsection.

O. Hookah and smoking related shops

Any shop that involves the onsite sale or use of smoking related products, including Hookah, VAPE, Cigarettes, and Cigars shall adhere to the following requirements:

1. Indoor sprinkler systems required.
2. May not be located within 500 feet of a school, daycare, park, place of worship or playground.

P. Microbreweries or craft breweries

1. Shall be subject to all regulations of Article 4 of the City Code concerning alcoholic beverages:
2. Shall be a maximum of 20,000 square feet.
3. No outdoor public address system shall be permitted.
4. Production space shall be in a wholly enclosed building.

Q. Mini-warehouse

1. Must be climate controlled
2. Individual storage units must be accessed from an internal corridor
3. Minimum 35' in height

R. Mobile Home, Manufactured Home or Modular Home

One mobile, manufactured, or modular home as a second and temporary accessory dwelling on a lot, providing the following conditions are met:

1. The mobile, manufactured, or modular home is an accessory use on a lot that meets all of the requirements of the R60, Single family residence district, provided further that the occupant of the mobile, manufactured, or modular home and the occupant of the principal dwelling and lot are related to one another, i.e., father, mother, son or daughter.
2. The mobile, manufactured, or modular home is not located within any required front or side yard.
3. The mobile, manufactured, or modular home is located on a lot that is not less than one acre in size.
4. It is the intent herein that when any of the required conditions no longer are met the special exception is rendered invalid and the mobile home must be removed.
5. It shall be unlawful for any person to place, store or maintain any trailer in the city except as outlined in this Section.

S. Motorcycle repair and sales

1. Shall have a minimum 0.75 acre lot size

T. Motor Vehicle Related Uses

1. No reductions in buffer requirements are allowed when adjacent to a residential use.
2. Shall have a minimum lot size of one and one-half acres for auto sales lots
3. Indoor auto repair shall be permitted provided:

    a. The gross-square-foot area of the business in the building is less than 3,000 square feet.
    b. No auto repairs are conducted outside the building.
    c. No car sales or auto brokerage except in the CAR zoning district
    d. No outdoor air compressors.
    e. No outdoor incidental uses such as carwashes.
    f. All work on vehicles to be completed inside the structure;
    g. The sides and rear of the business will be screened from view of surrounding properties with an opaque eight-foot-fence.
    h. Customer and employee parking allowed in the front.

4. All vehicles in sales lots are always in operating condition.
5. Motor vehicles for sale shall be parked in marked, striped spaces only, and only in areas designated for the display of vehicles for sale.
6. Motor vehicles for sale cannot be parked in areas reserved for customer or employee parking.

U. RESERVED

V. Multi-Family Dwellings

Multifamily dwellings, which may be duplexes, apartments, condominiums, or planned residential developments, subject to the following provisions:

1. All condominium developments shall comply with all state laws regarding condominium developments.
2. All planned residential developments shall provide for a mandatory homeowner's association, which shall hold title to all common areas in the development. A declaration of covenants for the development shall be provided to and approved by the city prior to said declaration of covenants being recorded in the public records. Following the approval by the city, the declaration of covenants shall be recorded in the public records of the county and title to the common areas transferred to the homeowner's association prior to the approval of a final plat for the planned residential development and before any certificates of occupancy for the individual residential units are issued by the city.

W. Places of public assembly

1. Lot requirements:
    a. They are located on not less than five acres for places of worship in residential districts only, or

b. One acre in commercial or mixed use districts, provided that the minimum parking requirements of this UDO can be met.

2. A 20-foot undisturbed buffer is provided where the property abuts residential property.
3. Schools are located on the same lot as a place of worship and are clearly secondary to the use.

X. Static electric transformer or gas regulator stations

1. The structures are placed not less than 50 feet from any property line.
2. The structures are enclosed by a woven wire fence at least eight feet high.
3. The lot is suitably landscaped, including a buffer strip at least ten feet wide along the side and rear property lines but not extending into the required front yard, planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen.
4. No vehicles or equipment are stored on the premises.

Y. Tattoo and/or Body Piercing Establishments

1. Road frontage requirement. The proposed establishment must have road frontage, in conformance with the requirements of this zoning district, on a major arterial street. Major arterial streets are shown on the official thoroughfare map of the City, on file with the Office of Community Development.
2. Minimum distance requirement from other tattoo and/or body piercing establishment. No tattoo and/or body piercing establishments shall be located, established, maintained or operated on any lot that has a property line within 500 feet of the property line of any other lot on which any other tattoo and/or body piercing establishments are located, established, maintained or operated.
3. Minimum distance from protected uses. No tattoo and/or body piercing establishments shall be located, established, maintained or operated on any lot that has a property line within 500 feet of the property line of any lot on which any protected use is located, established, maintained or operated.
4. Minimum distance from residential property. No tattoo and/or body piercing establishments shall be located, established, maintained or operated on any lot that has a property line within 500 feet of the property line of any residential property.
5. Measurement. For purposes of this subsection, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on which the tattoo and/or body piercing establishments are located to the nearest point on the property line of any residential property or any lot on which a protected use or other tattoo and/or body piercing establishment as the case may be, is established, maintained or operated.
6. Limited exception for subsequent protected uses or residential property. A tattoo and/or body piercing establishment lawfully operating under this Code shall not be deemed to be in violation of the location restrictions set forth solely herein because a protected use subsequently locates within the minimum required distance of the tattoo and/or body piercing establishments, or property within the minimum required distance of a tattoo and/or body piercing establishments subsequently becomes residential property. This subsection shall not apply to a tattoo and/or body piercing establishment at a time when an application for a business license for that establishment is submitted after the license has previously expired, has been revoked, or is at that time under suspension.

Z. Telecommunications Antenna and Towers

1. Applicability

a. District height limitations

Except as set forth in subsection (c) of this section, the requirements set forth in this section shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district in which towers and antennas are permitted.

b. Governmental exemption

The provisions of this section shall not apply to governmental facilities and structures. Private facilities and structures may be permitted on city owned property with the recommendation of the City Manager and approval of the Mayor and Council with no SUP required.

c. Amateur radio; receive-only antennas

This section shall not govern any tower, or the installation of any antenna, that is under 75 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively as a receiver-only antenna. Amateur radio towers in excess of 75 feet may be located in any zoning district and need only comply with subsection 5 to the extent required by subsection 5 a.2. and 3, and subsections b, Site Plan, c, Factors considered in granting special use permits, e. Setbacks and separation, and f. Security fencing, only to the extent that an anti-climbing device will be required.

d. Grandfathered towers and antennas

Any tower or antenna existing prior to January 1, 2008, shall not be required to meet the requirements of this chapter, other than the requirements of subsection 2.e., Federal requirements and f., Building codes; safety standards. Any such existing towers or antennas that fail to meet the requirements of this section shall be referred to in this section as grandfathered towers or grandfathered antennas. The provisions applicable to nonconforming uses set forth in this UDO shall apply to grandfathered towers and grandfathered antennas.

2. General guidelines and requirements

a. Purpose; goals

The purpose of this section is to establish guidelines for the siting of towers and antennas. The goals of this section are to:

1) Encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the community;
2) Encourage strongly the joint use of new and existing tower sites;
3) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
4) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and

5) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

b. Principal or accessory use

Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations including, but not limited to, setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots.

c. Inventory of existing sites

Each applicant for an administrative approval or a special use permit shall provide to the Community Development Department an inventory of its existing towers, including specific information about the location, height, and design of each tower. The Community Development Department may share such information with other applicants applying for administrative approvals or special use permits under this section or other organizations seeking to locate antennas within the jurisdiction of the Mayor and Council.

d. Aesthetics; lighting

The guidelines set forth in this subsection, towers, and the installation of all antennas, governed by this section; provided, however, that the Mayor and Council may waive these requirements if, in its sole discretion, it determines that the goals of this section are better served thereby.

1) Towers shall either maintain a galvanized steel finish, or subject to any applicable standards of the FAA, be painted sky blue or gray, to reduce visual obtrusiveness.
2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure to make the antenna and related equipment as visually unobtrusive as possible.
4) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

e. Federal requirements

All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas are governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations.

f. Building codes; safety standards

To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time.

3. Permitted uses

New towers shall be allowed only in M1, Light industry district, and C2, General business district, by special use permit under this section including the procedures set forth in subsection 5. Special Use Permit and as governed by this UDO.

4. Administrative approvals

The Community Development Department head may administratively approve the installation of an antenna on any existing tower or structure (such as a building, sign, light pole, water tower, or other freestanding nonresidential structure) whether or not the structure or tower is grandfathered so long as the additional structure adds no more than 20 feet to the height of the existing tower or structure. This administrative approval process may include any related equipment structures.

5. Special use permits

a. General

The following provisions shall govern the issuance of special use permits:

1) Towers are permitted as of right in the M1 district. A special use permit is required for the installation and construction of a tower or antenna in the C2, CX and BH zoning districts.
2) In granting a special use permit, the Mayor and Council may impose zoning conditions to the extent the Mayor and Council concludes such conditions are necessary to buffer or otherwise minimize any adverse effect of the proposed tower on adjoining properties.
3) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.

b. Site plan

Each applicant requesting a special use permit under this section shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate professional engineers, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information the city determines is necessary to assess compliance with this section.

c. Factors considered in granting special use permits

The Mayor and Council shall consider the following factors in determining whether to issue a special use permit, although the Mayor and Council may waive or reduce the burden on the applicant of one or more of these criteria, if, in the sole discretion of the Mayor and Council, the goals of this section are better served thereby:

1) Height of the proposed tower;
2) Proximity of the tower to residential structures and residential district boundaries;
3) Nature of uses on adjacent and nearby properties;
4) Surrounding topography;
5) Surrounding tree coverage and foliage;
6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
7) Availability of suitable existing towers and other structures as discussed in subsection d., Availabilty of suitable existing towers or other structures of this section.

d. Availability of suitable existing towers or other structures

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Mayor and Council that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

1) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
5) The fees or costs required to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed unreasonable.
6) Property owners or owners of existing towers or structures are unwilling to accommodate reasonably the applicant's needs.
7) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

e. Setbacks and separation

The following setbacks and separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Mayor and Council may, in its sole discretion, reduce the standard setbacks and separation requirements if the goals of this section would be better served thereby.

1) Towers must be set back a distance equal to the height of the tower from any offsite residential structure.
2) Towers, guys, and accessory facilities must satisfy the minimum district yard setback requirements.
3) Towers over 90 feet in height shall not be located within 1,000 feet from any existing tower that is over 90 feet in height.

f. Security fencing

Towers shall be enclosed by security fencing not less than six feet in height and shall be equipped with an appropriate anticlimbing device; provided, however, that the Mayor and Council may, in its sole discretion, waive such requirements, as it deems appropriate.

g. Landscaping

The following guidelines shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Mayor and Council may, in its sole discretion, waive such requirements if the goals of this section would be better served thereby.

1) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.
2) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
3) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.

6. Removal of abandoned antennas and towers

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the Mayor and Council notifying the owner of such abandonment. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

AA. Temporary Building

1. A temporary modular or mobile building or buildings for use in connection with a construction project of land subdivision development shall be permitted on the land of the project during the construction period.
2. Temporary modular or mobile buildings used in conjunction with a special event and authorized to be located on public property shall be permitted during the event for no more than three days.

BB. Temporary Shelter

1. No temporary shelter use shall be located, established, maintained or operated on any lot that has a property line within 1,000 feet of the property line of any other lot on which any other temporary transitional housing establishment is located, established, maintained or operated.
2. The applicant for such development is granted a special use permit by the governing authority only after receiving recommendation from the Community Development Department Director and the Planning and Zoning Board after a public hearing.
3. The shelter site should have ready access to a major street or state highway, serviced by public transportation; and proximity to local commercial districts.

4. The applicant for such a development shall provide to the Community Development Department a business plan outlining the mission of the institution and its proposed clientele, uses, services, a statement of financial stability, and a statement of other similar shelters the applicant has established.
5. All temporary shelters shall comply with Chapter 42 of the Norcross Code of Ordinances, pertaining to temporary shelters.
6. Issuance of special use permits for temporary shelters shall be granted to the owner of the shelter at the time of application. Should the ownership of the shelter change, the special use permit shall be deemed expired and a new special use permit must be requested.

CC. Truck Terminal

1. Terminal shall have ready access to a designated truck route on the long-range roadway classification map of the city, which can be found in the latest adopted version of the Norcross Comprehensive Plan.
2. Terminal shall not be within 500 feet of a residential use.

DD. Wholesaling and Warehousing with Offices and Accessory Retail Sales

Office and accessory retail sales shall not exceed 20 percent of the gross floor area of the wholesale/warehouse.

EE. Designation of Street Numbers

1. Each one- and two-family dwelling unit shall have posted and maintained in a conspicuous place on the property, visible from the street providing general public access, the address of such dwelling unit in figures at least three inches high on a contrasting background that will allow 24-hour visibility.
2. Each multifamily dwelling shall have posted and maintained in a conspicuous place on the building, visible from the parking lot or street providing general public access, the address or number of the building in figures at least six inches high on a contrasting background, and each individual apartment/unit within the building shall be marked on or about its main entrance with individual apartment/unit number and/or address in figures at least three inches high on a contrasting background that will allow 24-hour visibility. In addition to the above, where a multifamily building has more than one exterior entrance, each such entrance shall be marked, in figures at least three inches high on contrasting background, with the number and/or address of each and every individual apartment/unit to which access is provided through a common entrance.
3. Each business or other nonresidential building shall have posted and maintained in a conspicuous place on the property, visible from the street providing public access, the address of such building in figures at least four inches high on a contrasting background that will allow 24-hour visibility. If the numbers are not placed within 15 feet of the back of the street curbing or edge of the street surface, then such figures shall be at least six inches high. In cases where there is a loading deck in the rear of a warehouse building, the numbers must be displayed in the same manner as described above.
4. A quadrant designation will be posted as part of the address in figures at least two inches high on a contrasting background of a material that will allow 24-hour visibility and be placed with the number designation.

Sec. 202-3. Accessory uses or structures

A. General

In general, unless otherwise permitted by this section:

1. Accessory uses, or structures shall be permitted only in rear yards.
2. An accessory use or structure shall be set back not less than five feet from any lot line.
3. No accessory building shall be erected on a lot prior to the time of construction of the principal building to which it is an accessory.
4. In residential districts the total square footage of accessory structures shall not exceed one-half the size of the principal structure.
5. If an accessory building exceeds 500 SF, it shall be sided in wood, stucco or brick. Metal or vinyl siding is not permitted.
6. Accessory structures over 32 square feet shall require a building permit.

B. Accessory Dwelling Unit (ADU)

1. An ADU may be developed in or behind an existing or new main dwelling.
2. To keep true to its accessory size, an ADU may not exceed 40 percent of the floor area of the main dwelling.
3. An ADU may have up to two bedrooms.
4. The owner of the property is required to reside in either the main dwelling or the ADU for at least eight months of the year.
5. If detached from the main dwelling, an ADU must be located in the rear yard and have a footprint no greater than 30 percent of the rear yard.
6. If the ADU is combined with a garage, the total floor area may be in addition to the square footage of the garage.
7. The ADU shall meet all rear and side yard setback requirements.
8. The ADU shall not be higher than the main dwelling.
9. No additional parking spaces are required.

C. Donation and Drop-Off Boxes

1. Findings and intent.

a. The purpose of this section is to establish minimum requirements and standards for registration and placement of donation drop-off boxes in order to promote and protect the public health, safety, convenience, order and general welfare of the citizens of the city.

b. The Council finds that:

1) There is a need to establish a registration system for donation drop-off boxes to protect the health, welfare and safety of all citizens, to protect property values for all property owners and to encourage proper upkeep and maintenance of such properties.

2) The lack of adequate maintenance and security of donation drop-off boxes have an adverse effect on the property values and quality of life of neighboring properties and are detrimental to the health, welfare and safety of all citizens.

3) Improperly maintained and secured donation drop-off boxes can become a hazard to the health and safety all citizens and the owners of neighboring properties.

4) Difficulties often arise in locating the person responsible for the condition of donation drop-off boxes. This proposed system will require owners and agents to provide the city with official information for contacting the party responsible for bringing the donation drop-off boxes into compliance with applicable provisions of state and local laws and regulations.

2. Procedures.

Donation drop-off boxes shall be permitted only in accordance with the following standards and procedures:

a. Donation drop-off boxes shall not be allowed in any residential, industrial or agricultural zoning district.
b. Donation drop-off boxes are permitted only on properties that contain a primary permitted use.
c. Donation drop-off boxes are limited to two per property and shall be clearly marked with the names and telephone numbers of the sponsoring organization and/or charity receiving benefit. Only entities or organizations that have a tax status under Section 501(c)(3) of the Internal Revenue Code, as amended, are eligible. Proof of such tax status must accompany an application for a permit to include a letter of determination from the Internal Revenue Service (IRS) indicating valid 501(c)(3) tax status.
d. Donation drop-off boxes are subject to the issuance of a donation drop-off box permit and which will only be given upon receipt of written authorization of the property owner or their local legal representative.
e. Donation drop-off boxes shall meet ADA regulations and shall not obstruct pedestrian or vehicular circulation, nor be located in public rights-of-way, required building setbacks, landscape areas, drive aisles, parking spaces, fire lanes, loading zones, buffers, traffic sight lines or any other location that may cause hazardous conditions, constitute a threat to the public safety, or create a condition detrimental to surrounding land uses.
f. Each donation drop-off box shall have a firmly closing lid and shall have a footprint of no more than five feet by five feet and be no greater than six feet in height.
g. Donation drop-off boxes may be constructed of painted metal, rubber, wood, or plastic and shall be properly maintained in a safe and good condition.
h. Donation drop-off boxes shall be clearly marked to identify the specific items and materials requested to be left for donation, the name of the operator or owners of the donation container, the entity responsible for maintenance of the drop-off box and removal of materials from the box and a telephone number where the owner, operator or agent of the owner or operator may be reached at any time. The box shall display a notice stating that no items or materials shall be left outside of the donation drop-off box as well as a notice that shall read "Not for refuse disposal. Liquids are prohibited. Do not use for garbage."
i. Occupation of parking spaces by donation drop-off boxes shall not reduce the number of available parking spaces below the minimum number required for the site.
j. All donated items must be collected and stored in the donation drop-off box. Donated items or materials shall not be left outside of donation drop-off boxes and the area around each box shall be maintained by the owner or operator, or the property owner free of litter.
k. In addition to the above referenced requirements and procedures, donation drop- off boxes that accept used clothing (exclusively or in part) shall adhere to the following minimum regulations pertaining:

    1) Minimum pickup shall be at least two times per week.
    2) The containers must be sealed and covered with swinging lids that automatically close. They must regularly be disinfected with an effective germicide.

D. Drive-Thru and Drive-In Service

1. Drive-through service windows shall provide adequate queue space for a minimum of five cars per lane.
2. Stacking lanes shall be delineated from traffic aisles, other stacking lanes and parking areas with striping, curbing, landscaping and the use of alternative paving materials or raised medians.
3. Stacking lanes shall be designed to prevent circulation congestion, both on site and on adjacent public streets. The circulation shall:

    a. Separate drive–through traffic from site circulation,
    b. Not impede or impair access into or out of parking spaces,
    c. Not impede or impair vehicle or pedestrian traffic movement, and
    d. Minimize conflicts between pedestrian and vehicular traffic with physical and visual separation between the two.

4. Stacking lanes shall not interfere with required loading and trash storage areas and loading or trash operations shall not impede or impair vehicle movement. If said separate stacking lane is curbed, an emergency by-pass or exit shall be provided.
5. No outdoor speakers shall be established within 200 feet of any residential zoning district.

E. Food Truck

Food Trucks may only be located on a lot with a principally permitted use on the same zoning lot, and are conditionally permitted in a C-2, M1, CX, HX, NX, and BH zoning districts provided the following conditions can be met:

1. Food trucks may not conduct sales when parked on a public street unless approved for a City sponsored event or between the hours of 10 pm and 7 am.
2. The food truck must be licensed by the Health Department and have a valid business license for food truck operations.
3. A minimum one-half acre lot is required.

    a. A maximum of 2 food trucks on lots a one-half acre to one acre in size.
    b. A maximum of 4 food trucks on lots greater than one acre.

4. Temporary outdoor seating is only permitted upon review and approval of the Community Development Director.
5. Food trucks shall not block any ingress/egress or vehicular circulation in a parking lot, loading/unloading area or building entrance.
6. Food trucks shall not block any fire hydrant or fire lane.
7. Food truck operations shall be limited to the operating hours of the primary business on the lot.
8. Food truck operations shall be located a minimum of 100 feet from a residential dwelling.
9. No audio speakers or on-site/off-site freestanding signage shall be permitted other than what is displayed on the food truck.
10. Grease, liquid waste and garbage shall not be disposed of on-site.
11. Food trucks shall be subject to the all other applicable City and County Ordinances related to food operation.

F. Solar Panels

Solar panels are permitted as an accessory use in all districts to promote clean, sustainable and renewable energy resources. The intent of these regulations is to establish general guidelines for the location of solar panels and solar collection systems to prevent off-site nuisances including unreasonable visual interference, light glare and heat that the incorrect placement of solar panels or solar collection systems may create such that they may have a negative effect on surrounding property values. No solar panel or solar collection system shall be constructed, erected, installed or located proper approval has been obtained pursuant to this Section.

Residential or commercial solar panels not located on the principal building shall be considered an accessory structure and shall be located on site according to the provisions listed below:

1. Location

In order to provide location flexibility, and to install the solar equipment in the most efficient location, the accessory structure can be located in the side and front yard without the need of a board of appeals variance approval if the following requirements are met:

a. The ARB shall review an application for any proposed solar equipment located in the front or side yard. At a minimum, the ARB application shall include the following information:

   1) Completed ARB certificate of appropriateness application.
   2) A site plan, drawn to scale, showing all existing site conditions and the proposed location of the solar equipment.
   3) A landscape plan, drawn to scale, that shows screening measures of the solar equipment. The landscape plan shall also include elevations, details, plant schedule and any other information determined by the Community Development Director.

b. Prior to the installation of any solar equipment, the applicant shall obtain a building permit from the Community Development Department. The building permit application shall match all building related conditions from the ARB review.

2. Requirements and Regulations

a. Solar panels or solar collection systems shall conform to or be evaluated for compliance with the following standards:

   1) The proposed system is no larger than necessary to provide 120 percent of the electrical energy requirements of the structure to which it is accessory to as determined by a contractor licensed to install solar and photovoltaic energy systems.
   2) If roof mounted, the solar or photovoltaic system shall:

      a) Be flush mounted on the roof unless good cause is shown by the applicant that the solar panel is not at an appropriate angle to obtain maximum sun exposure if mounted flush to the roof.
      b) Be in the most inconspicuous location on the roof so as not to be seen from the street, if possible, and still be able to function as designed.
      c) Not extend higher than the peak of a sloped roof or higher than 5 feet from the top of a flat roof.

3) If freestanding, the solar or photovoltaic system shall:

    a) Not extend more than 10 feet above the existing grade in residential districts. In all other districts, the maximum height of a solar or photovoltaic system will be determined on a case by case basis upon plan review.
    b) Not be in the front yard.
    c) Not be in any required side or rear yard setback areas for accessory uses.
    d) Not be positioned to reflect sunlight onto neighboring property, public streets or sidewalks, including on any neighboring structures.
    e) Be landscaped at the base and the back of the panel structure if structure is visible from neighboring property.

4) All signs, both temporary and permanent, are prohibited on solar panel or solar collection systems, except as follows:

    a) Manufacturer's or installer's identification information on the system.
    b) Appropriate warning signs and placards.

5) Solar panel or solar collection systems shall comply with all applicable sections of the City of Norcross Building Code and applicable industry standards such as the American National Standards Institute (ANSI), Underwriters Laboratories (UL) or an equivalent third party.
6) All electrical wires and connections on freestanding solar or photovoltaic collection system shall be located underground.

b. Utility Connection

Solar panels or solar collection systems proposed to be connected to the local utility power grid through net metering shall adhere to all applicable electrical codes and Georgia State Statues.

c. Maintenance:

All solar panel or solar collection systems shall be maintained in good working order.

3. Plan Review

A plan shall be submitted for review for freestanding solar panel or solar collection systems. The following items shall be the minimum requirements to be considered a complete application and shall include the following:

a. Property lines and physical dimensions of the applicant's property.
b. Location, dimensions and types of existing structures on the subject property and on properties directly contiguous to the subject property.
c. Location of the proposed solar panel or solar collection system, and associated equipment.
d. System specifications, including manufacturer, model, kilowatt size.
e. Documentation shall be provided regarding the notification of the intent with the utility regarding the applicant's installation if the system will be connected to the power grid.
f. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code (typically provided by the manufacturer).

g. Compliance with all development standards as outlined in this Section.

G. Temporary Outdoor Activities and Sales

The Community Development Director, or his designee, is hereby authorized to inspect the temporary outdoor activity for compliance with the following provisions:

1. Businesses located in the HX District are exempt from this section.
2. Temporary outdoor activities shall be permitted only within the City's M-1, C-2, CX, NX, and BH Zoning Districts. The Community Development Department shall collect a fee for the issuance of such permit as established in the schedule of fees.
3. Peddling goods and merchandise not customarily sold on a day-to-day basis in the business which constitutes the principal use of the premises is prohibited.
4. Sales shall be conducted by employees of the principal use and goods shall be owned by the owner or tenant of the principal use, not a consignment operation or temporary arrangement with a transient merchant/vendor.
5. No display shall be erected or installed, nor shall any temporary outdoor activities take place, within 50 feet of a county or state right-of-way.
6. Temporary outdoor activities shall not be permitted on parcels of property which are less than two acres in size.
7. No temporary structure or covering shall be erected as a part of a temporary outdoor activity with the exception that temporary structures shall be permitted as a part of holiday activities.
8. Display tables may be used as a part of a temporary outdoor activity.
9. No operator, employee, or representative of the operator of a temporary outdoor activity shall solicit directly from the motoring public.
10. Temporary outdoor activities shall be permitted only on property where such activities shall not disrupt controlled vehicular ingress and egress or occupy required off-street parking spaces.
11. Occupation tax certificates for temporary outdoor activities shall be issued for a period of not more than ten days from the date of initiation of the temporary outdoor activity. All temporary outdoor activities shall require an occupation tax certificate, which is issued by the General Government Administration Department.
12. Written permission from the property owner shall be obtained and submitted by the applicant to the Community Development Department prior to the issuance of a temporary outdoor activity permit.
13. Temporary outdoor activities, other than holiday activities, shall be conducted on a paved surface and not on grassed or landscaped areas.
14. No evidence of the temporary outdoor activity, other than holiday activities, shall remain on a parcel of property for more than 12 consecutive hours of any calendar day.
15. Mattress and box spring sets, couches or sofas, refrigerators, washers/dryers, large appliances, office shelving and desks, dining room and kitchen tables and similar large furniture, and heavy construction equipment are specifically prohibited from outdoor display.
16. Christmas tree sales shall be permitted between November 1 and December 31 due to the seasonal nature of such sales.
17. Pumpkin sales shall be permitted from September 15 through October 31 due to the seasonal nature of such sales.

18. Carnivals shall be permitted as temporary outdoor activities so long as no structure or equipment is located within 500 feet of any residential property line.
19. Charitable or nonprofit events for which sale proceeds benefit charitable organizations are not regulated by this section.

ARTICLE III. PARKING AND LOADING

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ARTICLE III. PARKING AND LOADING

Sec. 203-1. Purpose

The purpose of this Article is to ensure and regulate the provision of parking and loading spaces and access to such facilities for motor vehicles, to provide the appropriate means for adjusting parking and loading requirements and to provide for suitable parking alternatives.

Sec. 203-2. General Applicability

For the purpose of complying with the regulations of this Article, no part of a yard or the off-street parking or loading spaces that are required in connection with any building or use shall be included as part of the yard or off-street parking or loading spaces required for another building, except as specifically provided in this Article.

Sec. 203-3. Spaces required

A. New construction

Any new building or site improvement shall comply with the parking requirements of this Article.

B. Maintenance and repair

An existing building or site may be repaired, maintained or brought up to code standards without providing additional parking or loading space, provided there is no increase in gross floor area or site area.

C. Additions and expansion

1. When an existing building, use or site is increased in gross floor area by up to 25% cumulatively, parking and/or loading is required for the additional floor or site area only.
2. When an existing building, use or site is increased by more than 25% cumulatively, both the existing building, use or site and the additional floor area or site area must conform to these parking and loading requirements.

D. Change in use

1. A change in use based on the parking table in Sec. 203-9 or loading table in Sec. 203-14 must comply with the parking and/or loading requirements of this Article unless the use has the same or a lesser parking and/or loading requirement than the previous use.
2. Where the required number of parking and/or loading spaces for a new use according to Sec. 203-9 or Sec 203-14 is less than the parking/loading spaces required for the existing use, no additional parking and/or loading spaces are required.
3. Where the required parking and/or loading spaces for a new use exceeds 125% of the required parking spaces of the existing use, additional parking is only required for the difference between the current parking space requirement and the parking spaces required by the new use.

Sec. 203-4. Plan and design standards

The following are required plan and design standards for off-street parking for areas of five or more vehicles. Plans shall be submitted to the Community Development Director for review and approval.

A. Calculation of required spaces

1. When a lot is used for two or more uses, the parking requirements are the sum of the requirements for each use unless otherwise specified in this Article.
2. In determining the required number of spaces, fractional spaces are rounded up to the nearest whole number with one-half or more counted as one additional space.
3. Unless otherwise identified, the parking requirement is based on the gross floor area (GFA) of a building devoted to the use(s) identified.
4. When bench space is used for calculating parking spaces, 30 inches of seating width is equal to one seat.

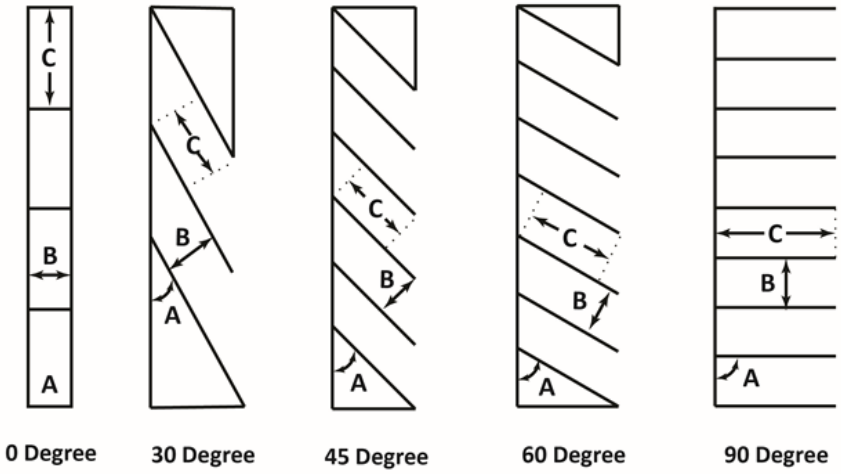
B. Driveway visibility

1. Visibility from a driveway may not be blocked between a height of three feet and eight feet for a depth of 10 feet from the street curb line.
2. Off-street parking areas and their respective driveways shall be designed such that vehicles entering and exiting are moving in a forward motion only.

C. Required area for each parking space

Parking spaces shall have the following minimum dimensions:

Dimension	0° Parallel (A)	30° Diagonal (A)	45° Diagonal (A)	60° Diagonal (A)	90° Perpendicular (A)
Space Width (feet) (B)	10	9	9	9	9
Space Length (feet) (C)	20	17.5	17.5	17.5	17.5



1. Each space shall be clearly identified by surface markings at all times in a highly visible condition.
2. The Community Development Director may grant an administrative variance to permit up to 40 percent of the parking spaces to be eight feet wide and 15 feet deep to accommodate compact cars where, in his/her opinion,

the purpose of the parking ordinance can be achieved, and equal performance obtained by granting an administrative variance.

3. Adequate interior driveways shall connect each parking space with the public right-of-way.

D. Interior driveways/aisle

Interior driveways/aisle:

	For driveways/aisles serving the following types of parking space configuration:				
	0° Parallel	30° Diagonal	45° Diagonal	60° Diagonal	90° Perpendicular
Single Driveway/aisle (min. width in feet)	10	15	18	18	22
Double Driveway/aisle (min. width in feet)	20	20	20	22	22

E. Surfacing, drainage and lighting

All areas intended to be used for off-street parking and driveways shall be properly drained and surfaced with material suitable to control drainage and dust problems.

1. Surfacing and drainage

a. In commercial and multifamily districts, any off-street parking area for five or more vehicles shall be paved with asphalt or concrete material.

b. In any residential district, the parking of any vehicle in the front yard or in front of the principal building line is prohibited except on a hard-surfaced or gravel driveway.

1) Not more than 35 percent of this required front yard area shall be used for parking under any circumstance. Lots developed as of the effective date of this UDO with driveways and exterior parking areas that comprise more than 35 percent of the total lot area are entitled to exist as legal nonconforming lots.

2) All areas intended to be used for off-street parking and driveways shall be properly surfaced with asphalt, concrete (pervious or impervious), or other impervious material, to facilitate adequate stormwater management.

3) In any residential district, the parking of any vehicle is prohibited except on an improved asphalt, concrete (pervious or impervious), or other impervious material, to facilitate adequate stormwater management, or other hard-surfaced driveway or parking pad, or in a carport or enclosed garage with an improved surface.

2. Lighting

a. If the off-street parking facilities are used at night, they shall be properly illuminated for the safety of pedestrians, vehicles and for security.

b. The lighting shall be designed so as not to reflect into or cause unnecessary glare in any residential district and shall provide a minimum luminescence of one footcandle at pavement level.

c. In commercial and multifamily districts, if the off-street parking facilities are used at night, they shall be properly illuminated for the safety of pedestrians, vehicles and for security. The lighting shall be designed so as not to reflect into or cause unnecessary glare in any residential district and shall provide a minimum luminescence of one footcandle at pavement level.

F. Interior design and perimeter landscaping

Parking lot landscaping, including any required interior islands, perimeter landscaping and median islands shall be designed and installed as identified in Chapter 200, Article V, Buffers, Landscaping and Tree Conservation.

G. Maintenance

All required surfaces and plantings must be permanently maintained in good condition and repaired/replaced when necessary to ensure continued compliance with these regulations.

H. Accessible spaces for automobiles and vans

Accessible spaces for automobiles and vans shall fully conform to the requirements of the *2010 ADA Standards for Accessible Design* as adopted by the U.S. Department of Justice, Civil Rights Division.

I. Drive-In and drive through circulation

When products or services are to be provided to the public in their occupied vehicle, a vehicular circulation plan shall be submitted to the Community Development Director prior to issuing building permits. The plan shall be reviewed to determine that the circulation does not:

1. Constitute a threat to public safety.
2. Block access to and from required parking spaces.

Sec. 203-5. Prohibited use of off-street parking areas

The following shall be prohibited in required off-street parking areas:

A. The display for sale of all types of vehicles except for private individuals selling one personal vehicle from a residence or a licensed dealership.
B. The display, storage or sales of any goods or merchandise.
C. Motor vehicle repair except for temporary repair to make the vehicle operable to move off site.

Sec. 203-6. Location of required off-street parking spaces on other property

If the required automobile off-street parking spaces cannot reasonably be provided on the same lot on which the principal use is located, such spaces may be provided on other off-street property within 400 feet of the main entrance to the principal use. In this situation, the applicant shall submit with his application for a building permit or an occupancy permit an instrument duly executed and acknowledged, which accepts as a condition for the issuance of a building permit or an occupancy permit the permanent availability of such off-street parking spaces to serve his principal use.

Sec. 203-7. Sharing of required off-street parking spaces

One-half of the off-street parking spaces required by a use whose peak attendance will be at night or on weekends may be shared with a use that will be closed at night or on weekends.

Sec. 203-8. Not to exceed requirement

In order to prevent excessive lot coverage, the artificial increase in air temperature, and an unnecessary increase in surface water runoff, no minimum off-street parking requirement in Section 203-9, below, shall be exceeded by more than 25% unless good cause can be shown by the applicant and approved by the Community Development Director through the administrative variance process.

Sec. 203-9. Minimum number of spaces required

The following are the minimum number of off-street parking spaces required. For uses not specifically listed, the off-street parking requirements shall be those of the most similar use as determined by the Community Development Director.

Use	Number of Parking Spaces
Residential	
Household Residences	
Single-Family Detached Dwelling	3 per dwelling unit
Duplex Dwelling	2 per dwelling unit
Townhouse Dwelling	2 per dwelling unit; plus 1 additional space for every 4 dwelling units
Multi-Family Dwelling	2 per dwelling unit; plus 1 additional space for every 4 dwelling units
Mixed-Use Dwelling	2 per dwelling unit; plus 1 additional space for every 4 dwelling units
Group, Institutional and Social Service Living	
Child Care Institution, Congregate Personal Care, Convalescent, Group Day Care, Personal Care, Nursing Homes	1 per 2 residents of design capacity
Membership Dwelling (Fraternity, etc.)	1 per 2 residents of design capacity
Retirement Community	2 per dwelling unit
Rooming and Boarding House	1 per guest room
Miscellaneous, Lodging, Rooms for Rent	
Accessory Dwelling Unit	No additional spaces are required
Bed and Breakfast Inn	1 per guest room
Hotel or Motel (except Bed & Breakfast Inn)	1 per guest room; or 1.5 per guest room if hotel has a restaurant, lounge and/or meeting facilities
Rooming House (e.g. Air BnB, VRBO, HomeAway)	2 per dwelling unit
Commercial and Services	
ALL COMMERCIAL/SERVICES EXCEPT AS LISTED BELOW	1 per 400 sf GFA
Adult Entertainment	1 per 200 sf GFA
Amusement or Recreational Attraction	See Places of Public Assembly
Amusement Park	1 per 2,000 sf

Use	Number of Parking Spaces
Amusement/Gaming Parlor	1 per 400 sf GFA
Animal Hospital or Veterinarian Clinic	1 per 300 sf of GFA
Antique Shop	1 per 400 sf GFA
Art Gallery	1 per 400 sf GFA
Artist's Studio	1 per 200 sf GFA
Automobile Rental Establishment	1 per 200 sf GFA
Automobile Rental Establishment Trucks or Trailers	1 per 400 sf GFA
Banks and Financial Institutions	1 per 400 sf GFA
Beauty Parlor, Barber Shop, Hair Salon, or Nail Salon	1 per 300 sf GFA; or 2 per barber chair, whichever is greater
Bowling Alley	4 per bowling alley lane
Building Material Sales with Outdoor Storage Yards	1 per 2,000 sf GFA of storage area
Business Service Establishment, Miscellaneous	1 per 400 sf GFA
Car Wash	1 per 200 sf GFA office space, plus sufficient stacking space for 5 vehicles per bay or per conveyer system
Community Garden	None required
Community Recreation Facility	1 per 400 sf GFA
Convenience Food Stores with Fuel Pumps	1 per 300 sf GFA
Convenience Food Stores without Fuel Pumps	1 per 250 sf GFA
Crematorium	1 per 400 sf GFA of office space
Dance Studios or Schools	1 per 50 sf GFA
Day Care Center	1 per 5 children of design capacity
Department Store	1 per 800 sf GFA
Doctor, Dentist or Chiropractor Office	1 per 200 sf GFA
Dry Cleaning, Pick-up and Delivery Stations	1 per 400 sf GFA
Emission Inspection Station	1 per 100 sf GFA
Equipment Rental	1 per 400 sf GFA
Places of Public Assembly (Churches, Event Facility	1 per 150 sf GFA in largest assembly room
Farm (heavy) Equipment, Mobile Home, Recreational Vehicles and Equipment Sales and Service	2 per 1,000 sf of indoor sales area plus 1 for each 2,500 sf outdoor sales area plus 2 each service bay
Food Catering Service	1 per 400 sf of GFA
Funeral Home	1 per 75 sf GFA used for assembly
Furniture Rental or Sales	1 per 500 sf GFA
Health Club or Spa	1 per 150 sf GFA
Indoor Flea Market	1 per 300 sf GFA
Instruction of Fine Arts	1 per 200 sf GFA
Instructional Dance Studio	1 per 100 sf GFA
Junk and Salvage Yards	1 per 200 sf GFA of office space
Landscaping Services	Minimum of 5 spaces
Laundries and Dry Cleaning Establishments, Including Self-Service	1 per 400 sf GFA
Lockbox Retailer	1 per 20 lockboxes

Use	Number of Parking Spaces
Medical or Dental Clinic, Massage Therapist	1 per 300 sf of GFA
Microbrewery	1 per 150 sf GFA of customer gathering space
Mixed Uses	Total of all uses, less 25%
Motion Picture Theater	See places of public assembly
Motor Vehicle Repair Shop	2 per bay; plus 1 per 200 sf GFA of customer waiting space
Motor Vehicle (Auto) Sales and Rental	2 per 1,000 sf of indoor sales area; plus 1 for each 2,500 sf outdoor sales area; plus 2 each service bay
Motor Vehicle Sales and Service: Trucks & Heavy Equip.	2 per 1,000 sf of indoor sales area; plus 1 for each 2,500 sf outdoor sales area; plus 2 each service bay
Motor Vehicle Service and Fuel Station	2 per service bay plus 1 for every 200 sf GFA retail space
Offices, Professional or Business	1 per 400 sf of GFA
Office/Showroom Facility	1 per 800 sf GFA
Open Air Market and Outdoor Flea Market	1 per 2,500 sf of outdoor sales area
Outdoor Theater	1 per 3 seats in a fixed seating facility; or 1 per 250 sf of lawn area
Personal Services	1 per 300 sf of GFA
Photocopying and Reproduction Services	1 per 400 sf GFA
Photography Shops and Studio	1 per 50 sf GFA
Plant Nursery Sales / Garden Supply Center	1 per 500 sf GFA
Plumbing, Electrical, Pool and Home Building Supply Showrooms and Sales Centers	1 per 2,000 sf indoor GFA
Pool Hall or Billiard Hall	1 per 300 sf GFA
Professional and Business Offices	1 per 400 sf GFA
Professional Services	1 per 400 sf GFA
Radio, Recording or Television Broadcast Station-Studio	1 per 400 sf GFA
Recreation, Amusement, Entertainment Facility	See Places of Public Assembly
Restaurant (not fast food)	1 per 100 sf GFA
Restaurant, Fast Food, Drive-In and Drive-Thru	1 per 75 sf GFA
Social Services, Other (Not Listed)	1 per 200 sf GFA; plus 1 per 4 beds of design capacity
Sporting Goods	1 per 500 sf GFA
Tattoo and/or Body Piercing Establishments	1 per 300 sf of GFA
Telephone Marketing (Telemarketing) Enterprises	1 per 300 sf GFA
Toy Store, Children's Hobby Shop	1 per 400 sf GFA
Temporary Structures Used in Connection with the Construction of Permanent Buildings or for a Non-Reoccurring Purpose	4 per office
Window Tinting or Stereo Installation Not Associated with Auto Repair	1 per 400 sf GFA

Manufacturing, Wholesale and Warehousing	
ALL MANUFACTURING, WHOLESALE AND WAREHOUSING EXCEPT AS LISTED BELOW	1 per 1,000 sf GFA
Baking Plant	1 per 1,000 sf GFA
Building Materials or other Outdoor Storage Yards	1 per 2,000 sf GFA of storage area
Cold Storage Plant	1 per 2,000 sf GFA
Machine or Welding Shop	1 per 500 sf GFA
Mini-Warehouse	Minimum of 5 spaces
Newspaper and Printing Plant	1 per 1,000 sf GFA
Office Distribution Warehouse Facilities	1 per 1,000 sf GFA
Soft Drink Bottling and Distribution Plant	1 per 1,000 sf GFA
Telecommunications Antenna or Tower	1 per station
Truck Terminal	1 per 1,000 sf GFA
Waste Treatment and Disposal	1 per 250 sf GFA of office space
Wholesale Trade/Distribution Office with Showroom	1 per 200 sf GFA area devoted to sale or display plus 1 space per 300 sf GFA area devoted to office plus one space per 2,000 sf GFA for storage
Wholesale Warehouse	1 per 2,000 sf GFA
Public or Semi-Public	
ALL PUBLIC OR SEMI-PUBLIC USES EXCEPT AS LISTED BELOW	1 per 400 sf GFA
Government Offices and Emergency Services	1 per 400 sf GFA
Hospital	1 per bed of design capacity
Library	1 per 400 sf GFA
Museum	1 per 500 sf GFA
Places of Public Assembly (Places of Worship, Event Centers, church schools Recreational facilities, movie theaters, and training centers)	1 per 150 sf GFA
School (Technical, Vocational, College, University, or Community College	20 per classroom
School (Kindergarten, Elementary and Secondary)	2 per classroom for kindergarten, elementary and junior high school
School (High School)	6 per classroom for high school
Utility Transmission, Generation and Monitoring Facility	1 per 400 sf GFA; or 1 per location where no office is present
Wastewater Treatment Facility Including Sewage Lagoon	1 per 250 sf GFA of office space
Transportation	
Automobile Parking Lot or Garage	None required
Bus Station or Terminal	1 per 200 sf GFA of terminal building
Taxi Cab or Limousine Services	1 per 400 sf GFA of office space

Sec. 203-10. Parking reductions

A reduction in parking may be approved by the Community Development Director as an administrative variance under the following circumstances:

A. Proximity to public parking facilities

A 25% reduction in the number of required off-street parking spaces may be permitted for uses within 1,320 feet of a public parking facility.

B. Proximity to bus transit

A 10% reduction in the number of required off-street parking spaces may be permitted for uses within 1,320 feet of an operating transit stop with service between the hours of 6:00 am to 8:00 pm and where service intervals are no longer than 20 minutes during peak commute hours.

C. Private car sharing or vanpool ride sharing program

When an active on-site car share or vanpool ride share program is present, a 5% reduction in the number of required off-street parking spaces may be permitted.

D. Mixed-Use Parking Calculations and Allowed Reductions

In cases where two or more different uses are on the same lot or within the same building, the minimum number of parking spaces shall be calculated as the sum of all required parking spaces in Section 203-9, Minimum Number of Spaces Required, a 25% reduction in the number of required off-street parking spaces may be permitted.

Sec. 203-11. Business vehicle parking

A. In commercial zoning districts, delivery/service vehicles and vehicles displaying advertising must be parked within the side or rear yard and may not be parked within the front yard, except vehicles parked temporarily while making a delivery, providing a service, or purchasing goods or services.

B. In all residential districts, the parking of any business vehicle (other than an automobile, pick-up or panel truck used to provide daily transportation to and from work or a business vehicle parked temporarily while making a delivery or providing a service) and any vehicle with a carrying capacity of more than 1½ tons is prohibited except when the following provisions apply:

1. Such vehicle may park within a fully enclosed structure that meets all other criteria of the zoning district and the city development regulations.
2. Such vehicle may park on the side or to the rear of the primary residential structure on the lot provided that the lot is five acres or larger, but in no case may be located closer than 100 feet from any property line.
3. Such vehicle is used for the primary purpose of transporting children to and from state licensed or accredited elementary, middle or high schools provided such vehicle is parked off any public thoroughfare, on an all-weather surface, and in the side or rear yard.

Sec. 203-12. Residential parking management

The following regulations govern the off-street parking, stopping and standing of vehicles and trailers within the city limits on residentially zoned property:

A. No more than four vehicles, including trailers, per dwelling unit shall be parked, stopped, standing or stored on any parcel of land. A parking waiver can be requested when the residents can prove that the number of cars does not exceed the number of licensed drivers in the home and the car is operable, or when the vehicle is vintage (25 years

old or older). Parking waivers are subject to review and approved by the Community Development Director. There is no fee for this review.

1. All vehicles and trailers of any kind found parked, stopped, standing or stored in residential areas that require licenses, emission stickers, tags, titles, tax payment receipts, or registration with state or federal agencies, must properly display all required certifications for operation in the state or they shall be cited as abatable nuisances under city ordinance and state law; and, if applicable, shall otherwise be cited for other registration or display compliance failures.
2. Each residentially zoned parcel of land may have additional vehicles, including trailers, parked, stopped, standing or stored, so long as they are in a safely erected and maintained enclosed shelter, not visible from the public right-of-way or adjoining properties, where the entire floor area under the roof of the enclosed shelter is made of concrete, asphalt, gravel or other improved surface.
3. Vehicles prohibited within residential zones include limousines, flatbed trucks, dump trucks, tow trucks, transport wreckers, tandem axle trucks, cab-on chassis trucks, tractor trailers, wheeled attachments or trailers, buses, earth moving machinery, semitrailers, and any other vehicle over 23-feet long, seven-feet high, or seven-feet wide.

B. Airplanes, helicopters, air balloons, gliders, ultra-light air vehicles, hang gliders, and/or every other device designed for air travel are prohibited from parking, standing, stopping or being stored outside of a storage building in any residentially zoned area at any time.

C. Ships, boats, pontoons, personal watercraft, jet skis, canoes, kayaks, paddle boats and any other devices designed for water travel, hereafter referred to as "watercraft," may only be located and/or stored in a residentially zoned area when:

1. There are no more than two watercraft parked, stopped, or standing on each residential parcel of land; and located on an improved surface in a side or rear yard only; except that
2. All watercraft may be in a completely enclosed and safely erected and maintained enclosed shelter which meets the standards set forth in this section as well as Section 202-3, Accessory Uses or Structures.
3. Watercraft alone do not count against the four vehicles and trailers allowed in this section.

D. Recreational vehicles (RVs), travel trailers, campers, and all other similar type vehicles, both driven and towable, may only be located and/or stored in a residentially zoned area when:

1. There are no more than two such vehicles parked, stopped, or standing on each residential parcel of land; and the vehicle is located on an improved surface in a side or rear yard only; except that
2. All recreational vehicles, travel trailers, campers and all similar-type vehicles may be in a completely enclosed and safely erected and maintained enclosed shelter which meets the standards set forth in this section as well as Section 202-3, Accessory Uses or Structures.

E. Waivers. Residents subject to these parking management regulations may apply for a waiver under limited circumstances. Waivers will be reviewed and approved or denied by the Community Development Director. The following limited circumstances may request a waiver:

1. Proof that each additional vehicle is needed for a licensed driver living at the residence. Each vehicle must be operable; or
2. Each additional vehicle is vintage (25 years old or older).

Sec. 203-13. Plan and design standards for loading and unloading spaces

The following are the plan and design standards for off-street loading and unloading spaces:

A. The loading and unloading area must be located on the same lot occupied by the use served and must be accessible from a public street or alley unless specifically approved by the Community Development Director.
B. The off-street loading and unloading space shall be so located that it causes a minimum of interference with the free movement of vehicles and pedestrians over a street, sidewalk or alley.
C. The loading and unloading area must be located to the side or rear of the building served. Loading and unloading areas shall not be located between the street and the associated building.
D. Loading and unloading areas are not permitted within 100 feet of a residential zoning district unless specifically approved by the Community Development Director.
E. Loading and unloading areas shall be paved with a durable concrete material.

Sec. 203-14. Minimum size and number of loading and unloading spaces required

The minimum number and size of off-street loading and unloading spaces required are as follows:

A. For the purpose of this section, an off-street loading and unloading space shall have the minimum dimensions of 12 feet by 40 feet by 14 feet of overhead clearance.
B. The minimum required number of loading spaces are as follows for retail business, office, wholesale, industrial, governmental, and institutional uses, including public assembly places, hospitals and educational institutions:

Square Feet	Number of Spaces
1 – 25,000	1
25,001 – 99,999	2
100,000 – 159,999	3
160,000 – 239,999	4
240,000 – 349,999	5 plus one space for each additional 100,000 sf or fraction thereof

Sec. 203-15. Bicycle Parking

A. Developments in all commercial, mixed-use and industrial districts shall provide bicycle parking spaces at a ratio of at least one bicycle parking space for every 20 automobile parking spaces.
B. No development shall have fewer than three bicycle parking spaces nor be required to exceed a maximum of 20 spaces.
C. Bicycle parking shall provide an inverted U steel frame or decorative rack approved by the Development Director. The rack shall be anchored to a concrete pad.
D. Each required bicycle parking space must be at least 2 feet by 6 feet. Where a bike can be locked on both sides of a bicycle rack without conflict, each side can be counted as a required space. 2' wide by 2' 6" long
E. Bicycle racks must be securely anchored, be easily usable with both U-locks and cable locks, and support a bicycle at 2 points of contact to prevent damage to the bicycle wheels and frame.
F. Bicycle racks must be publicly accessible and be located no more than 100 feet from the building entrance the bicycle rack is intended to serve.
G. Bicycle parking must be provided in a well-lit area.
H. Spacing of the bicycle racks must provide clear and maneuverable access.
Bicycle facilities may be placed within the public right-of-way, provided the encroachment is approved by the Director

ARTICLE IV. SIGN REGULATIONS

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ARTICLE IV. SIGN REGULATIONS

Sec. 204-1. Purpose and Findings

The Mayor and Council find that signs provide an important medium through which individuals may convey a variety of messages. However, left completely unregulated, signs can become a threat to public safety as a traffic hazard and detriment to property values and the City's overall public welfare as an aesthetic nuisance. The purpose of this Article is to balance the need to protect the public safety and welfare, the need for a well-maintained and attractive community, and the need for adequate identification, communication, and advertising. These regulations are further intended to:

A. Allow businesses, institutions, and people to exercise their right to free speech by displaying messages on a sign, and to allow audiences to receive such information;
B. Enhance the economy and the business and industry of the City by promoting the reasonable, orderly, and effective display of signs and thereby encourage increased communication with the public;
C. Ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property, and public welfare;
D. Reflect and support the desired ambience and development patterns of the various zoning districts and promote an attractive built environment;
E. Allow for adequate and effective signs whose dimensional characteristics further the interests of public safety and the needs of the motorist, where signs are viewed from a public right-of-way;
F. Promote the stated purposes of the city ordinance, as amended, which are expressly incorporated herein; and
G. Promote the stated purposes of the standard building code, as adopted and modified by the city, which are expressly incorporated herein.

Sec. 204-2. Scope

The regulations of this Article dictate the types, location and physical standards of signs that are permissible for specified uses, subject to the sign permit procedures of the City. The regulations of this Article shall be in addition to any required provisions of the Georgia Code and the applicable Building Code administered by the city related to the construction and maintenance of signs.

The regulations of this Article shall:

A. Govern and control the erection, enlargement, expansion, alteration, operation, maintenance and relocation of any sign that is visible from any public right-of-way or public or private common open space.
B. Govern the removal of signs determined to be physically unsafe or which create a safety hazard to the public.

Sec. 204-3. Sign Definitions

A. Freestanding Signs

Signs not attached to a building, including the following:

1. Accessory Ground Sign

A small, less than 6 square feet in area, permanently affixed sign which is wholly independent of a building for support, and which is accessory and subordinate to a primary ground sign.

2. Pole Sign

A permanent freestanding sign supported by one (1) or more uprights, poles, or braces placed in or upon the ground surface and not attached to any building.

3. Ground Sign

A permanent freestanding sign, other than a pole sign not attached to a building, which is placed upon or supported by the ground independently of any other structure. Such sign may also be known as a monument sign. A sign that is placed on two posts, where there is no more than one foot of distance between the base of the sign at grade and the bottom of the sign shall be considered a ground sign for the purposes of this Article.

4. Subdivision Entrance Sign

A ground sign placed at the entrance of a platted subdivision. The subdivision can be for any type of development, including residential, commercial, or industrial.

B. Building Signs

Signs attached to a building, including the following:

1. Accessory Building Sign

A small, less than 6 square feet in area, permanently affixed sign to a building for support, and which is accessory and subordinate to a primary building sign.

2. Awning Sign

A building sign that is mounted or painted on or attached to an awning or canopy and does not project vertically above or horizontally beyond the physical dimensions of such awning or canopy.

3. Projecting Sign

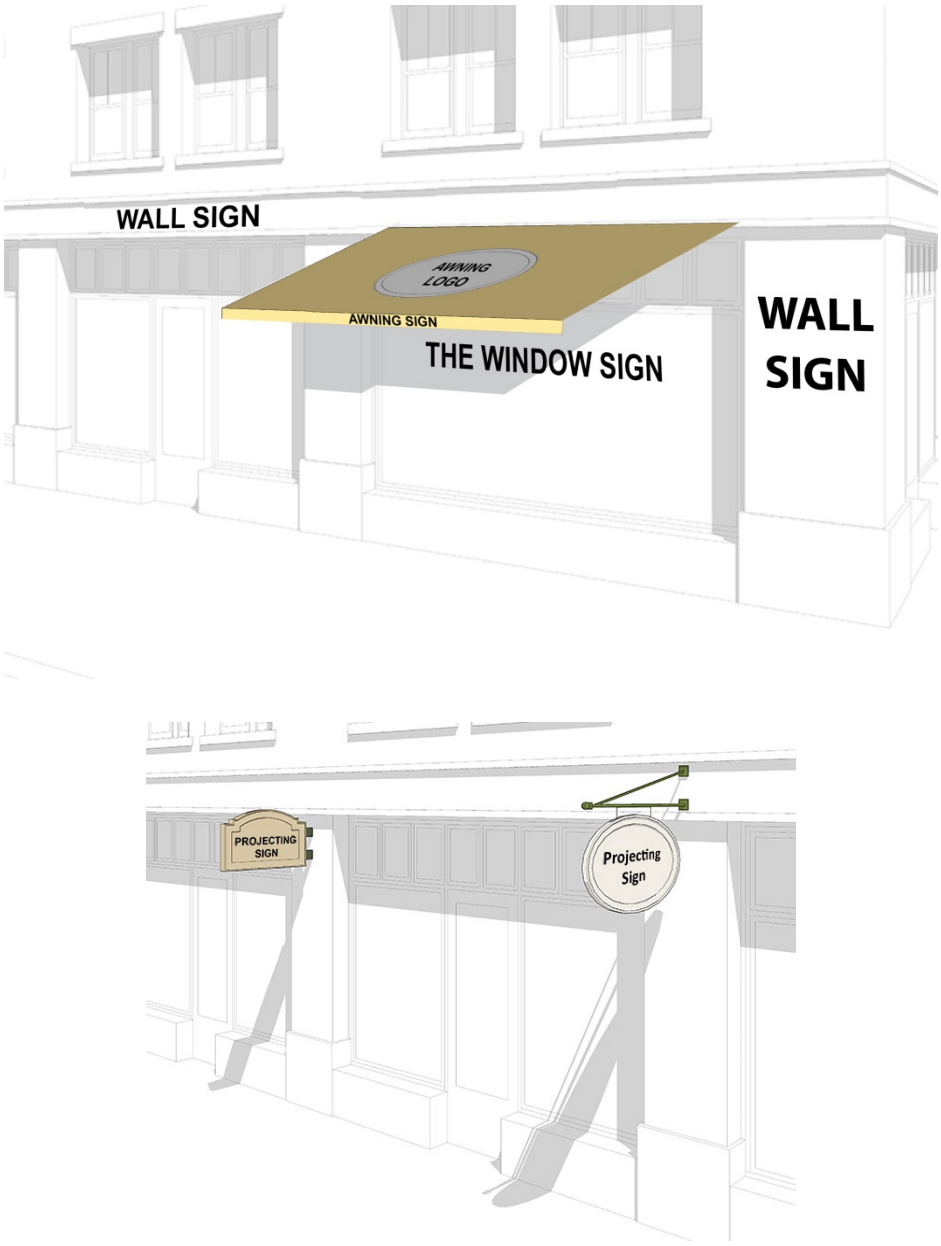
A building sign whose nearest point projects no more than eighteen (18) inches from, and is supported by, a wall of a building.

4. Wall Sign

A building sign that is attached directly to a building wall and which does not extend more than eighteen (18) inches from nor above the roof line or beyond the limits of the outside wall, with the exposed face of the sign in a plane parallel to the building wall.

5. Window Sign

A building sign affixed to, in contact with, or inside a window; installed for purposes of viewing from outside the premises. This does not include merchandise located in a window.



Building Sign Types

C. Temporary Signs

A sign which is neither permanently anchored to the ground nor permanently affixed to a structure, nor mounted on a chassis, and intended for a limited period of display, including the following:

1. Banner Sign

A temporary sign constructed of canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method.

2. Flag, Pennant or Other Moving or Animated Sign

Any temporary sign or part of such sign that changes physical position by any movement or rotation that gives the visual impression of such movement or rotation.

3. Yard Sign

Any temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.

D. Miscellaneous Sign Terms

1. Accessory sign

A small sign, less than 6 square feet in sign area, permanently affixed either to a building for support, or freestanding, and which is accessory and subordinate to other signs on the lot.

2. Awning

A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted to a flat position against the building, but not including a canopy or marquee.

3. Canopy

A structure other than an awning made of cloth, metal or other material that may be totally or partially attached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure and does not rise, nor is it capable of retraction.

4. Changeable Copy Sign

A sign designed so that the characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign; also known as a reader board, if the copy is manually changed, or electronic message board, if remotely changed by computer.

5. Clear Sight Triangle

The triangular area formed by a diagonal line connecting two points located on intersecting lines of a right-of-way, easement of access, or pavement edge of an access drive, each point being twenty (20) feet from the intersecting lines.

6. Clearance (of a Sign)

The smallest average vertical distance between the grade of where the sign is attached and the lowest point of any sign, including framework and embellishments, extending over that grade. (Compare "Height")

7. Electronic message board (EMB)

A form of changeable copy sign that is electrically activated and whose variable message or graphic presentation capability can be electronically programmed by computer from a remote location. EMBs typically use light emitting diodes (LEDs) as a lighting source.

8. Façade

That portion of an enclosed building facing the principal dedicated street or that wall of a building through which there is primary access for customers. Where more than one business occupies the same building, the facade for each business shall be that portion of the building occupied by the business which faces the street, or which provides the primary access.

9. Face Change

The removal or replacement of an existing surface display panel where the remaining structural frame is not changed. The changing of as message on a changeable copy sign is not considered a face change.

10. Flashing Sign

A sign that uses an intermittent, moving or flashing light source to attract attention.

11. Frontage, Building

Total lineal feet of enclosed building length along the facade that fronts the principal dedicated street, or the facade that contains the main entrance to the building.

12. Frontage, Secondary

The street which the developer selects to be the secondary access to the development.

13. Frontage, Street or Lot

Total lineal feet of right-of-way or easement of access along the front yard of a lot.

14. Height (of a Sign)

The vertical distance measured from the highest point of the sign, including decorative embellishments, to the average surface grade where the sign is attached. (Compare: "Clearance")

15. Illuminated Sign

A sign either internally or externally illuminated.

16. Maintenance

The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

17. Marquee

Any fixed hood (other than a canopy or awning), which is supported solely by the building to which it is attached, consisting of metal or other incombustible material and which included a sign or other message. The location of marquees shall be restricted to the main entrance to a building.

18. Nonconforming Sign

Any sign which was lawfully erected in compliance with applicable regulations in force at the time and maintained prior to the effective date of this Zoning Resolution, and which fails to conform to all applicable standards and restrictions of this Resolution.

19. Oversized sign

A ground sign which exceeds 30 feet in sign height or 300 square feet of sign surface area.

20. Portable Sign

A sign not permanently anchored or secured to either a building or the ground, but designed to be anchored or secured to a trailer, vehicle (where the primary purpose is to convey a message) or frame capable of being moved from place to place.

21. Reader board

Form of changeable copy sign designed so that the characters, letters or illustrations can be manually changed or rearranged without altering the face or the surface of the sign

22. Roof Sign

A sign that is mounted or painted on the roof of a building, or that is wholly dependent upon a building for support and that project above the highest point of a building with a flat roof, the eave line of a building with gambrel, gable, mansard, or hip roof.

23. Sign.

Any object, device, or structure, or part thereof, situated outdoors or indoors and intended to be visible from a public street right-of-way or public or private common area which is used to convey a message, advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization or nations, state, City, or any fraternal, religious or civic organizations; or works of art.

24. Sign animation.

The use of movement or some element thereof, to depict action or create a special effect or scene.

25. Sign Structure or Support

Any structure that supports or can support a sign, including decorative cover.

26. Snipe Sign

A sign for which a permit has not been obtained which is attached to a public utility pole, light pole, service pole or supports for another sign or placed within the right-of-way.

27. Surface Display Area

All solid surface areas of a sign, including air space surrounded by a solid surface of a sign. Sign area means the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses the entire sign, inclusive of any border and trim but excluding the base, apron, supports, and other structural members.

28. Vehicle Sign

Signs on vehicles or trailers visible from the public right-of-way where the primary purpose of the vehicle or boat is to display a sign.

29. Visible

Capable of being seen, whether or not legible, without visual aid by a person of normal acuity from a public right-of-way, or public or private common open space.

30. Zoning District Use Category

A categorization of zoning districts by the land uses allowed in each for the purposes of this Sign Article. The categories are as follows:

a. Single-Family Residential – R-100, R-75, R-60, RTH including developments built under the provisions of the CSO overlay.
b. Multi-Family Residential –RD, PRD
c. Office – OI
d. Commercial – C1, C2, CAR
e. Industrial – M1, M2
f. Mixed-Use – CX, HX, NX, BH
g. Public - P

Sec. 204-4. Signs requiring a permit.

A. Unless expressly exempted in Sec. 204-5, no sign shall be erected, enlarged, expanded, altered, relocated or reconstructed on private or public property unless a Sign Permit, showing compliance of the sign with the provisions of this Article, shall have first been issued by the Community Development Director.

B. Existing signs which conform to the provisions of this Article that would be required to obtain a permit under the regulations of this Ordinance must register with the city within 90 days of the effective date of this Ordinance. The information provided for registration will be the same information required in a permit application under Section 204-7. No permit fee will be required for the registration of existing signs.

C. Each nonconforming sign shall be registered within 90 days of the enactment date of this Ordinance from by the owner, and if it is determined that such registered nonconforming sign was legally erected under the prior requirements, then a sign permit shall be issued to the sign owner. If the owner of a nonconforming sign fails to

register such sign within 90 days from the enactment of this Ordinance, it shall be deemed a violation of this article, subject to citation in the recorder's court of the city.

Sec. 204-5. Signs exempt from having a permit

The following signs and sign-related activities shall be exempt from the provisions of this Article and shall not require a sign permit. All signs in this section, unless otherwise stated below, shall be setback a minimum of 10 feet from the right-of-way, easement of access, or edge of pavement, whichever is the greater setback, and five feet from all other property lines.

A. Routine Maintenance. Routine sign maintenance includes cleaning, re-painting, replacing lighting elements, ballasts, and electrical components, and changing of lettering or parts of signs designed to be regularly changed.
B. Face Changes. Signs shall be allowed sign face changes that are non-structural only. Further modifications may be subject to the provisions of Sec. 204-11, Nonconforming or Noncomplying Signs.
C. Copy Changes. The change of a message on any changeable copy sign or any variable message sign may occur without a permit.
D. Small non-illuminated temporary freestanding signs (excluding banners, which are regulated under Section 204-12). For each residential or nonresidential lot, the quantity of these signs shall be limited to either one sign that is 16 square feet in area or any number of signs whose total combined area totals 16 square feet, such as four signs of four-square feet in area each. These signs shall not be located within the public street right-of-way and shall be no closer than ten feet to the back of the curb of a public roadway.
E. Traffic or government signs. Any signs installed by the City, County, State, Federal government or an authorized transit agency.
F. ADA required signs. Any signs installed to meet the requirements of the Americans with Disabilities (ADA) Act.

Sec. 204-6. Signs Specifically Prohibited

The following signs, in addition to all other signs not expressly permitted by this Article, are prohibited in all zoning districts and shall not be erected, or maintained:

A. Signs that are structurally unsound, unsafe, or hazardous to traffic or pedestrians.
B. Permanent signs built of non-durable materials, such as corrugated plastic, paper, etc.
C. Roof signs.
D. Signs that move or give the appearance of moving, including sky dancers, pennants, streamers, or banners in excess of 32 square feet.
E. Streamers, inflatable objects, and gas filled devices, other than permitted temporary signs.
F. Flashing Signs and signs containing any flashing or running lights, strobe lights, or lights creating an illusion of movement.
G. Signs which imitate or may be easily confused with official traffic and government signs.
H. Portable signs, except as permitted in Section 204-17, Vehicle Signs.
I. Multi-faced "V"-shaped signs with angles exceeding 60 degrees in diameter.
J. Snipe signs.
K. Signs mechanically rotating at greater than six revolutions per minute.
L. Any sign placed or erected on property without the permission of the property owner.
M. Signs which are obscene as defined by O.C.G.A § 16-12-80.

N. Signs which emit or utilize in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing abilities.

O. Signs which interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic or which otherwise pose a hazard to traffic due to structural deficiencies in the structure of such signs.

P. Signs which obstruct any fire escape, any means of egress or ventilation or shall prevent free passage from one part of a roof to any other part, as well as signs attached to any fire escape.

Q. Signs which do not conform to applicable building or electrical codes.

R. Exterior exposed electrical signs including neon or LED used to attract attention such as outlining a building or building feature.

S. Dilapidated or neglected signs.

Sec. 204-7. Application Information

Applications for sign permits required by this article shall be filed by the sign owner or the owner's agent upon official forms with the Community Development Department.

A. The application shall describe and provide the information requested on the sign permit application and as stipulated by this article including, but not limited to, the following information:

1. The street address of the property upon which the sign is to be located and a plat map of the property which bears an indication of the proposed location of the sign. In the absence of a street address, a method of location acceptable to the Community Development Department shall be used.
2. The width of the face of the building, suite, or length of road frontage at the proposed location, as applicable.
3. The name and address of the owner of the real property upon which the subject sign is to be located.
4. An Owner Affidavit demonstrating owner consent, or the owner's agent consent, granting permission for the placement or maintenance of the sign.
5. Name, address, email address, phone number, proof of insurance, and business license number of the sign contractor.
6. The type of sign to be erected, the area of the sign, the height of the sign, the shape of the sign, and an explanation of how the sign is to be mounted or erected.
7. Identification of any existing signage on the property, and dimensioned size.
8. In the case of an oversized sign application, the distances as set forth in Section 204-15, Oversized Signs, must be provided.
9. The size of the parcel on which the sign is to be placed.
10. A dimensioned drawing of the proposed signage, including: height, width, construction materials, source of illumination, colors, and placement on the structure or position on the lot. Such drawing shall be of sufficient detail and accuracy to permit an informed review.

B. A separate building permit is required for monument signs over four feet in height and oversized signs.

Sec. 204-8. Sign permit application—Time for consideration

A. The city shall process all sign permit applications within 30 business days of the city's actual receipt of a completed sign permit application and a sign permit fee.

B. The sign permit fee shall be established by the Mayor and Council.

C. The Community Development Director or designee shall give notice to the applicant of a decision of the city by electronic means, by hand delivery, or by mailing a notice by certified mail with return receipt requested. Delivery will be mailed to the email address or mail address on the sign permit application on or before the 30th business day after the city's receipt of the completed application.

1. If mailed, the notice shall be deemed to have been given upon the date of mailing in conformity with this section.
2. If the city fails to act within the 30-day prescribed period, the permit shall be deemed to have been granted.

Sec. 204-9. Application—Denial and revocation

A. Procedure. The city shall deny sign permits to applicants that submit applications for signs that do not comply with the provisions of this article, incomplete applications, and applications containing any false material statements.

1. Violation of any provision of this article and any other applicable federal or state law or city ordinance shall be grounds for revoking a permit granted by the city for the erection of a sign.
2. If it is determined that a sign permit was issued pursuant to an incomplete application or an application containing a false material statement, or that a permit has been erroneously issued in violation of this article, the Community Development Department Director shall revoke the permit.
3. If the Community Development Department Director denies or revokes a permit, the reasons for the denial or revocation of the permit shall be stated in writing.
4. Any application denied and later resubmitted shall be deemed to have been submitted on the date of resubmission, instead of the date of the original submission.
5. A modified application to rectify dimension or design considerations shall be considered a continuation of the original sign application, unless the applicant has constructed or installed the sign which was denied.
6. No permit shall be denied or revoked, except for due cause. The term "due cause" means the violation of the provision of this article, state or federal law, or the submission of an incomplete application or an application containing false material statements.
7. If a sign application is denied, a new sign application may be filed addressing the reasons for the denial, and such application will require a new sign application review fee.

B. Appeals. In the event an applicant, property owner, or designated representative whose permit has been denied or revoked is dissatisfied with the decision of the Community Development Director, the applicant has the right to request a public hearing before the Zoning Board of Appeals.

1. The applicant shall be given 10 days to file a request for an appeal to the Zoning Board of Appeals after receipt of the denial or revocation notice from the city.
2. When a timely appeal has been filed, the city shall advertise the appeal giving notice of the time and place of such hearing in the official organ of the City at least 15 days prior to the Zoning Board of Appeals next scheduled hearing.
3. The date may be rescheduled by agreement of the city.
4. At the hearing any party may appear in person or by agent or attorney.
5. In the event an applicant, property owner or designated representative whose permit has been denied or revoked is dissatisfied with the decision of the Zoning Board of Appeals, the applicant, property owner or designated representative may appeal the decision of the Zoning Board of Appeals by filing a petition for writ of certiorari to

the superior court of the county in the manner provided by law.

Sec. 204-10. Sign permit—Expiration

A sign permit shall become null and void if the sign for which the permit was issued has not been completed, erected and installed within six months after the date of issuance of the permit.

A. No refunds will be made for permit fees paid for permits that expired due to the failure to erect a completed permitted sign within the prescribed period.

B. If at a later time an individual desires to erect a sign at the same location, a new application must be processed and another fee paid in accordance with the fee schedule applicable at that time.

Sec. 204-11. Nonconforming or Noncomplying Signs

Signs existing on or before the effective date of this Ordinance that do not conform to the standards in this Article are considered nonconforming and shall be subject to the provisions of this section.

A. Grandfathered Signs. In all use districts, signs which on the effective date of this Ordinance become nonconforming, with respect to the requirements set forth in this article, may continue in existence so long as the nonconforming sign is not enlarged, altered, modified, improved or rebuilt beyond that existing as of the effective date of this Ordinance.

B. Existing signs which were legally erected which have become nonconforming and do not meet the setback requirements of this article due to a road widening project may be moved to meet the setback requirements of this article but shall not be increased in size, shape or changed in any manner except as to meet the requirements of this article; provided that:

1. This subsection shall not allow the relocation of any sign for which the value has been paid to the owner by any government or government agency in conjunction with a road widening project.
2. No sign shall be relocated pursuant to this subsection before the sign owner provides the Director with a signed copy of the purchase contract or condemnation documents showing transfer of the owner's land for road widening.

C. In all use districts, signs which are prohibited shall be removed by the owner. Upon failure to comply with requirements of this division, the Community Development Director may cause the removal of such signs at the expense of the owners. These prohibited signs include:

1. Illegally erected or maintained with respect to prior ordinances,
2. Made of paper, cloth, or nondurable materials,
3. Located in the public right-of-way.

D. A nonconforming sign shall not be replaced by another nonconforming sign.

E. Minor repairs and maintenance of nonconforming signs such as electrical repairs or lettering repairs shall be allowed. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this division. Signs damaged by fire or acts of God may be restored to their original condition.

F. Existing signs visible from interstate highways that were legally erected which would become nonconforming as a result of these regulations will be allowed to remain until purchased by the state department of transportation or the city, provided that the sign owner meets the requirements of state laws, rules and regulations governing such signs.

G. Existing signs on the property of newly annexed territory that were legally erected under the county ordinance which would become nonconforming under this section upon annexation by the city will be allowed to remain. Such signs shall be registered with the city within 90 days of being annexed by the city.

H. No sign variances are allowed.

Sec. 204-12. Temporary Signs

A. The following types of signs or devices shall be allowed by issue of a temporary sign permit:

1. Flags or banners beyond the limits allowed in section 115-195 (flag section).
    a. Banners are limited to 32 square feet in size area and may be double sided.
    b. The location and means of mounting must be clearly depicted on the temporary sign permit application.
2. Signs associated with a temporary outdoor activity or temporary outdoor retail sales and display events, as regulated in Chapter 8, article IX, of the Norcross Municipal Code.

B. Temporary signage is limited to a period not exceeding 15 consecutive days.

C. The 15-day limitation on temporary signage associated with a permitted temporary outdoor activity shall be waived to allow temporary signage to run concurrently only with the permitted term and duration of the specific temporary outdoor activity as stipulated in subsection 8-318(g)(1) of the Norcross Municipal Code, subject to Community Development Director approval.

D. A fee as established by the City Council and posted by the Community Development Department shall be charged for each temporary sign.

E. The city shall be exempted from temporary sign regulation and fees including, but not limited to: size, placement and duration of display when displaying signs.

Sec. 204-13. Flags

A. All flags shall be displayed on purpose-built, professionally fabricated flagpoles, which may be vertical or mast-arm flagpoles.

1. In nonresidential districts, flagpoles shall not exceed the allowed height provided for a structure or building in the applicable zoning district or 50 feet, whichever is lower.
2. The flagpoles in residential districts shall not exceed 25 feet in height or the height of the primary structure on the lot, whichever is less.

B. Flag dimensions.

1. The maximum dimensions of any flag shall be proportional to the flagpole height.
2. The hoist side of the flag shall not exceed 20 percent of the vertical height of the flagpole.
3. In addition, flags are subject to the following limitations:

Pole Height	Maximum Flag Size (Total Square Feet)
Up to 30 feet	30 square feet
31 and greater	60 square feet

C. Each lot or parcel shall be allowed a maximum of three flagpoles.

D. A maximum of two flags shall be allowed per flagpole.

E. A vertical flagpole must be set back from all property boundaries a distance which is at least equal to the height of the flagpole.

F. Flags and flagpoles shall be maintained in good repair, and to the extent applicable shall be in compliance with the building code. Flagpoles with broken halyards shall not be used and flags which are torn or frayed shall not be displayed.

G. On officially designated county, state, or federal holidays, there shall be no maximum flag size or number or other limitations on display.

H. This section shall not be construed to restrict the right to display eligible flags as banners or noncommercial signage, as provided elsewhere in this article.

Sec. 204-14. General Standards

Unless expressly exempted by Section 204-5 (Signs exempt from having a permit), all signs within the City shall conform to the following general standards.

A. Illumination

1. Location and Design of Light Source.

No sign shall give off light which glares, blinds or has any other such adverse effect on traffic or adjacent properties. The light from an illuminated sign shall be established in such a way that no direct light is cast upon adjacent properties and roadways.

2. Level of Illumination.

In no event shall the illumination of any sign exceed 50-foot candles at the sign face.

B. Height

1. Height of Freestanding Signs

The height of a sign shall be equal to the vertical distance from the average grade at the base of the sign, or from the crown of the roadway of the nearest street within 100 feet of any portion of the sign, to the highest point of any portion of the sign, whichever results in the greater sign height. Any earthen berms and elevated foundations supporting signs, signposts or other sign supports shall be included in the height of the sign. No variances on sign height are allowed.

Freestanding sign in any:	Maximum height
Residential zoning district	4 feet
Office or industrial district	6 feet
Commercial or mixed-use district	10 feet

2. Height and Placement of Building Signs.

a. Building Signs shall be located within the limits of the outside wall of the building.
b. Marquee, awning, or projecting signs shall be designed to have a minimum clearance height of eight and one-half feet above grade.

C. Minimum Setback

1. The closest part of any sign shall be setback a minimum of 10 feet from edge of pavement.
2. The side yard setback for a sign in a non-residential district adjoining a single family residential district shall be setback a minimum of 25 feet from the adjoining residential district.
3. With the exception of accessory freestanding signs at driveways, all signs must be located outside of any clear sight triangle.

D. Sign Maintenance

The owner of a sign shall be responsible to maintain such sign, including its illumination sources, in full compliance with this Article and all applicable laws, in a safe, secure, clean and orderly condition and in working order at all times.

E. Sign Replacement

Applicant shall be required to restore the wall/façade material to aesthetic conformance with its original color and texture on the surface area beneath a wall/façade mounted sign after it is removed, modified or replaced by a new sign.

1. Improvements must be completed within 30-days of the removal of the existing sign prior to installation of the new signage.
2. Property owner shall be responsible for retrofit of façade surface to original condition in the case of abandoned commercial signs which have been discontinued for a period of more than 90-days and are required to be removed.

F. Architectural Features

Signs shall be designed to be compatible with the general style, color and architectural elements of the building to which it serves.

G. Ground Sign Base

1. All ground signs shall be monument in style and have a sign base that matches the width of the copy area and support.
2. All ground signs are to be constructed with a base constructed of stone, brick, or other architecturally compatible solid and durable base material.

3. The sign shall be securely connected to the base.
4. The sign base shall be of a color that is compatible with the principal structure on the lot which the sign is located.

H. Changeable Copy Boards

A changeable copy board may be incorporated into any sign, but shall constitute no more than 50 percent of the area of the sign. See sub-section 204-21. C. for restrictions that apply to this provision on the location of electronic message boards in the Norcross Historic District.

I. Window Signs

1. Window signs are considered "building signs" and are permitted but shall not cover more than 20% of the window.
2. Window signs are considered separate from the square footage allocation for wall signs.
3. Hand-written window signage is prohibited.

J. Accessory signs

1. Planned commercial centers, mixed use developments, multifamily developments, and any standalone commercial use with drive through services may have additional accessory signage subject to approval of a uniform sign plan.
2. The total sign area of accessory ground signs on a lot are not included in the calculations of total sign area for freestanding signs on a lot, but they may not exceed that total.
3. Accessory building signs are included in the calculations of total sign area for building signs.
4. Accessory ground signs cannot be taller than 3 feet.

K. Convenience stores and service stations with pump islands

Convenience stores and service stations with pump islands may have additional accessory signage outside the approval of a uniform sign plan, if they meet the following limitations:

1. No more than two signs per canopy face with a maximum of eight square feet per sign.
2. Spreader bars (signs located under canopy over pumps islands) shall be limited to no more than two signs per pump, not to exceed four square feet per sign.
3. Accessory car wash, if a separate drive-through car wash building is on site, two additional wall signs may be allowed not to exceed sixteen square feet each.

L. Allocation of Sign Area and Number of Signs by Land Use

1. The following table specifies the maximum limits of sign area for each zoning district use category in the absence of an approved Uniform Sign Plan, see Sec. 204-20. Note the provisions for accessory signs in subsections 204-14 I and J.

Zoning District Use Category	Freestanding Signs	Building Signs	Subdivision Entrance Signs [A]	Temporary Signs [B]
Single-Family Residential	See Sub-Section 204-19.B.	N/A	25 sq. ft. at the entrance of a platted subdivision, See Sec 204-19.	16 sq. ft. aggregate sign area
Multi-family Residential	Total sign area cannot exceed 4 sq. ft. per unit, up to 32 sq. ft. total	32 sq. ft. per building	32 sq. ft.	32 sq. ft. aggregate sign area
Office	.75 sq. ft. per linear foot of lot frontage up to 32 sq. ft.	Total square footage equal to the width of the face of the building or suite times a factor of two. Unless the building fronts on two or more streets it shall be considered to have only one face. Where frontage on multiple roadways exists, each frontage is allocated a maximum square footage allowance.	2.0 sq. ft. per tenant up to 100 sq. ft.	32 sq. ft. aggregate sign area
Commercial	1. Not to exceed 50 square feet on one side, maximum two sides, for road frontage up to and not exceeding 500 linear feet. 2. 100 square feet on one side, maximum two sides, for road frontage between 501 and 1,000 linear feet of road frontage. 3. 150 square feet on one side, maximum two sides, for road frontage between 1,001 and 1,500 linear feet of road frontage.		Only allowed in planned centers, and per the limitations of an approved Uniform Sign Plan. Shall not exceed a total area equal to 10% of the linear road frontage, up to 150 sq. ft.	32 sq. ft. aggregate sign area
Industrial	1.5 sq. ft. per linear foot of lot frontage up to 200 sq. ft.		2.0 sq. ft. per tenant up to 200 sq. ft.	32 sq. ft. aggregate sign area
Mixed Use	As per the limitations of an approved Uniform Sign Plan. Shall not exceed commercial sign requirements.			32 sq. ft. aggregate sign area

NOTES

A. If the property owner selects a subdivision entrance sign, no other individual permanent freestanding signs shall be permitted on the lot. One monument entrance sign is permitted per street entrance.

B. Temporary signage square footage requirement indicates the total permitted square footage on the lot, both temporary yard signs and temporary building signs.

C. No variances for maximum sign size are allowed.

c. The following table specifies the number of signs greater than 16 square feet in size permitted for each zoning district use category per lot:

Zoning District Land Use Category	Freestanding Sign	Building Sign	Subdivision Entrance Sign	Temporary Sign
Single-family Residential	None	None	One per primary street entrance.	Unlimited - Not to exceed square footage requirement as indicated in the district.
Multi-family Residential	1 per 200 feet of frontage	1 per building		
Office	1 per 200 feet of frontage	Unlimited - Not to exceed square footage requirement as indicated in the district.		
Commercial, Industrial and Mixed Use	1 per 300 feet of frontage			

Sec. 204-15. Oversized Signs

Oversized signs located within 660 feet of streets that are part of the interstate or primary highway systems shall be regulated pursuant Georgia State Statutes (O.C.G.A. §§ 32-6-70 - 32-6-97) and Georgia Department of Transportation (GDOT) Rules and Policies Chapter 672-1, 672-6 – 672-7 and 672-14 and the following requirements.

A. Location

Any property located within 660 feet of Interstate Highway 85 may contain one oversized sign if the sign is setback at least 75 feet from all buildings, structures, and property lines.

B. Sign area

The sign area of any oversized sign shall not exceed 600 square feet. The height of the sign area of any oversized sign shall not exceed 12 feet, and the length of the sign area of any oversized sign shall not exceed 50 feet, with or without trim.

C. Illumination

All illuminated oversized signs shall use base LED, mounted fluorescent or mercury vapor lights and shall be activated by photoelectric cells. Additional lighting, including but not limited to neon, animation and running lights, is prohibited.

D. Height

1. Oversized signs shall not exceed 30 feet in height. Two oversized signs in the same location, back-to-back or in a "V" formation shall be the same height above the interstate surface.
2. All oversized signs on property adjacent to the Interstate Highway 85 shall be a minimum of 14 feet above the adjacent interstate pavement measuring from the lowest portion of the sign face.

E. Extrusions prohibited

Extrusions beyond the face of any oversized sign, excluding aprons, are prohibited.

F. Location and number of signs

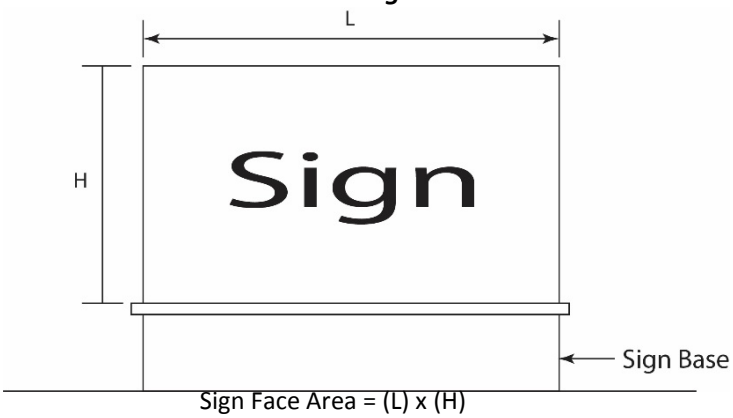
1. Oversized signs are only allowed in the M-1 or M-2 zoning districts.
2. Only one oversized sign shall be allowed per lot.
3. No oversized sign shall be placed on any lot which contains any other freestanding sign.
4. Oversized signs shall be no less than 1,000 feet apart measuring from the two closest points and only one sign face shall be allowed to face the same direction per location. This allows back-to-back or "V" formation signs, but prohibits two signs (side-by-side or over and under) facing the same direction.

Sec. 204-16. Sign Measurement

A. Area of a Freestanding Sign

1. The area of a freestanding sign shall be determined by computing the visible surface display area including all solid surface areas, including air space surrounded by surface display area, and architectural or design features.
2. The width of a sign face shall be in line with the width of the base of a freestanding ground sign.

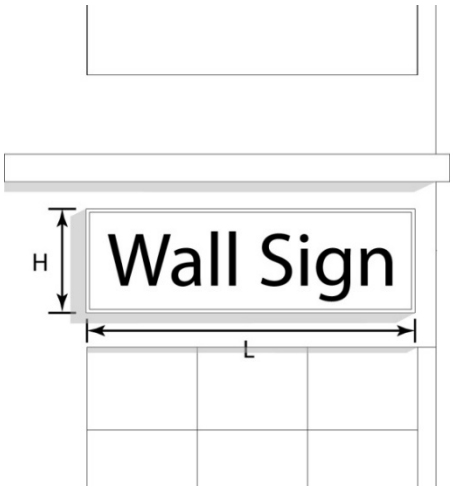
Ground Sign



3. Area of Building Signs

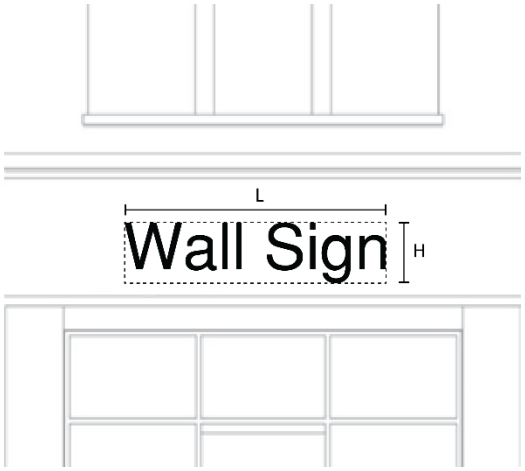
    a. The area of a building sign shall be determined by computing the visible surface display area, including all text and graphics, which are completely enclosed by a frame or graphic design.
    b. In the case of individually mounted letters, where there is not a defined sign background, the area of the sign shall be the area that is measured by taking the largest horizontal width multiplied by the largest vertical height of the sign as identified in the graphics below.

Within Frame or Graphic Enclosure



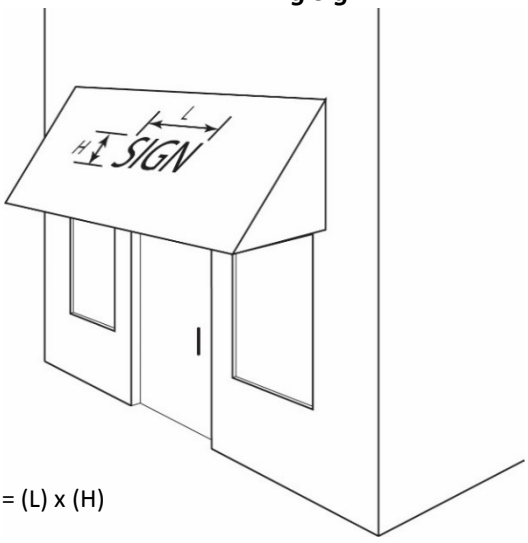
Sign Face Area = (L) x (H)

Letters Mounted Individually



Sign Face Area = (L) x (H)

Awning Sign



Sign Face Area = (L) x (H)

Sec. 204-17. Vehicle Signage

Vehicle signs viewed from a public road or public or private common areas with the primary purpose of providing signage not otherwise allowed by this Article are not permitted in the front yard of a principal building. Vehicle signs include those attached to or placed on a vehicle or trailer. Vehicles or trailers shall not be parked continuously in one location to be used primarily as additional signage. This does not apply to a vehicle parked at a driver's residence and used as the primary means of transportation to and from his or her place of employment or vehicles commonly used for delivery or work purposes of the associated business, and parked temporarily for immediate loading and unloading.

Sec. 204-18. Signs Permitted in Single -family Residential Districts

A. Other than residential subdivision signs allowed under Section 204-19, parcels located in residential zoning districts shall not contain signs having an aggregate sign area greater than 16 square feet.

B. No individual sign shall exceed six square feet in sign area in a residential zoning district.

C. No sign in a residential district shall have a height of greater than four feet above the grade level of the center line of the adjacent street to which the parcel on which the sign is located.

D. Signs meeting the standards of this section are exempt from permitting requirements.

Sec. 204-19. Residential Subdivision Signs

A. Platted residential subdivisions consisting of more than 2 parcels may erect one monument sign at each entrance to the subdivision. Such sign shall not exceed a height of four feet above the grade level of the center line of the adjacent street and shall not have a sign area greater than 25 square feet. Such entrance signs shall not count toward the maximum allowable signage on a residential parcel.

B. Homeowners Association Recreation Facility Sign. In a platted residential subdivision, each lot that contains a building or recreation facility used for the common enjoyment of the members of a Homeowners Association is permitted one permanent ground sign per public road frontage with a maximum sign area of 64 square feet and a maximum copy area of 32 square feet.

Sec. 204-20. Uniform Sign Plan

A. A uniform sign plan is required for any planned commercial, mixed-use or multifamily, development, before any signs may be erected on the property.

B. The uniform sign plan shall govern the placement and design of all signs within the planned development as to their location, materials, size, letter style, and color.

C. A uniform sign plan shall be submitted and approved as follows:

1. The uniform sign plan shall consist of such drawings and specifications as may be required to clearly illustrate the location, materials, size, letter style, and color of all and every sign to be placed as freestanding and building signs within the development.
2. The uniform sign plan is to be submitted to the Director. The uniform sign plan shall be approved upon a finding by the Director that:

    a. The plan provides that signs of a similar type and function within the development shall have a consistency of size, lettering style, color scheme, and construction materials so as to present a unified design concept while respecting the differences between tenant types and occupancies.
    b. The signs proposed in the uniform sign plan shall comply with the requirements of this Article, such as number, location, and size restrictions.

D. All tenants of the planned commercial development, whether an owner, lessee, subtenant, purchaser, or other occupant, shall comply with the approved uniform sign plan.

Sec. 204-21. Signs in the Norcross Historic District

In order to provide historical continuity in the geographic area within the city which appears on the U.S. [National] and local Registers of Historic Places and which is known as the Norcross Historic District, all signs located within the District shall be governed by the following provisions:

A. Historic Character. A historical district sign, including lighting, should be in keeping with the turn-of-the-century architecture generally represented in the historic district.

B. Review references. In reviewing signs within the Historic District, the Community Development Department may require adherence to approved design studies or historic inventories of the Norcross Historic District.

C. Prohibited Signs in the Historic District. Subject to the grandfather clause provision set forth in subsection 204-11 A., the following signs shall not be allowed within the Norcross Historic District:

1. Roof-mounted signs.
2. Oversized Signs.
3. Neon signs and other internally lighted signs, with the exception of an internal window sign not to exceed 20 percent of the total glazed area of windows and doors.
4. Electronic message boards, or other signs exhibiting motion and electronic text changes.

Sec. 204-22. Electronic message boards

A. Location. Electronic message boards are permitted only in non-residential zoning districts, with the exception of subsection 204-22 B, or under the requirements of an approved Uniform Sign Plan.

B. Within residentially zoned areas, electronic message boards may be used by elementary and secondary public and private schools; churches and other nonprofit and governmental buildings provided the signs meet the following criteria:

1. Must be set back 150 feet from a residential dwelling unit, unless the residential use is fully screened from the sign unit in which case the distance may be reduced at the discretion of the director of planning and development.
2. The signs must be programmed to be turned off between 10:00 p.m. and 6:00 a.m.

C. Sign types to utilize electronic message boards. Electronic messaging may be an element of a monument, freestanding, or window sign.

D. Duration of display

1. Any electronic message displayed shall remain unchanged for a minimum of 15 minutes.
2. The following display types are prohibited:
   a. Animation is prohibited;
   b. Flashing, blinking, fade in, fade out or scrolling text is prohibited; and
   c. Video images are prohibited.

E. Intensity of light

1. The electronic message board shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.

2. The brightness level shall not increase by more than 0.3 foot candles (or 3.23 lumens per square meter or lux), over ambient lighting levels, as measured using a foot candle meter at a pre-set distance.
3. The procedure and distances for measurement of brightness shall be as established by the International Sign Association's "*Recommend Night- time Brightness Levels for On-Premise Electronic Message Centers*."

F. Default control

1. Electronic message boards shall be equipped to freeze the display in one position if a malfunction occurs.
2. Electronic message boards must also be equipped with a means to immediately discontinue the display if it malfunctions.
3. The electronic message board's owner must immediately stop the display when notified by the Community Development Director that the sign is not complying with the standards of this article.

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Chapter 200 – Land Use and Zoning

ARTICLE V. TREE CONSERVATION, BUFFERS, AND LANDSCAPING

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ARTICLE V. TREE CONSERVATION, BUFFERS, AND LANDSCAPING

Sec. 205-1. Purpose

The purpose of this article is to preserve and enhance the city's natural environment and to ensure that the city will continue to enjoy the benefits provided by its urban forest in compliance with the policies of the City Comprehensive Plan. It does this through the following provisions of this article in order to:

A. Maintain and expand the tree canopy on public and private lands in the city by prohibiting the destruction or removal of trees except in accordance with the standards set forth in this article;
B. Maintain trees in the city in a healthy condition through professionally accepted arboricultural practices;
C. Establish and revise as necessary the standards for the planting and maintenance of trees so as to improve the economic base of the city by improving property values, to enhance the visual quality of the city and its neighborhoods and to improve public health by lessening air pollution and the incidence of flooding;
D. Minimize hazards and damage to streets and sidewalks and lessen public rights-of-way maintenance costs;
E. Establish standards for the replacement of trees removed or destroyed by the site development and/or building process;
F. Establish standards for buffer areas necessary for visual privacy for the conduct of residential lifestyles in an undisturbed environment and to provide protection to preserve property values in residential districts.

Sec. 205-2. Applicability/exemptions

The provisions of this chapter shall apply to any land disturbing activity on real property within the corporate limits of the city and to any removal or destruction of a tree with a diameter breast height (DBH) of six inches or greater regardless of whether it is associated with land disturbing activity. The following activities shall be exempt from the provisions of this chapter.

A. Activities performed by a federal, state, county, municipal or other governmental agency during the course of their daily work shall be exempt from this article. However, best management practices for tree care shall be incorporated into the activities.
B. Activities performed by public utility companies conducting operations on public and utility rights-of-way and easements.
C. When the Community Development Director or their designee finds that any tree presents a danger or hazard to the health, safety and welfare of the public, such tree may be removed immediately by the owner or the owner's agent upon written authorization by the Community Development Director or their designee.
D. Removal of diseased or infested trees, after verification by a qualified forestry professional acceptable to the Community Development Director or their designee.
E. During a period of any emergency, such as a tornado, ice storm, flood or any other act of nature, the requirements of this chapter may be waived by the Community Development Director or their designee.
F. The removal of trees within burial plots.

Sec. 205-3. Zoning Buffers

A. A zoning buffer is required along perimeter lot lines between dissimilar zoning districts, as specified in Table 205-03 below. These buffer depths may be reduced by 50% if they include by 8-foot-high screening wall.

Table 205-03 – Minimum required buffer width/depth between zoning districts (in feet).

Zoning Districts	R100, R75, R60, RTH	RD, PRD	OI, NX, C1	C2, CX, HX, M1, M2, BH, CAR
R100, R75, R60, RTH	–	20'	20'	40'
RD, PRD	20'	–	20'	40'
OI, NX, C1	20'	20'	–	20'
C2, CX, HX, M1, M2, BH, CAR	40'	40'	20'	–

Notes:

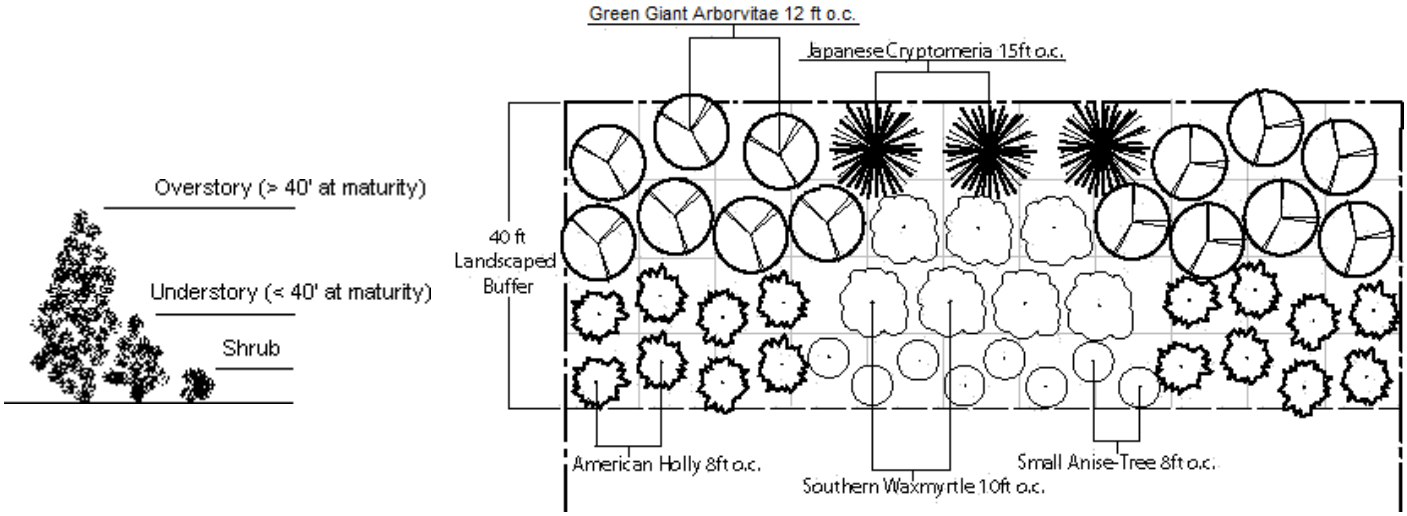
1. Developments approved through legislative review and tied to an approved concept plan will follow the buffers laid on that plan.
2. The Public zoning district (P) is exempt from these buffer requirements
3. Minimum zoning buffer depths may be reduced by 50% if they include an 8-foot-high screening wall.

B. All buffer areas and screening shall be constructed and maintained in accordance with the following requirements:

1. Trees and shrubs to be planted shall be selected from the Table of Pre-Approved Buffer Species.
2. The Director may approve the use of species not listed.
3. No one species may comprise more than one-third (1/3) of the total buffer.
4. Two-thirds (2/3) of the species must be overstory species and shall be evenly distributed throughout the buffer.
5. The buffer must be in place prior to approval of a Final Plat for residential projects or Certificate of Occupancy for non-residential projects.
6. Trees or shrubs that die in the first year must be replaced by the Developer.

Table of Pre-Approved Buffer Species				
Plant Type	**Minimum Height (at planting)**	**Maximum Spacing within Rows (on center)**	**Notes**	**Form**
Green Giant Arborvitae *(Thuja standishii x plicata 'Green Giant')*	6 feet	12 feet	Sun to partial shade	Overstory
Eastern Hemlock (*Tsuga canadensis*)	6 feet	10 feet	Sun	Overstory
Deodar Cedar (*Cedrus deodara*)	6 feet	12 feet	Sun, drought tolerant	Overstory
Eastern Red Cedar (*Juniperus virginiana*)	6 feet	10 feet	Sun	Overstory
Virginia Pine (*Pinus virginiana*)	5 feet	6 feet	Sun	Overstory
Japanese Cryptomeria (*Cryptomeria japonica*)	6 feet	15 feet	Sun	Overstory
Southern Magnolia (*Magnolia grandiflora*)	6 feet	15 feet	Sun to shade, drought tolerant	Overstory
American Holly (*Ilex opaca*)	6 feet	8 feet	Sun to shade, drought tolerant	Understory
Savannah Holly *(Ilex X attenuata 'Savannah')*	6 feet	8 feet	Sun to shade, drought tolerant	Understory
Foster Holly *(Ilex x attenuata 'Fosteri')*	6 feet	8 feet	Sun to shade, drought tolerant	Understory
Nellie R. Stevens Holly (*Ilex x 'Nellie R. Stevens'*)	6 feet	8 feet	Sun to shade, drought tolerant	Understory
Yaupon Holly *(Ilex vomitoria)*	6 feet	6 feet	Sun to shade, drought tolerant	Understory
Southern Waxmyrtle (*Myrica cerifera*)	6 feet	10 feet	Sun, drought tolerant	Understory
Devilwood (*Osmanthus americanus*)	6 feet	8 feet	Semi-shade	Understory
Carolina Cherry Laurel (*Prunus caroliniana*)	6 feet	8 feet	Sun to semi-shade, drought tolerant	Understory
Loropetalum (*Loropetalum chinense*)	3 feet	5 feet	Semi-shade	Shrub
Florida Leucothoe (*Agarista populifolia*)	3 feet	5 feet	Shade	Shrub
Florida Anise (*Illicium floridanum*)	3 feet	8 feet	Shade	Shrub
Small Anise-Tree (*Illicium parviflorum*)	3 feet	8 feet	Semi-shade to full shade	Shrub
Formosa Firethorn (*Pyracantha koidzumii*)	3 feet	8 feet	Sun, drought tolerant	Shrub

Example Buffer Design:



C. All buffers shall be designated on the appropriate permit application and indicated on the required site plan or final subdivision plat.

D. Structures including driveways, parking facilities, or retaining walls will be located a minimum of five feet from any buffer.

E. The Community Development Director or their designee may require additional screening outside or inside buffer areas, to obscure objectionable features such as dumpsters, rear entrances, utility and maintenance structures, loading facilities, and other objectionable features.

F. The screening requirements of this section may be waived or modified, as appropriate, by the Community Development Director or their designee, if and only if any one or more of these criteria apply:

1. It is clearly demonstrated to the Community Development Director or their designee that existing topography and/or vegetation achieve the purpose and intent of this section.
2. It is clearly demonstrated to the Community Development Director or their designee that because of existing topography, a fence, wall and/or other screening device will not screen activities conducted at ground level from view as required.
3. Required screening would obscure sight distances necessary for safe ingress and egress from subject properties.
4. All required buffers shall be designated on the appropriate permit application and shown as a permanent buffer on the required site plan or final subdivision plat, as appropriate.

G. All buffers strips are required to be provided or created at the time of construction of any new development.

H. Maintenance of buffers

1. Prior to issuance of a certificate of occupancy for a structure, the developer or record title holder shall guarantee to the city to replace any required landscaping materials which die within one year after approval or acceptance thereof by the city, and shall warrant all work in the buffer area for a period of one year after approval or acceptance thereof by the city, whichever is later. The Community Development Director or their designee may at his/her option require that a bond or other suitable security be posted to ensure compliance with this provision.

2. The required buffer shall be maintained by the record title holder at the time of development, for so long as he holds title, and thereafter by any subsequent record title holders, so as to provide an opaque visual screen to a height of 6 feet on a continuous, year-round basis
3. In the event a screen, wall, fence, planted dividing strip or any other type of buffer that is required by the UDO will be subjected to periodic inspections by the Community Development Department to determine that such required walls, fences, etc., are being properly maintained. After a lot is rezoned and a buffer is required, the lot shall not be used unless and until the required buffer is in place and is the required height and width. Failure to maintain such required walls, fences, etc., to an acceptable standard may be deemed a violation of the UDO.

Sec. 205-4. Landscaping Requirements and Tree Preservation

A. Applicability

1. New Construction.

Any new building or site improvement must comply with the landscaping and screening requirements of the UDO.

2. Maintenance and Repair.

An existing building or site may be repaired, maintained or modernized without providing additional landscaping or screening, provided there is no increase in gross floor area or improved site area.

3. Additions

a. When an existing building is increased in gross floor area or improved site area by up to 25% cumulatively, landscaping and screening is required for the additional floor or site area only.
b. When an existing building is increased in gross floor area or improved site area by more than 25%cumulatively, both the existing building and the additional floor or site area must conform to the landscaping and screening requirements of the UDO.

4. Change in Use.

A change in use does not trigger the application of these requirements except when there is a specific use standard requiring landscaping or screening for the new use.

B. Landscape Plan Required

1. Landscape design and planning must be integrated with the overall design concept for any project; therefore, the UDO Administrator will as part of site plan approval evaluate landscaping schemes as presented in a Landscape Plan. The reviewer will evaluate these schemed in terms of their relationship to the existing natural landscape, developed or proposed landscapes on adjacent properties and public rights-of-way, and the building or buildings existing or proposed on the subject property and adjacent sites.
2. Before any building permit is issued, any site improvements must be found by the UDO Administrator to be in compliance with any required landscape plan, if applicable.

C. Street trees

A minimum of one overstory tree for every 40 linear feet of road frontage is required on both sides of any new street, except alleys. The minimum caliper shall be two inches.

D. Parking Lot Landscaping

1. Applicability.

Parking lot landscaping is required on all on-site surface parking lots with more than 20 spaces created after the effective date of this UDO. Multiple platted lots contained on a single site plan and any separate parking areas connected with drive aisles are considered a single parking area.

2. Perimeter Screening.

Parking lots that are not next to a public street must be provide perimeter screening a minimum of 5 feet in width with a single hedgerow.

3. Landscape Strips

All surface parking areas (of any size) abutting a public street (not including an alley) must be screened using one of the following options.

a. **Landscape Strip with Shrubs**. A minimum 10-foot wide landscape strip planted with a minimum of 10 shrubs per 35 linear feet of street frontage, excluding driveway openings. Shrubs shall be provided to screen paved areas and parking lots from the right-of-way. Shrubs shall be 2 feet tall at time of planting. They must be planted 2 rows deep, and provide a screen within 3 years of planting.

b. **Landscape Strip with Screening Wall**.

1) A 2.5-foot high screening wall in a minimum 4-foot planting strip.
2) Screening walls must be closed and be constructed of high quality materials including one or a combination of the following: decorative blocks; brick; stone; cast-stone; split-faced block; stucco over standard concrete masonry blocks; glass block; or other material approved by the Architectural Review Board or Historic Preservation Commission, as applicable.

c. **Landscape Strip with Berm**

1) An earth berm a minimum of 2.5 feet higher than the finished elevation of the parking area, planted with 5 shrubs for every 35 linear feet of street frontage, excluding driveway openings.
2) The berm must contain a rounded crown suitable for planting, and a stabilized side slope of no greater than 3:1.

d. **Landscape Strip with Grade Change**. A 6-foot landscaped strip with a minimum 3-foot grade drop from the public street to the parking area, planted with 5 shrubs for every 35 linear feet of street frontage, excluding driveway openings.

e. **Location**. A required landscape strip must be located at the outer perimeter of the parking area and must be provided along the entire parking area abutting the street, excluding breaks for pedestrians, bicycles and driveways.

f. **Plant Material**. Required shrubs must be a minimum of 2.5 feet in height at time of planting. 70% of the required amount of shrubs must be evergreen.

4. Interior Islands

a. A landscaped interior island must be provided every 8 parking spaces. Interior islands must be distributed evenly throughout the parking area. Interior islands may be consolidated, or intervals may be expanded to preserve existing trees.
b. An interior island abutting a single row of parking spaces must be a minimum of 9 feet in width and 200 square feet in area. Each island must include 1 shade tree.
c. An interior island abutting a double row of parking spaces must be a minimum of 9 feet in width and 400 square feet in area. Each island must include 2 shade trees.
d. All required shade trees must be chosen from the approved tree list. The approved tree list is available from the Community Development Department.
e. All required shade trees must have a minimum caliper of 2 inches and be at least 10 feet tall at time of planting.
f. Each parking space must be no greater than 40' from the trunk of a tree.

5. Median Islands

a. A landscape median island must be provided between every 6 single parking rows. Intervals may be expanded to preserve existing trees.
b. A landscape median island must be a minimum of 6 feet wide.

6. Pedestrian Corridor

a. Every fourth row of parking shall have a minimum 15' wide continuous pedestrian corridor consisting of landscaping and a minimum 5' wide walkway dividing the parking row and connecting sidewalks on the street and along the front entrance of the principal building.
b. The walkway shall be either patterned or colored material other than asphalt and may be at grade and a minimum of 5' wide. The remainder of the pedestrian corridor should be a landscaped area planted with ornamental trees every 40' on center at a minimum.
c. The walkway is allowed to meander through the corridor, but in no case shall the walkway be less than 5' wide or closer than 3' to a parking space.
d. If the development has less than 4 rows of parking or an uneven amount of parking rows then the location of the required walkway shall be subject to the approval by the Community Development Director.

E. General Requirements

1. **Limit on one genus.** No more than 30% of all trees planted shall be of any one genus.
2. **Deciduous requirement**. At least two genera of trees must be deciduous.
3. **Limit on understory trees**. Not more than 30% of the total number of trees planted shall be understory trees.
4. **Vision Clearance at intersections**: In all zoning districts, no fence, wall, structure, shrubbery or other obstruction to vision between the heights of three feet and 15 feet, except utility poles, light or street sign standards or tree trunks shall be permitted within 20 feet of the intersection of the right-of-way lines of streets, roads, highways or railroads.

Sec. 205-5. Tree Conservation

A. Tree Density Requirements

1. Use of tree units.

The landscaping requirements of this Article regarding the preservation or planting of trees is expressed in terms of "tree units" rather than the number of trees or tree canopy. This approach provides the applicant with wide latitude of choice as to the number and sizes of trees to be planted, and their distribution following aesthetic landscaping practices, while achieving a common standard on all properties.

2. Establishment of tree unit values

The diameter of a tree's trunk establishes the "tree unit" value of an existing tree, as shown on Table 205-5 (1), or for a newly planted tree as shown on Table 205-5 (2).

a. The values assigned to trees of the same size are different for existing and new trees, as indicated in the table. One "unit" is not the same as one "tree."
b. Actual tree diameters or calipers are to be rounded to the nearest whole number for the calculation of tree unit values (e.g., 4.5 inches in diameter = 5 inches).

Table 205-5 (1): Tree Units for Existing Trees

Tree Diameter (DBH) in inches	Tree Units	Tree Diameter (DBH) in inches [1]	Tree Units
Seedlings	0.0	19	4.4
1	0.0	20	4.6
2	0.0	21	4.8
3	0.0	22	5.0
4	0.6	23	5.2
5	0.8	24	5.4
6	1.0	25	5.6
7	1.2	26	5.8
8	1.3	27	6.0
9	1.5	28	6.2
10	1.7	29	6.4
11	1.9	30	6.6
12	2.1	31	7.2
13	2.3	32	7.8

Tree Diameter (DBH) in inches	Tree Units	Tree Diameter (DBH) in inches [1]	Tree Units
14	3.0	33	8.4
15	3.3	34	9.0
16	3.6	35	10.0
17	4.0	36	11.0
18	4.2	37 or greater	12.0 + 1.0 for each inch in diameter greater than 37

Notes

1. Minimum DBH to receive credit in tree units for an existing tree is 4 inches.

Table 205-5 (2): Tree Units for New (Replacement) Trees

Tree Caliper in inches	Tree Units	Tree Caliper in inches	Tree Units
Seedlings	0.0	9	1.3
1	0.0	10	1.5
2	0.3	11	1.7
3	0.4	12	1.9
4	0.5	13	2.2
5	0.6	14	2.5
6	0.7	15	2.8
7	0.9	16	3.1
8	1.1	17 or greater	3.5 + 0.5 for each inch in caliper greater than 17

Notes

1. Minimum caliper to receive credit in tree units for a new tree is 2 inches.

3. Tree unit values for specimen trees or tree stands

a. Specimen trees and specimen tree stands; defined.

Specimen tree: Any tree which qualifies for special consideration for preservation due to size, type and condition, as follows

1) Any tree in fair or better condition which equals or exceeds the following diameter breast height (dbh) sizes:

a) 28-inch dbh—Overstory hardwoods such as oaks, hickories, yellow poplars, sweetgums, etc.
b) 12inch dbh—Understory small trees such as dogwoods, redbuds, sourwoods, etc.
c) 30-inch dbh - Pine trees (all species

2) A tree in fair or better condition must meet the following minimum standards:

a) A life expectancy of greater than 15 years.
b) A structurally sound trunk, not hollow and having no extensive decay, and less than 20 percent radial trunk dieback.
c) No more than one major and several minor dead limbs (hardwoods only).
d) No major insect or pathological problem.

3) A lesser sized tree can be considered a specimen tree if it is a rare or unusual species, of exceptional or unique quality, or of historical significance, subject to approval of the Community Development Director or their designee.
4) A lesser size tree can be considered a specimen tree if it is specifically used by a builder, developer, or design professional as a focal point in a landscape project, subject to approval of the Community Development Director or their designee.

Specimen tree stand: A contiguous grouping of trees which has been determined to be of high value in the opinion of the Community Development Director or their designee. Determination is based upon the following criteria:

1) A relatively mature, even-aged stand.
2) A stand with purity of species composition or of a rare or unusual nature.
3) A stand of historical significance.
4) A stand with exceptional aesthetic quality.

b. The tree unit values shown in Table 205-5 (1) may be increased by 100% for an existing tree that meets the definition of a "specimen tree" or for a "specimen tree stand" as defined herein, provided that extraordinary measures as needed are taken to protect the tree and assure its survival. Such measures may include but are not limited to the provision of tree wells, retaining walls, aeration, or supplementary irrigation, as applicable to the site of the tree and as approved by the Director.

B. Tree Density Standards

1. Tree Retention

On each property for which a Tree Preservation and/or Replacement Plan is required, existing trees shall be retained and new trees shall be planted such that the property shall attain or exceed a Tree Density Standard as follows:

a. Residential - 16 Tree Density Units per acre,
b. Office/Commercial/Mixed-use – 16 Tree Density Units per acre,
c. Industrial – 16 Tree Density Units per acre.

2. Distribution

Trees, both existing and new, shall be reasonably distributed throughout the site, with emphasis on tree groupings to achieve aesthetic results following professional landscaping standards. Trees, including street trees, may be retained or planted for credit within a public street right-of-way.

3. Trees in Stream Buffer

Trees located in a stream buffer may be counted toward fulfilling the Tree Density Standard provided the acreage within the stream buffer is included in the calculations used to fulfill the Tree Density Standard.

4. Easement Exclusion

Properties possessing natural gas, petroleum or electric power transmission easements, or major sanitary sewer main (greater than 8 inches in diameter) or water main (greater than 16 inches in diameter) distribution easements, may exclude the land area contained in the easement from the total acreage of the property in fulfilling the Tree Density Standard provided that no improvements (e.g. parking lots, tennis courts, driveways, greenways, storm water detention facilities, etc.) are proposed within the easement. If any improvements are proposed within the easement, then the land area so used within the easement for the improvements, plus an additional 10-feet of land area surrounding the improvements, shall be included in the total acreage of the property to fulfill the Tree Density Standard.

5. Lake and Pond Exclusion

Properties with a lake or pond may exclude the land area contained in the lake or pond from the total acreage of the property in fulfilling the Tree Density Standard.

C. Tree Density Standard Calculation

The Tree Density Standard shall be calculated by summing the credits and dividing the sum by the total acreage of the project included within the limits of the permit application.

D. Community tree species list

1. The Tree Preservation Board shall maintain a list of tree species approved for conservation and planting within the city as well as those not recommended. The list shall be known as the city's community tree species list, hereinafter referred to as the tree species list. The tree species list includes the mature size category of each species, notations on which species may be planted beneath utility lines, and other species characteristics.
2. The list is maintained by the Tree Preservation Board and may change without notice to incorporate results of research and experience with individual species and is available from the Community Development Department.

E. Permeable surfaces under tree driplines

The minimum permeable surface area requirements under tree driplines are as follows.

1. For conserved trees in residential zones no more than 20 percent of the dripline can be encroached upon by impermeable surfaces provided the remaining area is mulched.
2. For planted trees in all zones the amount of permeable surface area required shall be based upon the mature tree size category on the Community Tree Species List as follows:

    a. Large trees: 640 square feet;

b. Medium trees: 360 square feet;
c. Small trees: 160 square feet.

3. For planted trees the dripline shall be mulched.

F. Tree Protection

1. *Conserved trees.* All conserved trees shall be actively protected during the development process and passively protected throughout the life of the development. The entire tree, including the crown, trunk, and roots, and the critical root zone, shall be protected.
2. *Minimum tree protection measures.* Active tree protection shall consist of, at a minimum, establishing a tree protection zone around each tree or grouping of trees by the installation of fencing at the outer edge of the dripline or Critical root zone, whichever is greater. Minimum tree protection measures for boundary trees, existing on adjacent properties, whose critical root zones extend onto the project site is mandatory.

    a. No more than 25 percent of a boundary tree's mature crown or 1/3 of a young tree's canopy shall be removed in one season.
    b. Pruning of conserved trees should only be done by an ISA (International Society of Arboriculture) certified arborist.
    c. Tree protection fencing and tree protection area signs shall be installed after the issuance of a disturbance Permit and prior to any land disturbance activity or building activity.

        1) Tree protection fencing shall be four feet high, made of orange high-visibility polypropylene, and erected with sturdy wooden or metal posts around the tree protection zone. A heritage tree, or a significant species tree, as determined by the Director, may require increased protection. Methods and extent of increased protection will be as directed by the Director.
        2) Signs shall be fabricated out of a sturdy material, shall be waterproof, and contain the following legible text in English and Spanish: "TREE PROTECTION AREA, ENTRY PROHIBITED." The signs shall be a minimum of 8.5 × 11 inches, shall be placed on a sturdy post a minimum of 30 inches off the ground, and shall be spaced a maximum of 50 feet apart.
        3) Tree protection fencing and signage shall remain in good condition throughout the development and construction processes, and shall only be removed after the final plat approval or a certificate of occupancy has been issued.

    d. Encroachment into the tree protection area shall result in the loss of Tree Density Unit credit for preserved trees.
    e. The critical root zone within the tree protection area shall be mulched with a minimum of three inches and not more than five inches of organic mulch such as pine straw, wood chips, tree leaves, or compost, for a minimum of three years, or prior to issuance of the final certificate of occupancy for the project, whichever occurs last.
    f. The Community Development Director or their designee may require the installation of additional tree protection measures to insure survivability of conserved trees.

3. *Prohibited activities.* Within the tree protection areas, without proper authorization or permit the following activities shall be prohibited:

a. Vehicle traffic or parking;
b. Materials or equipment storage;
c. Soil disturbance;
d. Soil excavation;
e. Removal of topsoil;
f. Trenching;
g. Soil fill;
h. Change in soil pH;
i. Change in soil drainage;
j. Equipment washouts or disposal (including concrete);
k. Fires;
l. Chemical or trash disposal;
m. Other activities harmful to the trees as determined by the Community Development Director or their designee;
n. Encroachment into tree save area; and
o. Destruction or removal of trees.

4. Planted trees. All planted trees shall be actively protected during the development process and passively protected throughout the life of the development. The entire tree, including the crown, trunk, and roots, and the critical root zone, shall be protected.
5. Existing trees in construction zones. All trees that are outside the formal tree protection zone(s) as outlined in the Tree Protection and Replacement Plan and are equal to or greater than 12 inches DBH, and are in areas where construction will occur inside the crown of the tree shall be required to have an enhanced protection program. In order to maximize the ability of the selected trees to survive construction the proposed program will include the following steps.

    a. The tree will be surveyed and located with the species and DBH noted and approximate crown diameter shown.
    b. Prior to the beginning of construction activities, the trees shall be inspected by a City Approved Arborist to determine their overall condition and ability to withstand construction activity around them.
    c. Should the City Approved Arborist determine that with a proper protection plan the tree would survive the construction activity the Arborist shall prepare a care plan for the tree. The plan may involve elements such as crown pruning, fertilization, irrigation, root pruning or other activities.
    d. The Contractor will be required to implement the Arborist's protection plan and to maintain the necessary activities to protect the tree until such time as the site construction is completed and accepted for maintenance by the property owner. The City Approved Arborist shall submit bi-weekly reports to the Contractor and the Department of Community Development during the construction process.
    e. The owner of the property shall receive a 20-percent bonus credit for canopy coverage for all trees that are under the enhanced protection program.
    f. No land disturbing activity or construction activity, including, but not limited to, grading, digging, soil disturbance or other activity within the critical root zone of any boundary tree, is permitted that will deprive the boundary tree of continued viability as determined by a certified arborist.

g. The following parameters shall be followed when determining boundary tree viability interference:

1) CRZ/TPZ 19 percent or less impact and protected by tree protection, no arboricultural prescription required.
2) CRZ/TPZ 20 percent – 33 percent impact but protected by tree protection (no structural root plate impact) provide arboricultural prescription with a plan for review by the city.
3) CRZ/TPZ 20 percent – 33 percent impact and structural root plate has impact/not protected.

h. The builder/developer/construction site property owner must submit a boundary tree agreement signed by the tree owner/co-owner and notarized giving permission for the tree that has construction impact to be treated or removed (see Community Development Department for the city boundary tree agreement). The minimum time length of the boundary tree agreement shall be three years. The receipt for the paid arboricultural prescription and signed agreement will need to be submitted with the plans for review.

1) The builder/developer/construction site owner must make at least three attempts to contact the owner of the boundary tree to enact a boundary tree agreement. The first two attempts may be in person or via telephone. The third attempt must be in the form of a written letter sent certified, return receipt requested to the property owner's address of record in the Gwinnett County Tax Database. If there is no response to any of the attempts, the builder/developer/construction site owner shall provide evidence to the city of the attempts at contact in addition to the arboriculture prescription for the affected tree.
2) If no boundary tree agreement is reached, the affected tree shall not be removed but shall be protected during development based on this chapter and in accordance with the arboriculture prescription.
3) A boundary tree bond or escrow account may be required based on the arboricultural prescription depending on the impact to a boundary tree covered under a boundary tree agreement.
4) A boundary tree bond or escrow account shall be required where a boundary tree agreement cannot be reached.
5) A boundary tree bond or escrow shall be 125 percent of the cost of removal and replacement of the tree(s) affected and will be held for three years by the city. The property owner of the affected tree(s) may apply to the city for the escrow funds to remove and replace the tree(s) during the three-year escrow period. If the boundary tree(s) is/are deemed healthy at the end of the three-year period by an Arborist, the developer may apply to the City for a refund of the original amount of escrow.
6) The site/landscape plans cannot be approved without signed boundary tree agreement(s) or proof of attempts to contact the boundary tree owner in an attempt to reach a boundary tree agreement in addition to an arboriculture prescription where needed.

G. Seasonal planting.

Final plat approval or a certificate of occupancy may be issued prior to the establishment of trees planned to meet the tree canopy cover requirements, if the Community Development Director or their designee determines that the season is inappropriate for planting. In such cases the trees shall be planted by the last day of February following the date of issuance of the certificate of occupancy or final plat approval. If they have not been planted by the last day of February following the issuance of the certificate of occupancy or final plat approval, the permit holder shall be considered to be in violation of the provisions of this article.

Sec. 205-6. Tree Bank

The intent of the requirements of this Section is to ensure that a minimum number of trees are replaced and/ or preserved on newly developed or redeveloped sites. The Tree Bank is an alternative option and may be used only in the event the site tree density or recompense tree requirement cannot be met on-site due to hardship. Hardship must be documented by the developer and presented to the Director before the Tree Bank may be used. The Tree Bank provides two options, which are described in full below.

A. Option One, Planting Trees Off-site.

Install an equal amount of required Tree Density Units in the form of an approved number of trees on an alternate site. In this case the following criteria shall be observed:

1. The Tree Preservation Board has identified alternate "Option One" sites. The Norcross Community Development Department has contacted the owners of these sites and these owners have expressed an interest in receiving trees from the Tree Bank. Persons wishing to use Option One should consult with the UDO Administrator to see if their required tree density units can be located on one of these alternate sites. The developer may present the UDO Administrator with alternate sites. Planting on individual residential lots is prohibited.
2. The developer shall submit a Tree Preservation and/or Tree Replacement Plan showing a location for the planted trees on the proposed site. The developer shall also provide calculations on the plan for tree density or recompense trees from the developed site. The site plan shall state the size, genus, species, and quantity of trees to be planted. Each tree must be 2 inches caliper at a minimum. For trees in which double recompense is required each tree must be 3 inches caliper at a minimum. Recompense calculations must be shown on plan.
3. If the proposed site is not one of the alternate sites, discussed above, an authorization from the title holder of the site indicating that the owner agrees to the planting of trees by the developer upon the site shall also be submitted along with the Tree Preservation and/or Tree Replacement Plan.
4. Trees are to be maintained and guaranteed for one full year after planting by the developer. Any trees that die during the one-year time period must be replaced by the developer. Standards for transplanting shall be in keeping with those established by the International Society of Arboriculture, as included in the "Tree and Shrub Transplanting Manual," latest edition.

B. Option Two, Monetary Compensation for Trees.

A developer may choose to provide the City with monetary compensation for trees. If this alternative for the development is chosen, then the following criteria shall be observed:

1. Provide tree density calculations on the Tree Preservation and/or Tree Replacement Plan. Show the total amount of Tree Density Units that cannot be met on-site.
2. Multiply the Tree Density Units that cannot be met on-site by the Monetary Compensation Value. The product of those two numbers shall be provided on the Tree Preservation and/or Tree Replacement Plan. Contact City approved certified arborist or landscape architect for the current Monetary Compensation Value.
3. Provide a certified check made payable to the City of Norcross in the amount of the product as listed in item B. above and as provided on the Tree Preservation and/or Tree Replacement Plan. Submit the certified check to a UDO Administrator along with a copy of the approved Tree Preservation and/or Tree Replacement Plan.
4. The monies collected for the Tree Bank Option Two may be used by the City for the planting of trees at parks, greenways, fire stations, libraries, and other similar community facilities. Alternate planting locations may be approved by the Director.

C. Standards for Administering these Alternative Compliance Methods.

The Director must review and approve all requests for alternative compliance. In no instance shall the alternative compliance options be used to comply with any other ordinance requirement than the tree density or specimen tree requirement. The site development permit shall be issued after the Director has approved the request for either compliance option and received the necessary documentation and funds.

D. Exclusions.

Trees used to meet requirements for parking lots, landscape strips, street frontage buffers, or buffer replanting must be planted on site and are excluded from the Tree Bank procedures. Trees that are required to meet minimum Tree Density Units and/or recompense requirements can be contributed toward the Tree Bank in accordance with Option One or Option Two above.

Sec. 205-7. Redevelopment Sites.

A. For redeveloped sites the Department of Planning and Development strongly recommends the developer, authorized registered professionals, design professionals and staff schedule a pre-submittal meeting with the department to discuss the potential of the site and any issues that may be present on the site.

B. Redeveloped sites shall comply with the buffer and specimen tree requirements as set forth in this UDO and provide compliance with parking lot, landscape strip and Tree Density Unit requirements.

C. Where the scope of a project results in disturbance, removal, and replacement of 25.1 percent or greater of the site area, a Tree Preservation and/or Tree Replacement Plan is required. The plan shall show landscape strip planting, parking lot trees, Tree Density Units, buffers and shall comply with the requirements of this UDO.

D. Where the scope of a project results in disturbance, removal, and replacement of 25 percent or less of the site area, a Tree Preservation and/or Tree Replacement Plan is required. The plan shall include the existing and proposed landscape conditions that verify compliance with this UDO.

1. At a minimum the plan must show the following existing and proposed elements with intent to comply:
    a. Buffers.
    b. Landscape strips.
    c. Parking lot trees.
    d. Tree Density Units.
    e. Tree Save Areas.
2. Director shall review the proposed Tree Preservation and/or Tree Replacement Plan.

E. Disturbance on a redevelopment site shall include a building replacement where the footprint of the building counts toward the site disturbance.

Sec. 205-8. Tree Conservation, Buffers, and Landscaping Compliance

A. Tree Removal. An application for a tree removal permit when land disturbing activity is not involved shall follow the requirements of Sec. 104-7. M. Tree Removal Permit.

B. Site inspections

1. Authority.

The Community Development Director or their designee has the authority to perform site inspections and enforce the provisions of this chapter.

2. Visits to site for discussions regarding regulations.

Prior to the issuance of a tree removal permit or right-of-way encroachment permit, a visit shall be made to the proposed site by the Community Development Director or their designee and the applicant for the purpose of discussing the provisions of this chapter.

a. After a permit is issued and tree protection measures have been installed, and prior to any land disturbance, another site inspection shall be made by the Community Development Director or their designee.
b. Another site inspection shall occur prior to the issuance of final plat approval or a certificate of occupancy. All provisions of this chapter shall be met before final plat approval or a certificate of occupancy can be issued.
c. Other site inspections may take place without notice at any time prior to or after the issuance of a certificate of occupancy or final plat approval to ensure continuing compliance with the provisions of this chapter.

3. Access by authorized representatives.

No person, corporation or association shall refuse entry or access to any authorized representative or agent of the Community Development Director or their designee who requests entry for the purposes of inspection and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out his official duties.

C. Tree maintenance

The owner shall be responsible for maintaining the health of all conserved and new trees. The owner shall replace any new tree that dies within three years, or prior to issuance of the final certificate of occupancy for the project, whichever occurs last.

D. Penalties

1. Failure to obtain permit

If any person commences any land disturbing activity, tree destruction, tree cutting, tree removal or building activity requiring a tree removal permit without first obtaining said permit, the person shall be deemed to be in violation of the provisions of this chapter.

2. Violations

The owner of any property wherein a violation exists, and any builder, contractor, or agent who may have assisted in the commission of any such violation, may be chargeable with separate offenses for each such violation. Any person violating any of the provisions of this chapter other than as hereinabove provided shall, upon conviction, be punished as prescribed in subsection (e) of this section. Each day during which such violation occurs or continues shall constitute and be punishable as a separate offense.

3. Stop work orders

A stop work order may be issued by the Community Development Director or their designee for violation of any provision of this chapter. All stop work orders shall be effective immediately upon issuance and shall remain in effect until the necessary corrective action or mitigation has occurred and permission has been granted by the city to resume work. No certificate of occupancy or final plat approval shall be issued while a stop work order is in effect or until an assessed fine has been paid and permission has been granted by the city in writing for a certificate of occupancy or final plat approval.

4. Responsibility

The Community Development Director, or their designee is responsible for determining whether a violation has occurred. Violations may include, but are not limited to: failure to obtain a tree removal permit, deviation from the approved plan; failure to properly install tree protection structures; failure to maintain tree protection structures in effective condition; evidence of harmful activities occurring within the tree protection zone; improper planting; failure to conserve or establish the required tree canopy cover; unauthorized delay in tree planting; damage to a conserved or established tree's crown, trunk, roots, or critical root zone; and damage to a city tree's crown, trunk, roots, or critical root zone.

5. Monetary penalties

Any person who violates any provision of this chapter, any permit condition, or who negligently or intentionally fails or refuses to comply with any order, notice of code violation or formal charge of violation which the Community Development Director or their designee issues as provided in this chapter shall be liable for a penalty of up to $1,000.00 per day for each violation of the provisions of this chapter. Each day that such failure or refusal continues shall constitute a separate violation.

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CHAPTER 200 – Land Use and Zoning

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ARTICLE VI. NONCONFORMING SITUATIONS

Sec. 206-1. Purpose

A. Within the districts established by this UDO or amendments thereto that may later be adopted there exist lots, structures and uses of land and structures which were lawful before this UDO was passed or amended, but which would be prohibited under the terms of this UDO or any future amendment.

B. It is the intent of this UDO to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this UDO that nonconforming uses shall not be enlarged upon, expanded nor extended, nor be used as a basis for additional structures or uses prohibited elsewhere in the same district.

C. Variances of area, width, and yard requirements may be granted by the Zoning Board of Appeals where necessary and where such addition does not create an unusual neighborhood building type.

D. To avoid undue hardship, nothing in this UDO shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this UDO and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and demolition, elimination and removal of an existing structure in connection with such construction, provided that actual construction work shall be diligently carried on until the completion of the building involved.

Sec. 206-2. Nonconforming Lots of Record

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record, as officially recognized by the City of Norcross, at the effective date of adoption or amendment of this UDO. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, if yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the provisions of this Article.

Sec. 206-3. Nonconforming Uses

A. The lawful use of any building or structure or land existing at the time of the enactment or amendment of this Article may be continued, even though such use does not conform with the provisions of this Article, except that the nonconforming use shall not be:

1. Extended to occupy a greater area of land.
2. Extended to occupy a greater area of a building or structure unless such additional area of the building or structure existed at the time of the passage or amendment of this Article and was clearly designed to house the same use as the nonconforming use occupying the other portion of the building or structure.
3. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption of this UDO.
4. Reestablished after discontinuance for six months as based on available City records.
5. Changed to another nonconforming use.

Sec. 206-4. Nonconforming Buildings and Structures

Where a lawful building or structure (excluding signs) exists at the effective date of adoption or amendment of this UDO that could not be built under the terms of these regulations and standards by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to maintain or improve its condition or to decrease its nonconformity.
B. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this UDO.
C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
D. Structures which are nonconforming due to front, side or rear yard requirements may be expanded or extended only in conformance with this UDO.

Sec. 206-5. Nonconforming signs

A. The lawful use of a permanent sign existing at the time of the adoption of the UDO from which this Article is derived may be continued in nonconformance with the requirement of this Article, except that the nonconforming sign shall not be enlarged, altered, modified, improved or rebuilt. However:

1. A nonconforming sign may be repaired to the extent necessary to maintain it in a safe condition and neat and orderly appearance.
2. A change in the advertising message on the sign shall not constitute an alteration or modification of the sign.
3. Routine maintenance and changing of copy shall be permitted as long as such maintenance or changing of copy does not result in or change the shape, size or design.

B. No structural repair or change in shape, size or design, shall be permitted except to make a nonconforming sign comply with all requirements of this chapter or to render the sign structurally sound.
C. A nonconforming sign may not be removed by an act of the owner and later replaced by another nonconforming sign.
D. No sign variances are allowed.

Sec. 206-6. Uses Under Prior Special Use Permits and Rezoning with Conditions

Any use for which a special use permit or a rezoning with conditions has been issued under a prior zoning code or ordinance shall not be deemed a nonconforming use but shall be deemed a conforming use in the district under the conditions required for the issuance and validity of the special use permit or rezoning.

Sec. 206-7. Repairs and Maintenance

A. Work may be done on any nonconforming structure, or portion of a structure, containing a nonconforming use, on ordinary repairs, or on repair or replacement of load bearing or non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding fifty percent (50%) of the current replacement cost of the nonconforming structure or on

conforming portion of the structure as the case may be, provided that the square footage or cubic content existing when it became nonconforming shall not be increased.

B. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

C. Nothing in this UDO shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Sec. 206-8. Exceptions

A. Front yard requirements

1. The front yard requirements of this chapter shall not apply on any lot where the average depth of the front yards of existing buildings on adjoining lots located wholly or in part within 100 feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is either greater or less than the minimum required front yard depth.
2. If the average depth of the front yards is greater than the required minimum front yard depth, the depth of the front yard of such lot shall be the average of the front yards of such buildings but need not be greater than 150 percent of the required front yard depth.
3. If the average depth of the front yards is less than the required minimum front yard depth, the depth of the front yard of such lot may be less than the required front yard depth but shall not be less than the average of the front yards of such buildings.

B. Permitted encroachments upon required setbacks.

Cornices, eaves, chimneys, landings, porches, bay windows or other similar architectural features may extend into the required front, side or rear yard setbacks, provided such extensions do not exceed three feet into the setback. Decks and patios may extend into the side or rear yard setbacks but no closer than five feet from any property line. Steps and landings may extend into the required setbacks, provided such extensions do not exceed ten feet into the front yard setback. Steps and landings may extend into the rear yard setback, but no closer than five feet from the property line.

CHAPTER

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Buildings & Building Regulation

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ARTICLE I. - In General

Sec. 301-1. Purpose

The purpose of this Article is to ensure and regulate the design and permitting of buildings and structures in the City of Norcross.

Sec. 301-2. Violations and Penalties

Any person or agent who shall violate a provision of the technical codes, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, shall be guilty of a misdemeanor. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this UDO is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state laws.

ARTICLE II. – Administration and Enforcement.

Sec. 302-1. Building Division

A. Building Official or Other Designated Authority

The qualifications for the Building Official and other designated authority (such as a building inspector) will be established by the Mayor and Council.

B. Restrictions on Employees

An officer or employee connected with the Department, except one whose only connection is as a member of the Board of Appeals established by this UDO, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof, unless he is the owner of such. The officer or employee shall not engage in any other work, which is inconsistent with his duties or conflicts with the interests of the Department.

C. Records

The Building Official/Inspector shall keep, or cause to be kept, a written or electronic record of the business of the Department. The records of the Department shall be open to public inspection.

D. Liability

Any officer or employee, or member of the Board of Appeals, charged with the enforcement of this chapter, acting for the applicable governing authority in the discharge of their duties, shall not be held personally liable, and are hereby relieved from all personal liability, for any damage that may occur to persons or property as a result of any act required or permitted in the responsible discharge of his duties. Any suit brought against any officer or employee or member because of such act performed in the enforcement of any provision of this UDO shall be defended by the city until the final termination of the proceedings.

E. Reports

The Building Official shall submit an annual report summarizing the work of the building department during the preceding year. Such report may also incorporate a summary of the decision of the Board of Appeals during the same year.

Sec. 302-2. Powers and Duties of the Building Official

The Building Official is hereby authorized and directed to enforce the provisions of the technical codes. The Building Official is further authorized to render interpretations of the technical codes, which are consistent with its intent and purpose, identified in Article III, Construction Codes.

Sec. 302-3. Right of Entry

A. When an inspection is necessary to enforce any of the provisions of this chapter, or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation

which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the Building Official may enter the building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by these technical codes, provided that if such building or premises is occupied, he shall first present proper credentials and request entry. If such building, structure, or premises is unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the Building Official shall have recourse to every remedy provided by law to secure entry.

B. In cases where the Building Official is required to obtain a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall prohibit entry therein by the Building Official for the purpose of inspection and examination pursuant to this UDO.

Sec. 302-4. Notice

Upon notice from the Building Official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of the technical codes or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property or to his agent or to the person doing the work and shall state the conditions under which work may be resumed. Where an emergency exists, the Building Official shall not be required to give a written notice prior to stopping the work but shall provide written notice after the emergency has been remedied and the property secured.

ARTICLE III. – Construction Codes[1]

Sec. 303-1. Purpose

The purpose of this section is to provide for the administration and enforcement of the Georgia State Minimum Standard Codes as heretofore adopted. Hereinafter all the Codes heretofore adopted shall be referred to as the technical codes.

Sec. 303-2. Adopted

A. The following codes, as adopted by the Georgia Department of Community Affairs, are adopted by reference as ordinances of the City as fully as though set out at length herein. Copies of the codes listed below shall be maintained on file in the office of the City Clerk where it shall be available for inspection by the public:

1. International Building Code (IBC)
2. International Residential Code (IRC)
3. International Fire Code (IFC)
4. International Plumbing Code (IPC)
5. International Mechanical Code (IMC)
6. International Fuel Gas Code (IFGC)
7. National Electrical Code (NEC)
8. International Energy Conservation Code (IECC)
9. International Swimming Pool and Spa Code
10. International Existing Building Code (IEBC)

B. The codes provided in subsection (A) of this section means such codes as they are currently adopted by DCA, provided that any such code may hereafter be amended or revised as provided in O.C.G.A. § 8-2-23(a).

Sec. 303-3. References to Officials in Adopted Technical Codes

Where reference is made to the duties of certain officials named within the technical codes which are adopted by reference in this chapter, then that designated official of the city, who has duties corresponding to those of the named official in said technical code, shall be deemed to be the responsible official insofar as enforcing the provisions of that technical code are concerned.

Sec. 303-4. Code Remedial

A. Generally

These codes are hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health, and general welfare, through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the

[1] State Law reference– Authority to adopt technical codes, Ga. Const. art. IX, § II, ¶ III(a)(12); minimum state construction codes, O.C.G.A. § 8-2-25; enforcement of minimum state construction codes, O.C.G.A. § 8-2-26.

built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures, or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems. This article is intended to provide for the administrative procedure for each of the technical codes adopted by this article.

B. Quality Control of Materials and Workmanship

Quality control of materials and workmanship is not within the purview of this UDO except as it relates to the purposes stated herein.

C. Permitting and Inspection

The inspection or permitting of any building, system or plan, under the requirements of this UDO shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. The city or any employee thereof, shall not be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

Sec. 303-5. Scope

A. Applicability

Where, in any specific case, different sections of these codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

1. Building

The provisions of the International Building Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition, of every building or structure or any appurtenances connected or attached to such buildings or structures, except in one- and two-family dwellings.

2. Electrical

The provisions of the National Electrical Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

3. Gas

The provisions of the International Fuel Gas Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the installation of consumers' gas piping, gas appliances and related accessories as covered in this UDO. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories, except in one- and two-family dwellings.

4. Mechanical

The provisions of the International Mechanical Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems, except in one- and two-family dwellings.

5. Plumbing

The provisions of the International Plumbing Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, and when connected to a water or sewerage system.

6. Fire Prevention

The provisions of the International Fire Code, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, and maintenance, of every building or structure or any appurtenances connected or attached to such buildings or structures.

7. Energy

The provisions of the International Energy Conservation Code, as adopted and amended by the Georgia Department of Community Affairs, shall regulate the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, service water heating and illumination systems and equipment that will enable the effective use of energy in new building construction.

8. One- and Two-Family Dwellings

The provisions of the International Residential Code for One- and Two-Family Dwellings, as adopted and amended by the Georgia Department of Community Affairs, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, and maintenance, of everyone- or two-family dwelling or any appurtenances connected or attached to such buildings or structures.

9. The International Property Maintenance Code

The provisions of this code provide code enforcement personnel with the necessary tools to have dangerous and unsafe buildings repaired or demolished.

B. Federal and State Authority

The provisions of this UDO shall not be held to deprive any federal or state agency, or any applicable governing authority having jurisdiction, of any power of which it had on the effective date of the adoption of this UDO or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

C. Referenced Standards

Standards referenced in the text of technical codes shall be considered an integral part of the codes. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Where code provisions conflict with a standard, the code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

D. Maintenance

All buildings, structures, electrical, gas, mechanical and plumbing systems, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards, which are required by the technical codes when constructed, altered, or repaired, shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings, structures, electrical, gas, mechanical and plumbing systems.

Sec. 303-6. Existing buildings

A. Generally

Alterations, repairs or rehabilitation work may be made to any existing structure, building, electrical, gas, mechanical or plumbing system without requiring the building, structure, plumbing, electrical, mechanical or gas system to comply with all the requirements of the technical codes provided that the alteration, repair or rehabilitation work conforms to the requirements of the technical codes for new construction. The Building Official shall determine the extent to which the existing system shall be made to conform to the requirements of the technical codes for new construction.

B. Change of Occupancy

If the occupancy classification of any existing building or structure is changed, the building, electrical, gas, mechanical and plumbing systems shall be made to conform to the intent of the technical codes as required by the Building Official.

C. Special Historic Buildings

The provisions of the technical codes relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory but such application shall be at the discretion of the Building Official for existing buildings or structures identified and classified by the federal, state or local jurisdiction as historic buildings when such buildings or structures are judged by the Building Official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings within fire districts.

Sec. 303-7. Unsafe Buildings or Systems

A. All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems.

B. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the International Property Maintenance Code, as adopted and amended by this UDO.

Sec. 303-8. Requirements Not Covered by Code

Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this article or the other technical codes, shall be determined by the Building Official.

Sec. 303-9. Alternate Materials and Methods

The provisions of the technical codes are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided any such alternate has been reviewed, and approved in writing, by the Building Official. The Building Official shall approve any such alternate, provided they find that the alternate for the purpose intended is at least the equivalent of that prescribed in the technical codes, in quality, strength, effectiveness, fire resistance, durability and safety. The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.

ARTICLE IV. – Building Permits

Sec. 304-1. Fees and Charges

Permit and inspection fees and any other charges imposed or due under the various construction codes adopted by this Article shall be as provided in the schedule of fees and charges on file in the Community Development Department.

Sec. 304-2. Public Utilities

A. No public utility may furnish temporary or permanent electrical, water or gas connections, for construction purposes or occupancy, unless the contractor has been issued a building permit by the Building Official.

B. No public utility may furnish power to a mobile home site until the owner has been issued either a building permit or a certificate of occupancy by the Building Official.

Sec. 304-3. Revocation

A. Misrepresentation of Application

The Building Official may revoke a permit or approval, issued under the provisions of this UDO, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

B. Violation of UDO Provisions

The Building Official may revoke a permit upon their determination that the construction, erection, alteration, repair, moving, demolition, installation or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this UDO.

Sec. 304-4. Requirement; Exceptions

A. Permit Application

1. Principal Structure

Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the technical codes, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit for the work.

2. Accessory Structure

Any residential accessory structure larger than 32 sq. ft. or a non-residential accessory structure of any size shall make application to the Community Development Director and obtain the necessary required permit for the work. Unless otherwise approved, all accessory structures shall be single story.

B. Exceptions

Permits shall not be required for the following mechanical work, if the equipment is approved by Underwriters Laboratories (UL) or equivalent testing company:

1. Any portable heating appliance;
2. Any portable ventilation equipment;
3. Any portable cooling unit;
4. Any steam, hot or chilled water piping within any heating or cooling equipment regulated by this UDO;
5. Replacements of any part which does not alter its approval or make it unsafe;
6. Any portable evaporative cooler;
7. Any self-contained refrigeration system containing ten lbs. (4.45 kg) or less of refrigerant and actuated by motors of one horsepower (746W) or less.

C. Work Authorized

A building, electrical, gas, mechanical or plumbing permit shall carry with it the right to construct or install the work, provided the same are described or depicted as required on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.

D. Minor Repairs and Routine Maintenance

Ordinary minor repairs and routine maintenance may be made without a permit, provided that such repairs or maintenance shall not violate any of the provisions of the technical codes.

E. Information Required

Each application for a permit, with the required fee, shall be filed with the Building Official on a form furnished for that purpose, and shall contain a general description of the proposed work and its location. The owner, or authorized agent, shall sign the application. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure, and shall contain such other information as may be required by the Building Official.

F. Time Limitations on Applications

An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of the filing for the permit, unless a permit has been issued within that timeframe. One or more extensions of time for periods, of not more than 90 days each, may be allowed by the Building Official for the application, provided the extension is requested in writing and justifiable cause is demonstrated.

G. Subcontractors Affidavits

The city requires a copy of the contractor's business license, trade card and identification, as well as electrical, plumbing, mechanical and low voltage affidavits from state licensed contractors subordinate to a building permit. The Building Official may require additional information as deemed necessary when accepting an affidavit.

Sec. 304-5. Drawings and Specifications

See Sec. 105-7 for drawing specification requirements for filing a building permit application.

Sec. 304-6. Examination of Documents and Plan Review

The Building Official shall accept the registered architect or engineer seal and the Gwinnett County Fire Marshal's approval stamp as evidence that the plans are in accordance with the requirements of the technical codes and all other pertinent laws or ordinances. In some cases, such as food service or on-site sewage disposal, the Gwinnett County Health Department's approval will also be required.

Sec. 304-7. Issuance

A. Action on Permits

The Building Official shall act upon an application for a permit within 30 business days of receipt of a complete application. If the Building Official is satisfied that the work described in an application for a permit and the contract documents filed therewith conform to the requirements of the technical codes and other pertinent laws and ordinances, and any required outside agency approval has been obtained a permit shall be issued to the applicant.

B. Refusal to Issue Permit

If the application for a permit and the accompanying contract documents describing the work is incomplete or does not conform to the requirements of the technical codes or other pertinent laws or ordinances, the Building Official shall not issue a permit, but shall return the contract documents to the applicant with a refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.

C. Special Foundation Permit

When application for a permit to erect or enlarge a building has been filed and pending issuance of such permit, the Building Official may, at their discretion, issue a special permit for the foundation only. The holder of such a special permit is proceeding at their own risk and without assurance that a permit for the remainder of the work will be granted nor that corrections will not be required to meet provisions of the technical codes.

Sec. 304-8. Contractors Responsibilities

It shall be the duty of every contractor who shall make contracts for the installation or repairs of building, structure, electrical, gas, mechanical, sprinkler or plumbing systems, for which a permit is required, to comply with state or local rules and regulations concerning licensing which the applicable governing authority may have adopted. In such case that the state requires a contractor to have obtained a state license before they are permitted to perform work, the contractor shall supply the Building Official with their license number before receiving a permit for work to be performed.

Sec. 304-9. Conditions

A. A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans, construction, or violations of this UDO.

B. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the worked is commenced.

1. One or more extensions of time, for periods not more than 90 days each, may be allowed for the permit. The extension shall be requested in writing and justifiable cause demonstrated.
2. Extensions shall be in writing by the Building Official. Unless an extension is granted by the Building Official, if no inspection notifications are received by the Building Official within these time periods, the permit shall be deemed abandoned and a new permit application shall be required.

Sec. 304-10. Fees

A. Prescribed Fees

A permit shall not be issued until all fees prescribed by the City Council have been paid. No amendment to a permit shall be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical or gas systems, etc., has been paid. Fees shall be in accordance with the fee schedules as set by City Council on file in the Community Development Department.

B. Work Commencing Before Permit Issuance

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing, etc., system before obtaining the necessary permits, may be subject to a penalty of 100 percent of the usual permit fee in addition to the required permit fees. Work shall immediately be stopped until the penalty and permit fee have been paid in full.

C. Accounting

The Community Development Department shall keep a permanent and accurate accounting of all permit fees and other money collected, the names of all persons upon whose account the same was paid, along with the date and amount thereof.

D. Reinspection

At the Building Official's discretion, a reinspection fee may be assessed in accordance with the fee scheduled set by the City Council.

E. Building Permit Valuations

If, in the opinion of the Building Official, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems appears to be underestimated on the application, permits shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including materials and labor. The Building Official may use the International Code Council (ICC) Building Valuation Table or any other resources necessary to determine or confirm value.

Sec. 304-11. Inspections

A. Existing Building Inspections

Before issuing a permit, the Building Official may examine or cause to be examined any building, electrical, gas, mechanical or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy.

B. Manufacturers and Fabricators

When deemed necessary, the Building Official shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A written record shall be made of every such examination and inspection and identify all violations of the technical codes.

C. Inspection Service

The Building Official may make, or cause to be made, the inspections required by the UDO. They may accept reports of qualified Inspectors, as specified in state law, provided that after investigation they are satisfied as to their qualifications and reliability.

D. Inspections Prior to Issuance of Certificate of Occupancy or Completion

The Building Official shall inspect, or cause to be inspected at various intervals, all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical or plumbing system upon completion, prior to the issuance of the Certificate of Occupancy or completion.

E. Posting of Permit and Approved Plans

Work requiring a permit shall not commence until the permit holder or their agent posts the permit card and approved site plans in a conspicuous place on the premises, visible from the public right-of-way. The permit card and site plans shall be protected from the weather and located in such position as to permit the Building Official or representative to conveniently make the required entries thereon. This permit card and site plans shall be maintained in such position by the permit holder until the Certificate of Occupancy or completion is issued by the Building Official.

F. Required Inspections

The Building Official, upon notification from the permit holder or their agent, shall make or cause to be made the following inspections if applicable and such other inspections as necessary and shall either release that portion of the construction or shall notify the permit holder or their agent of any violations which must be corrected in order to comply with the technical code.

1. Buildings

a. Foundation Inspection

To be made after trenches are excavated and forms erected.

b. Frame Inspection

To be made after the roof, all framing, fire blocking and bracing are in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete.

c. Final Inspection

To be made after the building is completed and ready for occupancy.

2. Electrical

a. Underground Inspection

To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.

b. Rough-in Inspection

To be made after the roof, framing, fire blocking and bracing is in place and prior to the installation of wall or ceiling membranes.

c. Final Inspection

To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

3. Plumbing

a. Underground Inspection

To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.

b. Rough-in Inspection

To be made after the roof, framing, fire blocking and bracing is in place and all soil, waste and vent piping is complete, and prior to the installation of wall or ceiling membranes.

c. Final Inspection

To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

4. Mechanical

a. Underground Inspection

To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.

b. Rough-In Inspection

To be made after the roof, framing, fire blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.

c. Final Inspection

To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

5. Gas

a. Rough Piping Inspection

To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.

b. Final Piping Inspection

To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.

c. Final Inspection

To be made on all new gas work authorized by the permit and such portions of existing system as may be affected by new work or any changes to ensure compliance with all the requirements of this UDO and to ensure that the installation and construction of the gas system is in accordance with reviewed plans.

6. Energy

a. Foundation Inspection

To be made before slab concrete is poured in place. To verify that perimeter insulation has been installed correctly on any slab on grade foundations, if required.

b. Frame Inspection

To be made before exterior wall insulation is concealed by wallboard to check installation of exterior walls insulation and to inspect that all holes and cracks through the structure envelope have been sealed in an appropriate manner as to restrict air passage.

c. Final Inspection

To be made after the building is completed and ready for occupancy and to verify installation and R-value of ceiling and floor insulation.

7. Written Release

Work shall not be done on any part of a building, structure, electrical, gas, mechanical or plumbing system beyond the point indicated in each successive inspection without first obtaining a written release (sign off) from

the Building Official. Such written release shall be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing three inspections.

8. Reinforcing Steel, Structural Frames, Insulation, Plumbing, and Mechanical, or Electrical Systems.

Reinforcing steel, structural frames, insulation, plumbing, or work of any part of any building or structure shall not be covered or concealed without first obtaining a written release from the Building Official.

9. Plaster Fire Protection.

In all buildings where, plaster is used for fire protection purposes, the permit holder or their agent shall notify the Building Official after all lathing and backing is in place. Plaster shall not be applied until the written release from the Building Official has been received.

ARTICLE V. – Completion, Occupancy and Certificates

Sec. 305-1. Certificate of Completion

See Sec. 104-7. D. concerning provisions regarding the issuance of certificates of completion.

Sec. 305-2. Certificate of Occupancy

See Sec. 104-7. E. concerning provisions regarding the issuance of certificates of occupancy.

Sec. 305-3. Service Utilities

A. Connection of Service Utilities

No person shall make connections from a utility, source of energy, fuel or power to any building or system which is regulated by the technical codes for which a permit is required, until released by the Building Official and a Certificate of Occupancy or completion is issued.

B. Temporary Connection

The Building Official may authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems or for use under a temporary certificate of occupancy.

C. Authority to Disconnect Service Utilities

The Building Official shall have the power to authorize disconnection of utility service to the building, structure of system regulated by the technical codes, in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall notify the serving utility, and whenever possible the owner and occupant of the building, structure or service system, of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

Sec. 305-4. Posting Floor Loads

A. Occupancy.

An existing or new building shall not be occupied for any purpose, which will cause the floors thereof to be loaded beyond their safe capacity. The Building Official may permit occupancy of a building for mercantile, commercial or industrial purposes, by a specific business, when he is satisfied that such capacity will not thereby be exceeded.

B. Storage and Factory-Industrial Occupancies

It shall be the responsibility of the owner, agent, proprietor of occupant of Group S and Group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the Community Development Department.

C. Signs Required

In every building or part of a building used for storage, industrial or hazardous purposes, the safe floor loads shall be marked on plates or approved design which shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced and if lost, removed or defaced, shall be replaced by the owner of the building. It shall be the sole responsibility of the building owner to ensure these provisions are met.

Sec. 305-5. Tests

The Building Official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency.

ARTICLE VI. – Flow Rate Restrictions on Plumbing Fixtures[2]

Sec. 306-1. Intent

It is the intention of this article to comply with O.C.G.A. § 8-2-3.

Sec. 306-2. Standards for Fixtures

Plumbing fixtures installed in new construction or remodeled or renovated existing construction shall not exceed the following maximum water use rate:

Fixture	Gallons/Minute
Water Closet/Toilet	1.6
Urinal	1.0
Public Lavatory Faucet	2.0
Private Lavatory Faucet	2.0
Shower Head	2.5
Kitchen Faucet	2.5

Sec. 306-3. Removal of Labels

The labels on plumbing fixtures which show compliance with this Article must remain on the plumbing until the construction has been inspected.

Sec. 306-4. Exceptions

A. The following uses or applications shall be exempt from the standards established in this Article:

1. Showers and faucets installed for safety purposes, such as emergency eye wash stations, etc.;
2. Plumbing fixtures specifically designed for use by the physically handicapped;
3. Fixtures specifically designed to withstand unusual abuse or for installation in correctional institutions which may require more water for proper operation;
4. Instances of building renovation where significant plumbing modifications would be required to accommodate the lower flows or for specialized purposes which cannot be accommodated by existing technology.

B. Permission for the exceptions listed in this section must be obtained from the Community Development Department.

[2] State Law reference— Water efficiency requirements, O.C.G.A. § 8-2-1 et seq.; flow rate restrictions on plumbing fixtures, O.C.G.A. § 8-2-3.

ARTICLE VII. – Moving and Demolition of Buildings[3]

Sec. 307-1. Condition Precedent to Permit

A. Whenever any dwelling or other structure formerly used for human habitation in excess of 150 sq. ft., or any commercial building or other structure formerly occupied in the conduct of any trade or business in excess of 150 sq. ft., is removed from a location within the city to another and different location, either within or without the city, or there is to be a demolition of the structure, the applicant for the permit to move or demolish such structure shall agree in writing that he/she will leave the premises in a safe and sanitary condition and is required to do the following:

1. Remove from such location or premises all trash, debris, garbage and other similar material.
2. Fill all holes and depressions caused by the removal of any part of the structure or caused as a result of compliance with this article, which might become a harboring place for insects, rodents or vermin.
3. Tear down and remove all underpinnings, pilasters, steps, plumbing connections and fixtures above ground level. All water, gas and sewer lines shall be closed off, sealed and made to be gastight and watertight.
4. Fill or cover all wells with a concrete cap.

B. Until the premises is completely restored to a safe and sanitary condition, the premises shall be secured by a fence to prevent unauthorized entry.

Sec. 307-2. Time Limits; Costs

A. All persons to whom this Article is applicable shall comply with the provisions of this Article within 30 days following the date of the removal of any structure specified herein.

B. If any such person shall fail to comply with the provisions of this article, the city, its agents, employees, designees or contractors are authorized to enter upon the premises and to perform the work necessary thereon to comply with this article. The work may be performed by city forces or by parties employed by the city and the cost thereof charged against the person failing or refusing to comply. Any person applying for a permit under this article grants to the city an easement on the premises to perform the work.

Sec. 307-3. Permit to Move Building; Fees; Issuance; Bond

A. No person owning or leasing a building or a portion of a building to be moved, shall move or authorize the moving of any house, dwelling, apartment building or other similar structure or any portion thereof from within the city to a point outside the city or from within the city to another point within the city; or from a point outside the city to a point within the city, or from a point outside the city through the city to another point outside the city without first having obtained a permit to do so. No person shall be issued a permit to move or authorize the moving of any house, dwelling, apartment building or other similar structure or any portion thereof in the city or into the city or from the

[3] State Law reference– Ordinances relating to repair, closing and demolition of dwellings unfit for human habitation or buildings or structures that imperil health, safety or morals, O.C.G.A. § 36-61-11; county or municipal ordinances relating to unfit buildings or structures, O.C.G.A. § 41-2-9 et seq.

city to a point outside the city or through the city until he has paid a permit fee as set forth in the schedule of fees and charges.

B. Before moving a structure or any portion of a structure for which a permit has been issued the mover is required to give two days' notice to the Police Department prior to such moving.

C. Where application for a permit to move a structure or a portion thereof as defined in subsection (A) of this section, has been filed and the requisite permit fee paid, where written agreement regarding cleanup of the site has been signed and where all applicable ordinances of the city have been complied with, the Building Inspector shall be authorized to issue a permit to the applicant.

D. No permit to move a structure or any portion thereof from inside the city to a point inside or outside the city shall be issued until the applicant shall post with the City Clerk a cash bond in the amount set forth in the schedule of fees and charges.

Sec. 307-4. Permit to Locate Building onto Vacant Land; Application Fee; Public Hearing

A. Whenever any person desires to move or authorize the moving of a house, apartment, duplex or other similar structure or any building, excluding any house, dwelling, apartment or other structure formerly used for human habitation which is 150 square feet or less, onto any vacant land in the city, he shall file an application for a permit with the city and shall pay a fee as set forth in the schedule of fees and charges in addition to any other required fees or bonds specified in this article. Upon the filing of the application, the Building Inspector shall post upon the land on which the structure is to be moved a sign of not less than four square feet which shall display thereon the fact that the application has been filed to move the structure onto the land; the type of structure proposed; and that a public hearing will be held before the City Council on a day certain not less than 15 nor more than 60 days from the date of filing application, at which hearing all parties interested in such matter would have the right to appear and be heard. Such sign shall be located at the property in close proximity to a public road or thoroughfare and so that the sign can be clearly seen by the public.

B. After a public hearing as required in subsection (a) of this section has been held and provided the applicant has complied with all applicable ordinances and has paid the required additional fee, if the fee is required, the City Council may direct the Building Inspector to issue the permit to move the structure.

Sec. 307-5. Placement on Vacant Land Without Permit; Submission of Plan

A. It shall be unlawful to move any house or other structure onto vacant land without a permit. No permit to move a house or other building onto vacant land in the city shall be granted, and no house or other structure shall be placed on vacant land in the city, until the person desiring a permit to move a house or other structure shall have submitted all required plans and specifications showing the proposed additions or changes to be made on the structure including foundation plans; plans for paving proposed driveways, if any; types of materials to be used in additions or changes; the proposed location on the plat of land; and any and all pertinent information required for new construction, where applicable. Provisions of this UDO and ordinances applicable to applying for permits to move houses or other buildings onto vacant land in the city and in improving houses and other buildings moved onto vacant land in the city shall be followed and all resultant fees paid.

B. It shall be unlawful to move any structure as defined in section 307-4 onto any land within the city (whether the move is to be temporary or permanent) unless a permit has been granted therefor as provided in this article. Any violation of this section shall be a continuing violation and each day of violation shall constitute a new offense.

Sec. 307-6. Demolition of Structures

A. Whenever any person desires to demolish any house, dwelling, apartment or other similar structure formerly used for human habitation or any commercial, industrial, or other structure formerly used in the conduct of any trade or business, he shall, before being entitled to the issuance of a permit, agree in writing that he shall, following the demolition of the structure, take all necessary action including the following to ensure that the premises or location where the structure is demolished shall be left in a sanitary condition and free from all trash, debris and structures which might become a harboring place for insects, rodents or vermin:

1. Remove from such location or premises all trash, debris, garbage and other similar material.
2. Fill all holes and depressions caused by the removal of any part of the structure, or caused as a result of compliance with this article, which might become a harboring place for insects, rodents or vermin.
3. Tear down and remove all underpinnings, pilasters, steps, plumbing connections and fixtures above ground level. All water, gas and sewer lines shall be closed off, sealed and made to be gastight and watertight.
4. Fill or cover with a concrete cap all wells.

B. If the structure is located within an historic district, review and approval may be required by the Architectural Review Board (ARB) or the Historic Preservation Commission (HPC) prior to any demolition commencing. The Community Development Director shall make this determination.

C. No permit to demolish a structure shall be issued until the applicant shall post with the General Government Administration Department a cash bond in the amount set forth in the schedule of fees and charges. The cash bond is to be returned to the applicant after the permitted structure has been demolished and the applicant has placed the premises or location in the condition as set forth in this article. If the permit holder should fail to comply with this requirement, all or any portion of the cash bond shall be applied by the city to the cost of city forces entering upon the premises or location and placing them in the condition as specified in this article. No permit or bond is required for the demolition of sheds or other accessory buildings where the structure was not used for human habitation or any commercial, industrial, trade or business purpose, or any building not having gas, water, electricity and other utilities connected.

D. It shall be unlawful to demolish any house, dwelling or other similar structure formerly used for human habitation or any commercial, industrial or other structure formerly used in the conduct of any trade or business without a proper permit. Any violation of this section shall be a continuing violation and each day of violation shall constitute a new offense.

E. No house, dwelling, or commercial structure designated as historically significant which is located within the district listed on the National Register of Historic Places or in the local Historic District can be demolished without first having a public hearing before the Mayor and Council. The Council shall vote to approve or deny the request to demolish and shall use the standards of the adopted architectural and site design standards of the city to evaluate the request.

F. Area denominated as the National Historic District.

1. No person shall demolish any building, structure or part thereof which is located within the area denominated as the National Historic District as shown on the official zoning map without first obtaining a permit from the Community Development Department.
2. Any person wishing to obtain a permit under this subsection to demolish a building, structure or part thereof shall file an application with the Community Development Department on a form approved by the Department, which application shall include the following:

a. The common name, actual street address and tax identification number of the building or structure to be demolished;
b. The age and type of building or structure to be demolished;
c. The square footage or dimensions of the building or structure to be demolished;
d. The name, address and telephone number of the owner of the building or structure to be demolished;
e. A brief description of the materials, configuration and use of the existing building or structure;
f. One or more recent photographs of the building or structure showing at least two elevations;
g. The reason for requesting a demolition permit;
h. Name and address of the person who would perform the demolition;
i. Date on which demolition is to begin;
j. A brief description of the proposed reuse, reconstruction or replacement for the existing building; and
k. The names and addresses of all property owners abutting the property on which the building, structure or part thereof to be demolished is located, according to an attached copy of a current city assessor's map.

3. The Community Development Department shall delay the issuance of a demolition permit under this subsection for not less than 10 business days from the first public hearing date of the application to allow sufficient time for submission of viable alternative proposals as discussed in subsection 307-6. F. 9. The Community Development Director may further delay issuance of the demolition permit for up to 180 days from the first public hearing date of the application if in his/her judgment the preparation of a viable proposal is underway. If the enclosed space is 500 square feet or less, no additional, no additional delay to the permitting process shall be imposed.
4. Within seven days of the filing date of the application, the Community Development Department shall publish a notice of intent to demolish in the official legal organ of the county which shall include:

a. Notice that an application has been filed for a demolition permit;
b. The common name and actual street address of the property where the building, structure or part thereof to be demolished is located;
c. The name and address of the owner of the building, structure or part thereof to be demolished;
d. The age of the building, structure or part thereof to be demolished;
e. Notice that the building, structure or part thereof is located within the area denominated as the National Historic District as shown on the official zoning map; and
f. Date, time and place of the public hearing required by subsection (d) of this section.

5. Within seven days of the filing date of the application, the Community Development Department shall mail copies of the notice of intent to demolish by certified mail with return receipt to all property owners abutting the property on which the building, structure or part thereof to be demolished is located.
6. Within seven days of the filing date of the application, the Community Development Department shall post a sign in a conspicuous location on the property on which the building, structure or part thereof to be demolished is located. The sign shall be at least 18 inches x 24 inches and be visible from the nearest public street or other access way adjoining the property. Such sign shall include:

a. The nature of the request.
b. The case number of the request.
c. The date, time, and location of the hearing.

If there is more than one structure proposed for demolition, one sign shall be posted for each structure. All signs required hereunder shall remain posted on the property, if the permit is issued, until the completion of all demolition activities authorized by the permit.

7. Within 90 days of the filing date of the application, the Mayor and Council shall hold a public hearing to consider said application filed under this subsection, provided that the demolition application has been reviewed by the Architectural Review, and is not part of a rezoning or planned development approval, in which case the historic demolition application will be reviewed within the timeframe of the rezoning or planned development approval process.
8. If after a thorough inspection, the Director of Health or the Building Official finds that a building, structure or part thereof subject to this subsection poses an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building, structure or part thereof, then the Community Development Department shall issue an emergency demolition permit to the owner of the building, structure or part thereof.
9. During the demolition delay period as defined in subsection 307-6. F. 3., the owner of the property on which the building, structure or part thereof to be demolished is located shall give due consideration to all possible alternatives to demolition, including preservation, restoration, rehabilitation, relocation or detailed recordation of the affected building, structure or part thereof. To avoid or mitigate the anticipated effects of demolition, the owner shall make a good-faith effort to accommodate reasonable requests from any interested parties for information about or access to the building or structure for evaluating alternatives to demolition. If no viable alternatives to demolition are submitted within the demolition delay period, the Community Development Department shall issue a demolition permit.
10. No demolition permit under this subsection shall be issued until the payment of all required fees, the filing of the written agreement required by subsection (a) of this section and the posting of the cash bond required by subsection (b) of this section.
11. Any demolition permit issued pursuant to this subsection shall be valid for a period of six months. If the demolition contemplated by said permit has not commenced within said six-month period, then the owner of such building, structure or part thereof shall be required to apply for a new permit and satisfy all notification requirements of this subsection.
12. The fee for a demolition permit under this subsection shall be established by resolution of the City Council.
13. Violation of any provision of this subsection shall subject the violator to all applicable penalties as provided by law and as set forth in sections 1-11 and 1-12 of the Norcross Code of Ordinances. Any violation of this subsection shall be a continuing violation and each day of violation shall constitute a new offense.

G. Area denoted as local Historic District.

1. No person shall demolish any building, structure or part thereof which is located within the area denominated as the local Historic District as shown on the official zoning map without first obtaining a permit from the Community Development Department.
2. Any person wishing to obtain a permit under this subsection to demolish a building, structure or part thereof shall file an application with the Community Development Department on a form approved by the Department, which application shall include the following:

a. The common name, actual street address and tax identification number of the building or structure to be demolished;
b. The age and type of building or structure to be demolished;
c. The square footage or dimensions of the building or structure to be demolished;
d. The name, address and telephone number of the owner of the building or structure to be demolished;
e. A brief description of the materials, configuration and use of the existing building or structure;
f. One or more recent photographs of the building or structure showing at least two elevations;
g. The reason for requesting a demolition permit;
h. Name and address of the person who would perform the demolition;
i. Date on which demolition is to begin;
j. A brief description of the proposed reuse, reconstruction or replacement for the existing building; and
k. The names and addresses of all property owners abutting the property on which the building, structure or part thereof to be demolished is located, according to an attached copy of a current city assessor's map.

3. The Community Development Department shall delay the issuance of a demolition permit under this subsection for not less than 10 business days from the first public hearing date of the application to allow sufficient time for submission of viable alternative proposals as discussed in subsection 307-6. G. 9. The Community Development Director may further delay issuance of the demolition permit for up to 180 days from the first public hearing date of the application if in his/her judgment the preparation of a viable proposal is underway. If the enclosed space is 500 square feet or less, no additional, no additional delay to the permitting process shall be imposed.
4. Within seven days of the filing date of the application, the Community Development Department shall publish a notice of intent to demolish in the official legal organ of the county which shall include:

a. Notice that an application has been filed for a demolition permit;
b. The common name and actual street address of the property where the building, structure or part thereof to be demolished is located;
c. The name and address of the owner of the building, structure or part thereof to be demolished;
d. The age of the building, structure or part thereof to be demolished;
e. Notice that the building, structure or part thereof is located within the area denominated as the local Historic District as shown on the official zoning map; and
f. Date, time and place of the public hearing required by subsection (d) of this section.

5. Within seven days of the filing date of the application, the Community Development Department shall mail copies of the notice of intent to demolish by certified mail with return receipt to all property owners abutting the property on which the building, structure or part thereof to be demolished is located.
6. Within seven days of the filing date of the application, the Community Development Department shall post a sign in a conspicuous location on the property on which the building, structure or part thereof to be demolished is located. The sign shall be at least 18 inches x 24 inches and be visible from the nearest public street or other access way adjoining the property. Such sign shall include:

a. The nature of the request.
b. The case number of the request.
c. The date, time, and location of the hearing.

If there is more than one structure proposed for demolition, one sign shall be posted for each structure. All signs required hereunder shall remain posted on the property, if the permit is issued, until the completion of all demolition activities authorized by the permit.

7. Within 90 days of the filing date of the application, the Mayor and Council shall hold a public hearing to consider said application filed under this subsection, provided that the demolition application has been reviewed by the Historic Preservation Commission, and is not part of a rezoning or planned development approval, in which case the historic demolition application will be reviewed within the timeframe of the rezoning or planned development approval process.
8. If after a thorough inspection, the Director of Health or the Building Official finds that a building, structure or part thereof subject to this subsection poses an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building, structure or part thereof, then the Community Development Department shall issue an emergency demolition permit to the owner of the building, structure or part thereof.
9. During the demolition delay period as defined in subsection 307-6. G. 3., the owner of the property on which the building, structure or part thereof to be demolished is located shall give due consideration to all possible alternatives to demolition, including preservation, restoration, rehabilitation, relocation or detailed recordation of the affected building, structure or part thereof. To avoid or mitigate the anticipated effects of demolition, the owner shall make a good-faith effort to accommodate reasonable requests from any interested parties for information about or access to the building or structure for evaluating alternatives to demolition. If no viable alternatives to demolition are submitted within the demolition delay period, the Community Development Department shall issue a demolition permit.
10. No demolition permit under this subsection shall be issued until the payment of all required fees, the filing of the written agreement required by subsection (a) of this section and the posting of the cash bond required by subsection (b) of this section.
11. Any demolition permit issued pursuant to this subsection shall be valid for a period of six months. If the demolition contemplated by said permit has not commenced within said six-month period, then the owner of such building, structure or part thereof shall be required to apply for a new permit and satisfy all notification requirements of this subsection.
12. The fee for a demolition permit under this subsection shall be established by resolution of the City Council.
13. Violation of any provision of this subsection shall subject the violator to all applicable penalties as provided by law and as set forth in sections 1-11 and 1-12 of the City Code. Any violation of this subsection shall be a continuing violation and each day of violation shall constitute a new offense. [Formerly Sec. 114-7. - Demolition or relocation of a historic property or properties within a historic district.]

Sec. 307-7. Transporting Structure

A. Any person transporting any house, dwelling, apartment or other structure formerly used for human habitation, or any commercial building or other structure formerly occupied in the conduct of any trade or business across or along the public roads or highways of the city shall be required to establish that it is licensed by the state public service commission or shall furnish proof that it has in effect public liability insurance with minimum coverage of $100,000.00 to protect the property and persons who may be damaged as a result of the moving of the structure.

B. A permit may be required by the state or federal departments of transportation for the transport of a structure on city, county, state or federal roads. Any required transport permit is the sole responsibility of the applicant.

Sec. 307-8. Eminent Domain Proceedings; Exemption from Fees

When an owner of a single-family dwelling or the owner of a two-family dwelling who resides in the dwelling is effectively evicted by eminent domain proceedings or other governmental action, and desires to move his dwelling to another properly zoned location in the city where he will thereafter reside as his home, such owner shall be required to obtain a permit as specified in this article but shall not be required to pay the moving permit fees.

Sec. 307-9. Penalties

Any violation of this article shall be punishable as provided in Section 1-11 of the Norcross Code of Ordinances or as otherwise provided under section 4.13 of the City Charter.

ARTICLE VIII. – Vacant and Foreclosed Real Property Registration System

Sec. 308-1. Title

This article shall be known as the "Norcross Vacant and Foreclosed Real Property Ordinance."

Sec. 308-2. Findings and Intent

A. The purpose of this article is to establish minimum requirements and standards for registration of vacant or foreclosed property to promote and protect the public health, safety, convenience, order and general welfare of the citizens of the city.

B. The Council finds that:

1. There is a need to establish a registration system for vacant and foreclosed property to protect the health, welfare and safety of all citizens, to protect property values for all property owners and to encourage proper upkeep and maintenance of such properties.
2. The lack of adequate maintenance and security of vacant and foreclosed properties have an adverse effect on the property values and quality of life of neighboring properties and are detrimental to the health, welfare and safety of all citizens.
3. Improperly maintained and secured properties can become a hazard to the health and safety all citizens and the owners of neighboring properties.
4. Difficulties often arise in locating the person responsible for the condition of vacant and foreclosed property. This registration system will require owners and agents to provide the city with official information for contacting the party responsible for bringing the property into compliance with applicable provisions of state and local laws and regulations.

Sec. 308-3. Registration of Vacant or Foreclosed Property

A. The owner or agent of any vacant real property or foreclosed real property shall maintain an agent for said property in the State of Georgia and shall register the property and the name of the agent with the Director within 30 days of the property becoming vacant or foreclosed, as defined in this article, unless otherwise exempted by this article or state law.

B. Any such owner or agent of foreclosed real property or vacant real property located within the jurisdiction of the city is required to file with the Department a registration form that shall be on the form developed by the Georgia Department of Community Affairs, or, if no form has been developed by the Georgia Department of Community Affairs, on a form provided by the city. Said form shall require submission of only the following information:

1. The real property owner's name, street address, mailing address, phone number, facsimile number, and e-mail address;
2. The agent's name, street address, mailing address, phone number, facsimile number, and e-mail address;
3. The real property's street address and tax parcel number;
4. The transfer date of the instrument conveying the real property to the owner; and
5. When it becomes available, recording information, including deed book and page numbers, of the instrument conveying the real property to the owner.

C. Registration is required for all vacant or foreclosed real property unless otherwise exempted pursuant to this article or Georgia law, but is not required for vacant or foreclosed real property within 90 days of such real property's transfer:

1. Pursuant to a deed under power of sale or deed in lieu of foreclosure; or
2. To the first subsequent transferee after the vacant real property has been acquired by foreclosure under power of sale pursuant to O.C.G.A. § 44-14-160 or acquired pursuant to a deed in lieu of foreclosure.

D. Any owner or agent required to register any vacant or foreclosed real property pursuant to this article or to Georgia law shall also be required to update the information specified in subsection (B) of this section within 30 days after any change in such required information regardless of whether the information provided to the registry was in the deed under power of sale or deed in lieu of foreclosure.

E. Any owner or agent required to register any vacant or foreclosed real property pursuant to this article or to Georgia law shall also be required to update the information specified in subsection (B)(1) of this section within 30 days after any change in such required information regardless of whether the information provided to the registry was in the deed under power of sale or deed in lieu of foreclosure.

F. Vacant properties subject to this article shall remain under the registration requirement of this article as long as they remain vacant.

G. If pursuant to the terms and definitions of this article a property is determined to have multiple owners, each owner, as defined by this article shall be jointly and severally liable for the property and compliance with this article.

H. Any owner or agent of a vacant or foreclosed real property which is required to be registered with the city under this article shall be required to make a payment for administrative fees that reasonably approximate the cost to the city of the establishment, maintenance, operation, and administration of the registry. Such fees shall not exceed $100.00 per registration and shall be established by resolution of Mayor and City Council.

I. The submittals required by this ordinance shall be submitted in paper format until such time as the Director develops a method for electronic submissions. If the Director develops a system for electronic registration under this article, the Director shall determine whether to continue to accept registrations in paper format.

J. Except for the forms created by the Georgia Department of Community Affairs, the Director shall create the forms necessary to carry out the provisions of this article. The owner shall be required to utilize the forms created by the Director.

Sec. 308-4. Removal from Registry

A vacant or foreclosed real property owner, or the agent of such owner, may apply to remove such vacant or foreclosed real property from the registry when the real property no longer constitutes vacant or foreclosed real property. The city shall grant or deny such application within 30 days, and if no such determination is made within 30 days, the application shall be deemed granted.

Sec. 308-5. Violation and Penalties

A. An owner or agent required to register a vacant or foreclosed real property under this article will be in violation of this article by:

1. Failing to register a vacant or foreclosed real property with the department;
2. Failing to update any changes in registration information provided to the city; or
3. Failing to pay any fees required herein.

B. Should the owner or agent violate this article, the city may issue a citation setting a hearing in municipal court.

C. Any person who is found guilty of violating this article shall be subject to a fine that shall not exceed $1,000.00. If an owner has multiple vacant real properties that are not registered with the city, each property not registered shall be a separate violation of this article.

Sec. 308-6. Appeal Procedure

A. Any owner or agent aggrieved of any determination or decision of the department, or the city, in the administration of this article may appeal to the municipal court of the city. All appeals hereunder must be taken within 30 days of the decision in question by filing with the Clerk of Court of the Municipal Court of the City of Norcross ("Clerk of Court"), a notice of appeal specifying the grounds thereof.

B. Upon receipt of the written appeal, the Clerk of Court shall notify the Director of the appeal and the Director shall, within 10 days, transmit all papers constituting the record to the Clerk of Court. The Clerk of Court shall schedule a hearing on the appeal within 60 days following the date the appealing party submits its completed written appeal to the Clerk of Court.

C. The municipal court judge may call for further information to be provided following the hearing and may continue the hearing for the purpose of receiving such information or for such other proceedings and reasons as the municipal court judge deems appropriate.

D. An appeal shall stay all proceedings in furtherance of the action appealed unless the Director, or their designee, certifies to the municipal court, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed except by order of the municipal court judge on notice to the department, and on due cause shown.

E. The municipal court's review shall be limited to determining whether the decision of the director constitutes a manifest abuse of his or her discretion in his or her application and enforcement of this article.

F. The municipal court judge may, in conformity with the provisions of this article, reverse or affirm, in whole or in part, or modify the decision, requirement, or determination of the department appealed by the owner or agent and may make such decision, requirement, or determination, as may be appropriate under the circumstances.

Sec. 308-7. Administration

A. The foreclosure and vacant real property registry is subject to the Open Records Act of the State of Georgia and the city may make such registry information available online.

B. Registration information shall be deemed prima facie proof of the statements contained therein in any court proceeding or administrative enforcement proceeding in connection with the enforcement of this article.

Sec. 308-8. Nuisances and Code Enforcement

Nothing in this article shall be construed to impair, limit, or preempt in any way the power of the city to enforce any applicable codes, as defined in state law, or to define or declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Sec. 308-9. Conflicts, Severability and Effective Date

A. All ordinances or parts of ordinances in conflict with this article are hereby repealed.

B. If any section, clause, sentence or phrase of this article is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this article.

C. This article shall become effective immediately upon its adoption by the City Council.

CHAPTER

400

Land Development

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CHAPTER 400 – Land Development

ARTICLE I. Land Development Standards

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ARTICLE I. Land Development Standards

DIVISION 1. - IN GENERAL

Sec. 401-1. Adopted portions of the Gwinnett County Unified Development Ordinance

The following Chapters of the Land Development Standards of the Gwinnett County Unified Development Ordinance, as described in Title 3, Development and Permitting, or as amended, are hereby adopted as a general ordinance of the city to the extent that the development regulations are not inconsistent with this UDO or City local amendments under Section 401-2:

- Chapter 330-10 – 330-20 - Chapter 340-90 – Development Conformance, Performance Surety, Maintenance Surety and Continuing Maintenance
- Chapter 350 – Inspections
- Chapter 360 – Development Design Standards
- Chapter 800 – Stormwater Management
- Chapter 810 – Stormwater Conveyance Systems
- Chapter 900. - Infrastructure, Streets, Sidewalks, Multi-Use Paths, Greenways
- Chapter 910. - Street Lighting
- Chapter 1000. - Public Utilities Installation

A copy of the current Gwinnett County Unified Development Ordinance and any additions, deletions or local amendments thereto shall be maintained in the office of the Community Development Department and be available for inspection by the public.

Sec. 401-2. Local amendments

For the purposes of applying portions of the Gwinnett Unified Development Ordinance, the following sections and chapters of the Gwinnett County Unified Development Ordinance are amended as follows:

A. Section 110-40. Definitions.

1. *Board of commissioners*, read Mayor and City Council.
2. *Comprehensive plan*, read City of Norcross Comprehensive Plan as amended.
3. *County*, read city.
4. *Department*, read Community Development Department.
5. *Engineering department*, read Community Development Department and/or consulting engineer as applicable.
6. *Erosion control regulations*, read Norcross UDO, Chapter 400, Article II, Erosion, Sediment and Pollution Control.
7. *Planning commission*, read city Planning and Zoning Board.
8. *Zoning resolution*, read Norcross UDO, Chapter 200 as amended.

B. Section 360-10. Incorporation of Standard Drawings.

Section 360-10.3 Standard drawings. Add under drawings sheet #106 the following: Retaining walls over two feet high constructed of railroad ties treated with oil based preserving processes (creosote) shall be prohibited except on single-family owner-occupied lots.

C. Section 360-70. Access and right-of-way requirements; and street improvement and construction requirements.

Section 360-70.1(D) The creation of private streets must be heard and approved by Council at a public meeting. The Council shall consider whether the creation of a private street is in the best interest of the citizens of the city, the impact to interconnectivity within the city road network, and the creation of future maintenance issues. Should the Council approve the use of a private street, the street and privately-owned utility area shall be constructed to the roadway construction standards of the City of Norcross, as contained herein. All private streets shall be owned in common by a home owners association within a development and shall be recorded as a common area parcel. All private streets shall have a street sign stating, "Private Street" or "Private Road" installed in a prominent location prior to the recording of a final plat.

D. *Section 810-10 General Requirements*. Add to the text of Section 810-10 the following:

Section 810-10.4 Surface drainage. All drainage in right-of-way or proposed right-of-way shall be piped using reinforced concrete pipe. Also, road culverts, even if private roads, shall be reinforced concrete pipe.

E. Section 900-90. Sidewalks.

Section 900-90.1 - Delete the text of Section 900-90.1 and replace with the following: Sidewalks shall be required in all new developments requiring a development permit excluding minor development permits.

Section 900-90.2.G. – Delete the text of sub-section 900-90.2.G. and replace with the following: Escrow alternative. The cost of sidewalk installation along city maintained roads may be set aside in escrow with the City if proposed road improvements by the City may impact the location of a sidewalk, or if the sidewalk cannot be constructed due to topographic or utility constraints. Costs shall be set at a linear rate by the City Engineer and are subject to include construction, acquisition, and engineering costs for sidewalk projects within the City.

Section 900-90.3 - Delete the text of Section 900-90.3.A. and replace with the following: “Sidewalks shall be a minimum of four feet wide and shall be required on both sides of the right-of-way.”

F. *Section 1000-70. Underground facilities*. Add to the text of Section 1000-70 the following:

Section 1000-70.5 In residential subdivisions all electrical utilities shall be under ground.

DIVISION 2. - STREAM BUFFER PROTECTION

Sec. 401-3. Title

Division II shall be known as the "Stream Buffer Protection Ordinance of the City of Norcross."

Sec. 401-4. RESERVED

Sec. 401-5. Applicability

A. This Division shall apply to all land development activity on property containing a stream protection area as defined in Chapter 100, Article II. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established under state law and approval or exemption from these requirements do not constitute approval or exemption from buffer requirements established under state law or from other applicable local, state or federal regulations.
B. After the effective date of the ordinance from which this article is derived, this article shall apply to new subdividing and platting activities.

Sec. 401-6. Grandfather provisions

This Division shall not apply to the following activities:

A. Work consisting of the repair, maintenance or replacement within the same disturbed area of any lawful use of land that is zoned and approved for such use on or before the effective date of the ordinance from which this article is derived.
B. Existing development and ongoing land disturbance activities including but not limited to existing agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new development or land disturbance activities on such properties will be subject to all applicable buffer requirements.
C. Any lawful land development activity that is under construction, has a valid permit, or has submitted a valid and complete application for a permit as of the effective date of the ordinance from which this article is derived, provided the permit is or can be issued within 90 calendar days of the effective date of the ordinance from which this article is derived and all time frames associated with said permit are observed.
D. Any lawful land development activity that has not been submitted for approval, but that is part of a larger master development plan, such as a house in a subdivision or a building in an office park or other phased development that has a valid preliminary plat permit per subsection (3) of this section, or an approved concept plan, or has submitted a valid and complete application for approval of a concept plan and receives approval within 90-calendar days as of the effective date of the ordinance from which this article is derived, provided the future permit is or can be issued within two calendar years of the effective date of the ordinance from which this article is derived and all time frames associated with said permit are observed.

Sec. 401-7. Exemptions

A. The following specific activities are exempt from this Division, however any activity within a state waters' buffer must meet state requirements:

1. Activities for the purpose of building one of the following:

    a. A stream crossing by a driveway, transportation route including but not limited to bike paths and pedestrian trails, or utility line;
    b. Public water supply intake or public wastewater outfall structures;
    c. Land development necessary to provide access to a property;
    d. Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;
    e. Unpaved foot trails and paths;
    f. Activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used;
    g. Stormwater outfalls to the stream, by pipe or channel, necessary to protect the buffer from erosion caused by high flow velocities due to steep slopes.

2. Public sewer line installation in easements running parallel with the stream where necessary, except that all easements (permanent and construction) and land disturbance within a state waters' buffer must meet state requirements. This includes such impervious cover as is necessary for the operation and maintenance of the utility including, but not limited to, manholes, vents and valve structures. This exemption shall not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material, except for access for the uses specifically cited in subsection (1) of this section.
3. Land development activities within a dedicated transportation right-of-way existing at the time that the ordinance from which this article is derived takes effect or approved under the terms of this article.
4. Within an easement of any utility existing at the time the ordinance from which this article is derived takes effect or approved under the terms of this article, land disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility including, but not limited to, manholes, vents and valve structures.
5. Emergency work necessary to preserve life or property. However, when emergency work is performed under this subsection, the person performing it shall report such work to the Community Development Department on the next business day after commencement of the work. Within ten business days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the Community Development Department to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.
6. Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the buffer that would otherwise be prohibited, then no other land disturbing activity other than normal forest management practices will be allowed on the entire property for three years after the end of the activities that intruded on the buffer.

B. Exemption of these activities does not constitute an exemption for any other activity proposed on a property.

Sec. 401-8. Stream Buffer and setback requirements

All land development activity subject to this article shall meet the following requirements:

A. An undisturbed buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank. The land forming the bank is also considered part of the buffer for purposes of this article.
B. An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.
C. No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.

Any land development activity within a buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted pursuant to Section 401-9.

Sec. 401-9. Variance—Procedures

A. Variance requests from the requirements of this article shall be submitted on an application form as prescribed by the Community Development Department or the Director's designee, along with such fees as shall be established by the Mayor and City Council. The Director of the Community Development Department or the Director's designee shall coordinate the review of each variance request with all other affected city departments and shall forward such comments or recommendations as may be received to the Mayor and City Council for action in their normal course of business. The review must include a recommendation from the Public Works Department.
B. This section describes how to apply for a variance from this division; however, any activity within a state waters' buffer must meet state requirements.
C. Variances may be granted in accordance with the following provisions:

    1. If the project involves the construction of one single-family home for residential use by the owner of the subject property on a parcel that was platted prior to the effective date of the ordinance from which this article is derived, and its shape, topography or other existing physical condition prevents land development consistent with this article, and the Public Works Department finds and determines that the requirements of this article prohibit the otherwise lawful use of the property by the owner, the Mayor and City Council may grant a variance from the buffer and setback requirements hereunder, provided such variance requires mitigation measures to offset the effects of any proposed land development on the parcel. The Mayor and City Council are authorized to use a consent agenda to fulfill the terms of this subsection.
    2. Except as provided above, the Mayor and City Council shall grant no variance from any provision of this article without first conducting a public hearing on the application for variance and authorizing the granting of the variance by an affirmative vote of the Mayor and City Council. The Community Development Department shall give public notice of each such public hearing in a newspaper of general circulation within the city at least once a week for two consecutive weeks before it is heard. The Community Development Department shall require that the applicant post a sign giving notice of the proposed variance and the public hearing at least 15 days prior to the date of the hearing. The sign shall be of a size and posted in such a location on the property as to be visible from the primary adjacent road right-of-way.
    3. No application or reapplication for a variance affecting the same stream segment on a property shall be heard within 12 months from the date of last action by the Mayor and City Council unless such 12-month period is waived by the Mayor and City Council, and in no case may such application or reapplication be reconsidered in less than six months from the date of last action by the Mayor and City Council.
    4. Variances will not be considered when, following adoption of the ordinance from which this article is derived, actions of any property owner of a given property have created conditions of a hardship on that property.

5. Variances will be considered only in the following cases:

    a. The applicant provides evidence that impacts to the buffer have been avoided or minimized to the fullest extent practicable; and
    b. The project involves the construction or repair of a structure that, by its nature, must be located within the buffer. Such structures include dams and detention/retention ponds;
    c. Paved recreational foot trails and viewing areas, providing that impacts to the buffer are minimal;
    d. The proposed land disturbing activity within the buffer will receive a permit from the United States Army Corps of Engineers (USACE) under section 404 of the Federal Water Pollution Control Act Amendment of 1972, 33 USC 1344, and the Corps of Engineers has received a mitigation plan to be implemented as a condition of such a permit. In addition, land disturbing activities in the buffer that are outside the USACE's jurisdiction must be mitigated;
    e. The buffer intrusion is mitigated using the procedure established in the city stormwater design manual; or
    f. A valid and complete application for rezoning of the property is submitted prior to the effective date of the ordinance from which this article is derived and approval of the rezoning application by the Mayor and City Council occurs after the effective date of the ordinance from which this article is derived, and the variance request is consistent with the intent of this article factoring into account the property owner's reliance on standards in effect at the time of the rezoning.

Sec. 401-10. Variance Request Information

At a minimum, a variance request shall include the following information:

A. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey, vegetation and other physical characteristics of the property;
B. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
C. A dated site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;
D. Documentation that impacts to the buffer have been avoided or minimized to the fullest extent practicable;
E. A calculation of the total area and length of the proposed intrusion;
F. A stormwater management site plan, if applicable;
G. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed;
H. A description of the project, with details of the buffer disturbance, including estimated length of time for the disturbance and justification for why the disturbance is necessary;
I. Any other reasonable information related to the project that the Public Works Department may deem necessary to effectively evaluate the variance request;
J. A copy of the permit application, supporting documentation, and proposed mitigation plan as submitted to the United States Army Corps of Engineers under section 404 of the Federal Water Pollution Control Act Amendment of 1972, 33 USC 1344, if applicable;
K. A copy of the permit application, supporting documentation, and proposed mitigation plan as submitted to the Georgia Environmental Protection Division for a variance from the state waters' buffer; and
L. A buffer mitigation plan in accordance with the procedure outlined in the city stormwater design manual.

Sec. 401-11. Factors for issuing variance

The following factors will be considered in determining whether to issue a variance:

A. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
B. The locations of all streams on the property, including along property boundaries as determined from field inspection;
C. The location and extent of the proposed buffer or setback intrusion;
D. Whether alternative designs are possible which require less intrusion or no intrusion;
E. The long term and construction water-quality impacts of the proposed variance;
F. Whether issuance of the variance is at least as protective of natural resources and the environment;
G. The value of mitigation activities as calculated in accordance with the city stormwater design manual.

DIVISION 3. - SPECIAL BUFFER REGULATIONS AND REQUIREMENTS

Sec. 401-12. Applicability

A. Whichever provisions of this Article are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.
B. The general grandfather provisions, exemptions, and variance procedures sections of this UDO do not apply to this article. Applicable exemptions and variances are given in this division.

Sec. 401-13. Chattahoochee Corridor

A. Vegetation shall be left in its natural state, and impervious surfaces shall not be permitted, for a distance of 50 horizontal feet as measured from both banks of the Chattahoochee River and its impoundments, and for a distance of 35 horizontal feet as measured from both banks of all other flowing stream channels within the Chattahoochee Corridor, except for footpaths, designated public access areas, river or stream crossings by transportation facilities, public water supply intake structures, public wastewater treatment plant outfalls and utility line crossings.
B. Subject and in addition to the restrictions set forth in subsection (a) of this section, impervious surfaces and structures shall not be permitted within, on or over any land that is 150 horizontal feet or less from either bank of the Chattahoochee River and its impoundments, except for footpaths, designated public access areas, river or stream crossings by transportation facilities, public water supply intake structures, public wastewater treatment plant outfalls and water supply and sewerage manholes that are designed and built at grade, unless it is determined by the Atlanta Regional Commission, after consideration by a Committee of the Atlanta Regional Commission as authorized by the Atlanta Regional Commission, and based in part upon the affidavit of, and substantial evidence submitted by, a registered professional engineer qualified in water quality and hydrology that the impervious surfaces and structures will be not be harmful to the water and land resources of the Chattahoochee Corridor, will not significantly impede the natural flow of waters and will not result in significant land erosion, stream bank erosion, siltation or water pollution.
C. Not including the impervious surfaces and structures that are excepted above, any impervious surfaces or structures that, in the judgment of the Atlanta Regional Commission, must legally be permitted within, on or over any land that is 150 horizontal feet or less from either bank of the Chattahoochee River and its impoundments on lots of record as of March 16, 1973, for the portion of the Chattahoochee Corridor water intake, which were designated by the local governing authority for a single-family detached residential use, shall meet the following standard: For each one foot incursion into the 150-foot impervious surface buffer, one foot of natural vegetation shall be added to the 50-foot natural vegetation buffer. In the event that the Atlanta Regional Commission determines that legal, physical, biological or hydrologic conditions on the site prevent the addition of all the required natural vegetation, substitute measures satisfactory to the Atlanta Regional Commission shall be taken to provide an equivalent level of land and water resource protection.

Sec. 401-14. Additional Information Requirements for Development on Stream Buffer Zone Properties

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

A. A site plan showing:

    1. The location of all streams on the property;

2. Limits of required stream buffers and setbacks on the property;
3. Buffer zone topography with contour lines at no greater than two-foot contour intervals;
4. Delineation of forested and open areas in the buffer zone; and
5. Detailed plans of all proposed land development in the buffer and of all proposed impervious cover within the setback;

B. A description of all proposed land development within the buffer and setback; and

C. Any other documentation that the Public Works Department may reasonably deem necessary for review of the application and to ensure that the buffer zone ordinance is addressed in the approval process. All buffer and setback areas must be recorded on the final plat of the property following plan approval.

DIVISION 4. - ADMINISTRATION AND ENFORCEMENT

Sec. 401-15. Responsibility

Neither the issuance of a development permit nor compliance with the conditions thereof, nor with the provisions of this article shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability upon the city, its officers or employees, for injury or damage to persons or property.

Sec. 401-16. Inspection

A. Either the Public Works Department or the Community Development Department may cause inspections of the work in the buffer or setback to be made periodically during the course thereof and shall make a final inspection following completion of the work. The permittee shall assist representatives or either department in making such inspections. Both the Director of the Public Works Department and the Director of the Community Development Department or the Director's designee shall have the authority to conduct such investigations as he may reasonably deem necessary to carry out the duties as prescribed in this article, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land development activities within the protection area.
B. No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out official duties.

Sec. 401-17. Violations, enforcement and penalties

Any action or inaction that violates the provisions of this article or the requirements of an approved plan or permit shall be subject to the enforcement actions or penalties outlined herein. Any such action or inaction that is continuous with respect to time is deemed to be a public nuisance and also may be abated by injunctive or other equitable relief. The imposition of any of the enforcement actions or penalties described herein shall not prevent such equitable relief.

Sec. 401-18. Enforcement procedures

The following are the enforcement procedures authorized by this article. In the event the owner or responsible person fails to correct the violations after the deadline contained in the notice of violation, both the Director of the Public Works Department and the Director of the Community Development Department or the Director's designee are authorized to take or impose any one or more of the additional actions contained herein:

A. *Notices of violation.* Enforcement shall begin with the issuance of a written notice of violation to the owner or responsible person by the Director of the Public Works Department or the Director of the Community Development Department or the Director's designee. The notice may be delivered personally or sent by first class mail. The notice of violation shall contain at least the following information:

    1. The name and address of the owner or responsible person;
    2. The location or address of the site upon which the violation is occurring;
    3. A description of the nature of the violation;

4. A description of the remedial actions or measures necessary to bring an action or inaction into compliance with a permit, approved plan or this article;
5. The deadline or completion date of any such remedial actions or measures;
6. A statement of the penalties that may be assessed against the owner or responsible person to whom the notice of violation is directed.

B. *Stop work orders.* The Director of the Public Works Department or the Director of the Community Development Department or the Director's designee is authorized to issue stop work orders to an owner or responsible person. Stop work orders are effective immediately and shall remain in effect until the necessary corrective actions or remedial measures as set forth in the notice of violation have occurred. Stop work orders may be withdrawn or modified by the Director of the Public Works Department or the Director of the Community Development Department or the Director's designee in order to enable an owner or responsible person to take necessary remedial actions or measures to correct the violations.

C. *Refusal to issue certificates of occupancy or completion.* The Director of the Community Development Department or the Director's designee is authorized to refuse to issue certificates of occupancy or completion for the building or other improvements constructed or being constructed on a site until the owner or responsible person has taken the remedial actions or measures as set forth in the notice of violation or has otherwise corrected the violations described therein.

D. *Suspension, revocation, or modification of permit.* The Director of the Community Development Department or the Director's designee is authorized to suspend, revoke or modify a permit that was issued authorizing land disturbing activities or development. The Director of the Community Development Department or the Director's designee is authorized to reinstate a suspended, revoked or modified permit after the owner or responsible person has taken the remedial actions or measures stated in the notice of violation or has otherwise corrected the violations described therein. The Director of the Community Development Department or the Director's designee is also authorized to reinstate such permit, which may include conditions as the Director of the Community Development Department or the Director's designee may deem necessary, to enable the owner or responsible person to take the necessary remedial actions or measures to correct the violations.

E. *Refusal to approve final subdivision plats.* The Director of the Community Development Department or the Director's designee is authorized to refuse to approve final plats until the owner or responsible person has taken the remedial actions or measures set forth in the notice of violation or has otherwise corrected the violations described therein.

F. *Issuance of citations or summons to court.* Both the Director of the Public Works Department and the Director of the Community Development Department or the Director's designee are authorized to issue a citation or summons to the owner or responsible person requiring such person to appear in a court of competent jurisdiction to answer charges for violations of this article.

Sec. 401-19. Legal penalties and/or remedies

A. *Fine and/or sentence.* Any person convicted by a court of competent jurisdiction of violating any provision of this article shall be guilty of violating a duly adopted ordinance of the city and shall be punished either by a fine not less than $100.00 per day and not greater than $1,000.00 per day, or by a sentence of imprisonment not to exceed 30 days in jail, or both a fine and jail or work alternate. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

B. *Other legal remedies.* In any case in which a violation of this article has occurred, the city, in addition to other remedies provided by law, may petition for a restraining order, injunction, abatement, or take any other appropriate legal action or proceeding through a court of competent jurisdiction to prevent, restrain, or abate such unlawful use or activity.

Sec. 401-20. Remedies

In any case in which any land is, or is proposed to be, used or activities are undertaken in violation of this article or any amendment thereto adopted by the Mayor and City Council, the city, in addition to other remedies provided by law, may petition for a restraining order, injunction, abatement, or take any other appropriate legal action or proceeding through a court of competent jurisdiction to prevent, restrain, or abate such unlawful use or activity.

Sec. 401-21. Administrative Appeal and Judicial Review

A. Administration

This article shall be administered, interpreted, and enforced by both the Director of the Public Works Department and the Director of the Community Development Department or the Director's designee.

B. Administrative appeal

Appeals of the interpretation by either the Director of the Public Works Department or the Director of the Community Development Department or the Director's designee of the requirements of this article shall first be submitted in writing (on a form provided by the Community Development Department) to either Director who shall review the request in a timely manner and receive comments from other affected departments. Such appeal shall be made within 15 days after the decision to be appealed. The appeal thereupon shall be forwarded to the Mayor and City Council for action in their normal course of business.

C. Judicial review

Any person aggrieved by a decision or order of either the Director of the Public Works Department or the Director of the Community Development Department or the Director's designee, after exhausting all administrative remedies, shall have the right to appeal by writ of certiorari to the superior court of the county.

Sec. 401-22. Fees imposed

The fees imposed for actions undertaken pursuant to the provisions under this article shall be as follows:

A. Application filing, permit, inspection, and other fees shall be as may be established from time to time by the Mayor and City Council.
B. Permit fees, if any, shall be submitted as a prerequisite to issuance of the permit. Nonpayment as a result of submission of a check having insufficient funds on account, or for any other reason, shall cause the permit to be voided and reissuance subject to penalty as may be established by the Mayor and City Council.
C. Application fees, if any, shall be submitted with the application and upon acceptance of said submission for review and consideration shall not be refundable. Failure to pay a required application fee shall cause the application to be returned to the applicant without acceptance for review or consideration by the city.

D. Following the approval of development plans, and prior to authorization to begin construction, the developer shall provide for the payment of such fees as may be established from time to time by the Mayor and City Council. Such fees shall not be refundable following issuance of a development permit, except upon approval of the Mayor and City Council.
E. Prior to approval of a final plat or certificate of occupancy, the developer shall provide to the Public Works Department such fees and performance and/or maintenance bonds as shall be required by this article or established from time to time by the Mayor and City Council.

Division 5. - TRAFFIC IMPACT STUDIES

Sec. 401-23. Purpose and intent

Understanding the demands placed on the community's transportation network by development is an important dimension of assessing the overall impacts of development. All development generates traffic, and it may generate enough traffic to create congestion and thus require the community to invest more capital funds into the transportation network in the form of new roads, traffic signals and intersection improvements. Traffic congestion results in a number of problems, including economic costs due to delayed travel times, air pollution and accidents. By requiring traffic impact studies for proposed developments meeting certain thresholds, the city will be better able to determine the transportation demands of development proposals and provide for reduction of adverse impacts on the transportation system.

Sec. 401-24. Objectives

The city finds that requiring a traffic impact study for proposed developments that meet certain thresholds will help to achieve the following objectives:

A. Forecast additional traffic associated with new development, based on accepted practices.
B. Determine the improvements that are necessary to accommodate the new development.
C. Allow the local government to assess the impacts that a proposed development may have and assist the local government in making decisions regarding development proposals.
D. Help to ensure safe and reasonable traffic conditions on streets after the development is complete.
E. Reduce the negative impacts created by developments by helping to ensure that the transportation network can accommodate the development.
F. Protect the substantial public investment in the street system.
G. Provide information relevant to comprehensive planning, transportation planning, transit planning and the provision of programs and facilities for traffic safety, road improvements, transportation demand management, pedestrian access and other transportation system considerations.

Sec. 401-25. RESERVED

Sec. 401-26. Thresholds of applicability

A traffic impact study shall be required for any discretionary development proposal which meets or exceeds the thresholds in the following table.

Type of Development	Threshold
Office	Greater than 125,000 gross square feet
Commercial	Greater than 100,000 gross square feet
Warehouse	Greater than 175,000 gross square feet
Hotel	Greater than 150 rooms
Assembly spaces	Greater than 2,000 seats
Residential, single-family detached	Greater than 125 units
Residential, multi-family	Greater than 150 units
General	Any use that generates more than 1,800 daily trips

Sec. 401-27. Exemptions

A. A traffic impact study is not required if a discretionary development proposal is initiated by the city.
B. A discretionary development proposal may be exempted from the traffic impact study requirement by the Community Development Department Director if a prior traffic impact study for the subject property has been submitted to the city and the proposed development is substantially similar to that for which the prior traffic impact study was conducted.
C. Any development of regional impact that complies with rules of the Georgia Regional Transportation Authority (GRTA) shall be exempt from this article.

Sec. 401-28. Determination of applicability

At the time a discretionary development proposal is filed, or during any pre-application meeting if possible, Community Development Department staff shall determine whether a traffic impact study shall be required according to this article. Community Development Department staff shall calculate the expected trip generation of the proposed development using professionally accepted trip generation rates or other data and compare it to the thresholds specified in this article to determine whether a traffic impact study is required.

Applicants for discretionary development proposals shall provide sufficient information about the development proposal (e.g., number of dwelling units, square footage of buildings, number of employees, land area of the development, etc.) for Community Development Department staff to apply professionally accepted trip generation rates to the proposed development. Community Development Department staff shall not accept a discretionary development proposal for processing unless it contains the data on the proposed development necessary to apply available trip generation rates.

Sec. 401-29. Scoping meeting

Once it is determined that a traffic impact study is required, a scoping meeting may be held with the developer or his or her consultant and the appropriate representatives of the city. It will be the responsibility of the developer or his or her

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

Sec. 401-30. Required contents of a traffic impact study

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

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

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

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

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

Sec. 401-31. Additional technical specifications

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

Sec. 401-32. Costs and fees

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

Sec. 401-33. Submittal and review of study

The applicant for the proposed development or the qualified professional shall submit one electronic copy of the traffic impact study and technical appendix, two paper copies of the traffic impact study and one paper copy of the technical appendix to the Community Development Department. Community Development Department staff may submit copies of the report to applicable review agencies which may include the Georgia Department of Transportation, GRTA, an adjacent local jurisdiction and/or metropolitan planning organization or regional development center. Within ten working days of receipt of a traffic impact study, Community Development Department staff shall review all calculations and analyses and determine if they are complete, reasonable, understandable, consistent and fully explained. The conclusions presented in the traffic impact study shall be consistent with and supported by the data, calculations and analyses in the report. Calculations, graphs, tables, data and/or analysis results that are contrary to good common sense or not consistent with and supported by the data will not be accepted. In such events, Community Development Department staff shall return the traffic impact study to the development applicant for correction.

Sec. 401-34. Recommendations for mitigation of impacts

Within ten working days of receipt of a completed traffic impact study, Community Development Department staff shall complete his or her review of the study and submit to the applicant all recommendations for mitigation measures as stated in the traffic impact study and include any interpretations or recommended conditions of approving the discretionary development proposal that will mitigate traffic impacts of the proposed development.

Sec. 401-35. Determination of project and system improvements

Community Development Department staff shall determine which mitigation measures constitute "project" improvements and which mitigation measures constitute "system" improvements within the context of the Georgia Development Impact Fee Act of 1990.

In the event that a particular improvement is called for in the traffic impact study or recommended by Community Development Department staff, and Community Development Department staff is unable to uniquely attribute the recommendation as a project or system improvement or finds that such improvement has characteristics of both a project improvement and a system improvement, Community Development Department staff shall determine the proportion of the cost of such improvement that can reasonably be attributed to the development as a project improvement, and the portion of such improvement that can reasonably be considered a system improvement.

Sec. 401-36. Conditions of development approval for project improvements

Upon the determination of project improvements needed to mitigate the traffic impacts of the discretionary development proposal as provided in this article, Community Development Department staff shall recommend that the project improvements be completed by the developer as conditions of approval of the discretionary development proposal.

Sec. 401-37. System improvements

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

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

ARTICLE II. Soil Erosion, Sedimentation and Pollution Control

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ARTICLE II. Soil Erosion, Sedimentation and Pollution Control

DIVISION 1. – GENERAL PROVISIONS

Sec. 402-1. Short title

This Article shall be known as the "City of Norcross Soil Erosion, Sedimentation and Pollution Control Ordinance."

Sec. 402-2. Purpose and intent

The real potential exists for excessive quantities of soil to erode from areas that are undergoing land disturbance such as housing developments, industrial sites, and roads. The resulting sediment could clog storm sewers and road ditches, add mud to streams and silt lakes, rivers, and reservoirs. Excessive sediment limits the use of water for most beneficial purposes. Sediment choked streams are unsightly and their reduced channel capacity can result in flooding and associated damages, including the threat to the public health and safety. Therefore, it is the purpose of this article to effectively contain soil erosion and sedimentation on the parcels where land is being disturbed by requiring provisions for water disposal and the protection of soil surfaces prior to, during, and after the land disturbance in order to promote the safety, public health, convenience, and general welfare of the citizens of city.

Sec. 402-3. Rules applying to text

For the purpose of this article certain rules of construction apply to the text as follows:

A. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates contrary.
B. The word "shall" is always mandatory and not discretionary.
C. The word "may" is permissive.
D. Except as specifically defined herein, all words used in this article have their common dictionary definition.

Sec. 402-4. Liability

A. Neither the approval of a plan under the provisions of this article nor the compliance with the provisions of this article shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the city for damage to any person or property.
B. The fact that a land-disturbing activity for which a land-disturbing permit has been issued results in injury to the property of another shall neither constitute proof of, nor create a presumption of, a violation of the standards provided for in this article or the terms of the land-disturbing permit.
C. No provision of this article shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved there under or pollute any waters of the state as defined thereby.
D. Nothing contained in O.C.G.A. § 12-7-1 et seq. shall prevent any local issuing authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Sections 402-10 and 402-11.

Sec. 402-5. Conflicting regulations

All regulations or parts of regulations of the Code of Ordinances, in conflict with this article shall be and the same are hereby repealed in their portions so in conflict; provided, however, that it is not the intent of this article to repeal or affect any law of the state, or any code or ordinance of the City adopted as a requirement of state law, in which case the most restrictive shall control.

Sec. 402-6. Validity

If any section, paragraph, clause, phrase, or provision of this article shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this ordinance.

DIVISION 2. - EXEMPTIONS

Sec. 402-7. Exempt land-disturbing activities.

This article shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

A. Surface mining, as the same is defined in O.C.G.A. § 12-4-72, "The Georgia Surface Mining Act of 1968;"
B. Granite quarrying and land clearing for such quarrying;
C. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
D. The construction of single-family residences when such construction disturbs less than one acre and is not part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this section; provided, however, that construction of any such residence shall conform to the minimum requirements set forth in O.C.G.A. § 12-7-6 and this section. For single-family residence construction covered by the provisions of this section, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to article 2 of chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the director of EPD may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of O.C.G.A. § 12-7-6(b) and the buffer zones provided by this section shall be enforced by the local issuing authority;
E. Agricultural operations as defined in O.C.G.A. § 1-3-3, "Definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chicken, hens, and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; and farm buildings and farm ponds;

F. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in subsections 109-471(15) and (16), no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;

G. Any project carried out under the active technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture. This excludes those land-disturbing activities undertaken by a person who has requested technical advice only rather than active participation from the Natural Resources Conservation Service;

H. Any project involving 5,000 square feet or less of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the bank of any state waters, and for purposes of this section, the term "state waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves 5,000 square feet or less of disturbed area and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located. The provisions of this section shall not apply to those projects specifically exempted by subsections (1), (2), (3), (4), (5), (6), (7), (9), or (10) of this section;

I. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Georgia Department of Transportation, the Georgia Highway Authority, the Georgia Tollway Authority, or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Georgia Department of Transportation or the Georgia Tollway Authority which disturb one or more contiguous acres of land shall be subject to the provisions of O.C.G.A. § 12-7-7.1; except where the Georgia Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the local issuing authority, the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;

J. Any land disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and

K. Any public water system reservoir.

Sec. 402-8. RESERVED

DIVISION 3. - MINIMUM REQUIREMENTS FOR EROSION AND SEDIMENTATION CONTROL USING BEST MANAGEMENT PRACTICES

Sec. 402-9. General provisions

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities that are not exempted by this article shall contain provisions for the application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the requirements of sections 402-10 and 402-11. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this ordinance and the NPDES General Permit.

Sec. 402-10. Minimum requirements/best management practices (BMPs)

A. Best management practices as set forth in this section and section 402-11 shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the director or to any other allegation of noncompliance with subsection (b) or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act". As used in this section, the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the Manual for Erosion and Sediment Control in Georgia, specified in O.C.G.A. § 12-7-6(b).

B. A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by the local issuing authority or of any state general permit issued by the division pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units (NTUs) for waters supporting warm water fisheries or by more than ten nephelometric turbidity units (NTUs) for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines as may be issued by the director. This section shall not apply to any land disturbance associated with the construction of single-family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.

C. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by city or of any state general permit issued by the Environmental Protection Division of the Georgia Department of Natural Resources pursuant to O.C.G.A. § 12-5-30(f), the "Georgia Water Quality Control Act", for each day on which such failure occurs.

D. The director may require, in accordance with regulations adopted by the board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.

E. The LIA may set more stringent buffer requirements than stated in subsections 109-471(15) and (16), in light of O.C.G.A. § 12-7-6(c).

Sec. 402-11. Additional minimum requirements

The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. § 12-7-1 et seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation which are consistent with, and no less stringent than the state general permit, and those practices contained in the "Manual for Erosion and Sediment Control in Georgia" published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, shall be observed by all land disturbers and plan preparers, as well as the following:

A. Stripping of vegetation, regrading, and other development activities shall be conducted in a manner so as to minimize erosion;
B. Cut-fill operations must be kept to a minimum;
C. Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;
D. Whenever feasible, natural vegetation shall be retained, protected, and supplemented;
E. The disturbed areas and the duration of exposure to erosive elements shall be kept to a practicable minimum;
F. Disturbed soil shall be stabilized as quickly as practicable;
G. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development. The disturbed area shall be stabilized with temporary vegetation or mulch if land-disturbing activity temporarily ceases for more than 14 calendar days;
H. Permanent vegetation and structural erosion control measures shall be installed as soon as practicable. The disturbed area shall be stabilized with permanent vegetation if land-disturbing activity ceases for more than 30 calendar days;
I. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this section, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1 et seq.;
J. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping surface of fills;
K. Cuts and fills may not endanger adjoining property;
L. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
M. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings shall be kept to a minimum;
N. Land-disturbing activity plans for erosion and sedimentation control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in subsection 109-470(b);
O. Except as provided in subsection 402-11. P., there is established a 25-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to O.C.G.A. § 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated

in the project plans and specifications and are implemented; or along any ephemeral stream. As used in this provision, the term "ephemeral stream" means a stream that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the groundwater table year-round; for which groundwater is not a source of water; and for which runoff from precipitation is the primary source of water flow. Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of article 5 of chapter 5 of the "Georgia Water Quality Control Act" shall remain in force unless a variance is granted by the director as provided in this section. The following requirements shall apply to any such buffer:

1. No land-disturbing activities shall be conducted within a buffer and it shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the construction site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
2. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:

    a. Stream crossings for water lines; or
    b. Stream crossings for sewer lines.

P. There is established a 50-foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to article 2 of chapter 5 of title 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25-foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the board, so long as any such pipe must stop short of the downstream landowner's property, and the landowner complies with the buffer requirement for any adjacent trout streams. The director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to any such buffer:

1. No land-disturbing activities shall be conducted within a buffer and it shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the construction site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water

quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

2. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:

    a. Stream crossings for water lines; or
    b. Stream crossings for sewer lines.

Sec. 402-12. Proof or presumption of violation by injury

The fact that land-disturbing activity for which a land-disturbing permit has been issued results in injury to the property of another shall neither constitute proof of, nor create a presumption of, a violation of the standards provided for in this article or the terms of a land-disturbing permit.

DIVISION 4. - PERMIT APPLICATION AND PLAN REQUIREMENTS

Sec. 402-13. General

The property owner, developer and designated planners and engineers shall review the general development plans and detailed plans. The local issuing authority shall review the tract to be developed and the area surrounding it. They shall review the zoning resolution, storm water management regulations, subdivision regulations, flood damage prevention regulations, this article, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the local issuing authority. However, the owner and/or operator are the only parties who may obtain a permit.

Sec. 402-14. Permit requirements

A. *Land-disturbing permit required.* No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the City without first obtaining a permit from the City Community Development Department to perform such activity and providing a copy of notice of intent submitted to EPD if applicable.

B. *Application submittal.* The application for a permit shall be submitted to the City Community Development Department and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in section 402-15. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land-disturbing activity proposed will be carried out in such a manner that the provisions of Sections 402-10 and 402-11 of this UDO will be met. Applications for a permit will not be accepted unless accompanied by four copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD rule 391-3-7-.10.

C. *Fees.*

    1. A land-disturbing permit fee, in an amount as established by a separate resolution by the Mayor and Council, shall be charged for each acre or fraction thereof in the project area.

2. In addition to the land-disturbing permit fee, fees shall be assessed pursuant to O.C.G.A. § 12-5.23(a)(5), provided that such fees shall not exceed $80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to O.C.G.A. § 12-7-8(a), half of such fees levied shall be submitted to the Georgia EPD; except that any and all fees due from an entity that is required to give notice pursuant to O.C.G.A. § 12-7-17(9) or O.C.G.A. § 12-7-18(10) shall be submitted in full to the Georgia EPD regardless of the existence of a local issuing authority in the jurisdiction.

D. *Review by the District.* Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The District shall approve or disapprove a plan within 35 days of receipt. Failure of the District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the Local Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by subsections 402-11. O.) and 402-11. P. have been obtained, all fees have been paid, and bonding, if required as per subsection 402-14. J. have been obtained. Such review will not be required if the Local Issuing Authority and the District have entered into an agreement which allows the Local Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District. The Local Issuing Authority with plan review authority shall approve or disapprove a revised plan submittal within 35 days of receipt. Failure of the local issuing Authority with plan review authority to act within 35 days shall be considered an approval of the revised plan submittal.

E. Permits shall be issued or denied as soon as practicable but in any event not later than 45 days after receipt by the local issuing authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.

F. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this article, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.

G. *[Phased development.]* If the tract is to be developed in phases, then a separate permit shall be required for each phase.

H. *Permit suspension, revocation, or modification.* The land-disturbing permit may be suspended, revoked, or modified by the local issuing authority, as to all or any portion of the land affected by the plan, upon finding that the holder or the holder's successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or the holder's successor in title is in violation of this article. A holder of a land-disturbing permit shall notify any successor in title to the holder as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

I. If a permit applicant has had two or more violations of previous permits, this article section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the local issuing authority may deny the permit application, in light of O.C.G.A. § 12-7-7 (f)(1).

J. The local issuing authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, $3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section

or with the conditions of the permit after issuance, the local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

Sec. 402-15. Plan requirements

A. *Plans shall meet minimum requirements.* Plans shall be prepared to meet the minimum requirements as contained in sections 402-10 and 402-11, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The "Manual for Erosion and Sediment Control in Georgia" is hereby incorporated by reference into this article. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances or regulations and state laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the commission and in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.

B. *Data required for plan* . Data required for site plan shall include all the information required from the appropriate erosion, sedimentation and pollution control plan review checklist established by the commission as of January 1 of the year in which the land-disturbing activity was permitted.

C. *Property owner responsibility for maintenance.* Maintenance of all soil erosion and sedimentation control measures and practices, whether temporary or permanent, shall be at all times the responsibility of the property owner.

DIVISION 5. - ADMINISTRATION AND INSPECTIONS

Sec. 402-16. Administration

This article shall be administered, interpreted, and enforced by the director of the City Community Development Department. All other ordinances or regulations referenced herein shall be administered by the directors of the departments of the City responsible for such codes and regulations as may be established by the Mayor and Council.

Sec. 402-17. Inspection

A. The Community Development Department will periodically inspect the sites of land-disturbing activities for which land-disturbing permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures and practices required in the plan are effective in controlling erosion and sedimentation. Also the local issuing authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person

engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, with additional on-site recommendations of the department, or with the provisions of this article, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time period specified, the person shall be deemed to be in violation of this article.

B. The local issuing authority must amend its ordinances to the extent appropriate within 12 months of any amendments to the Erosion and Sedimentation Act of 1975.

C. The City Community Development Department shall have the power to conduct such investigations as reasonably deemed necessary to carry out the duties as prescribed in this article, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.

D. No person shall refuse entry or access to any authorized representative or agent of the local issuing authority, the commission, the district, or division who requests entry for the purpose of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

E. The district or the commission or both shall semi-annually review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8(a). The district or the commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The district or the commission shall notify the division and request investigation by the division if any deficient or ineffective local program is found.

F. The division may periodically review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. § 12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. § 12-7-8(a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. § 12-7-7(e), the division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a local issuing authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a local issuing authority.

DIVISION 6. - EDUCATION AND CERTIFICATION

Sec. 402-18. Required

A. Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.

B. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.
C. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this article.
D. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of O.C.G.A. 12-7-19(b)(1), then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in O.C.G.A § 12-7-19(b)(4) and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

DIVISION 7. - ADMINISTRATIVE AND JUDICIAL APPEAL

Sec. 402-19. Administrative appeal

A. An appeal from the requirements of this article or of the decision or interpretation of the director shall be submitted by the property owner on an application form as prescribed by the department, along with such fees as may be established from time to time by the Mayor and Council.
B. The suspension, revocation, modification or grant with condition of a permit by the local issuing authority upon finding that the holder is not in compliance with the approved erosion and sediment control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of this article; shall entitle the person submitting the plan or holding the permit to a hearing before the Mayor and Council to be scheduled in their normal course of business after receipt by the local issuing authority of written notice of appeal.
C. The property owner shall state clearly why the requirements of this article cannot be met or why the interpretation or decision of the Director is in error.
D. The director shall transmit a copy of the appeal application to all affected county departments, including the Soil and Water Conservation District, soliciting their respective recommendations and coordinate the recommendations of each respondent. The other responses together with the director's recommendation shall be forwarded to the Mayor and Council, with the exception of appeals from buffer variance request decisions, for final action in their normal course of business. Buffer variance appeals shall be decided upon by the Soil and Water Conservation District in their normal course of business whose decision shall be final. An appeal in conflict with the provisions of the Georgia Erosion and Sedimentation Act (O.C.G.A. § 12-7-1 et seq.), shall not be considered or approved by the Mayor and Council.
E. After final action by the Mayor and Council, the Director shall transmit a copy of said action to the City Soil and Water Conservation District and to the property owner.

Sec. 402-20. Judicial appeal

Any person aggrieved by a decision or order of the Director, after exhausting his administrative appeals, shall have the right to appeal de novo to the Superior Court of Gwinnett County.

DIVISION 8. - PENALTIES

Sec. 402-21. Failure to obtain a land-disturbing permit

If any person commences any land-disturbing activity in which a land-disturbing permit is required by this article without first obtaining said permit, the person shall be subject to revocation of their business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the local issuing authority.

Sec. 402-22. Stop work orders

The following procedures shall apply to the issuance of stop work orders:

A. For the first and second violations of the provisions of this article, the director or the local issuing authority shall issue a written warning to the violator. The violator shall have five calendar days to correct the violation. If the violation is not corrected within five calendar days, the director or the local issuing authority shall issue a stop work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the local issuing authority shall issue an immediate stop work order in lieu of a written warning;
B. For a third and each subsequent violation, the director or the local issuing authority shall issue an immediate stop work order;
C. All stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred; and
D. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the local issuing authority or by the director or his or her designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and/or maintained, a stop work order shall be issued by the local issuing authority or by the director or his or her designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

Sec. 402-23. Bond forfeiture

If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in

violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of subsection 402-14. J. The local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

Sec. 402-24. Monetary penalties

Any person who violates any provision of this article, or any permit condition or limitation established pursuant to this article or who negligently or intentionally fails or refuses to comply with any final or emergency order of the director issued as provided in this article, shall be liable for a civil penalty not to exceed $2,500.00 per day. For the purpose of enforcing the provisions of this article, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed $2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this article, under county ordinances approved pursuant to state law under this article shall be authorized to impose penalties for such violations not to exceed $2,500.00 for each violation or may impose a sentence of imprisonment not to exceed 60 days in jail or both. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

A. The court shall have the power and authority to order the violation corrected in compliance with the requirements of this article and the court may require payment of restitution or impose other punishment allowed by law.
B. In any case in which any land is, or is proposed to be, used or activities are undertaken in violation of this article, the county, in addition to other remedies provided by law, may petition for a restraining order, injunction, abatement, or take any other appropriate legal action or proceeding through a court of competent jurisdiction to prevent, restrain, or abate such unlawful use or activity.

Sec. 402-25 Issuance of certificates

Certificates of development conformance (CDC), certificates of occupancy (CO) or certificates of completion (CC) shall not be issued for any building unless all erosion control measures as shown on the approved plans shall have been completed in accordance with this article.

ARTICLE III. Site and Subdivision Regulations

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ARTICLE III. Site and Subdivision Regulations

Sec. 403-1. Purpose

This Article describes the approval process for land subdivision activity, the steps required for filing and processing related applications for permits and certificates, and the standards that apply to each type of subdivision, including minor subdivisions, major subdivisions, and the combining and re-subdividing of lots. Subdivision review helps to ensure that all subdivision and sale of land comply with the applicable requirements of the UDO, and generally involves the review and approval of the following plans or plats:

A. Concept Plan.
B. Preliminary Plat.
C. Construction Plans.
D. Final Plat.
E. Combination Plat.
F. Exemption Plat.

Sec. 403-2. Application of the Regulations

A. Subdivision review and approval are required for any:

    1. Division of land into two or more lots;
    2. Recombination of two or more lots;
    3. Dedication of utility easements;
    4. Dedication of public right-of-way;
    5. Abandonment of existing public right-of-way; and
    6. Extension of public or private streets.

B. No development or development activity associated with land subdivision is permitted unless all development approvals applicable to the proposed development are issued in accordance with this Article. Unless otherwise stated, development approvals are required for all development.
C. Whenever in this UDO a permit or certificate is required, an application shall be made to the Community Development Department. Obtaining approvals required by such application shall be the responsibility of the applicant. Issuance of permits or certificates and the collection of fees shall be the responsibility of the Community Development Department.
D. No plat of a subdivision shall be recorded in the Office of the Clerk of the Superior Court of Gwinnett County, unless it has first been approved in compliance with the regulations of this UDO.
E. The transfer of title or sale of land by reference to a plat or a subdivision that has not been approved by the City of Norcross and properly recorded in compliance with the regulations set forth in this UDO is prohibited and shall not be recognized or qualified as a subdivision.
F. No building permit shall be issued, and no building shall be erected on any subdivision lot within the City of Norcross unless that lot legally existed prior to the enactment of the UDO, or unless that lot shall first have been created in accordance with the regulations set forth in this Article. However, within a major subdivision that is under construction, up to 4 model homes may be constructed on proposed lots prior to final plat approval and recordation,

subject to the following requirements of this Subsection.

G. No land or facilities shall be dedicated to the City of Norcross for public ownership or use unless that dedication is made in accordance with the regulations set forth in this Article.

Sec. 403-3. General Requirements

A. Suitability of the Land

1. Land subject to flooding, improper or inadequate drainage or erosion, if developed as proposed, and any land deemed unsuitable for development due to steep slopes, unsuitable soils, subsurface conditions or other undesirable properties, shall not be subjected to development as a lot within a Subdivision for any uses that shall or may create or continue such conditions or increase danger to health, safety, life or property.
2. No land identified as unbuildable area or land within any delineated floodways shall be included within the Buildable Area of any Subdivision.

B. Access

1. When land is subdivided into larger parcels than ordinary building lots, such lots shall be arranged and designed to allow for the opening of future streets and to provide access to those areas not presently served by streets.
2. No subdivision shall be designed to completely eliminate street access to adjoining parcels of land. Every development shall be designed to facilitate access to adjoining properties, which are developed or anticipated to be developed in a manner compatible with or substantially similar to the subject property.
3. Locations of inter-parcel access shall be as required by and subject to the approval of the City of Norcross.
4. Private streets, as may be approved under the provisions of this UDO, shall be constructed to the roadway standards of the City of Norcross.

C. Conflicting standards or requirements

1. Where any provision of this Article conflicts with any provision of State law, the State law controls. Where this Article is incomplete in having failed to incorporate a provision necessarily required for the implementation of State law, the provision of State law must be fully complied with.
2. Whenever there is a difference between minimum standards or requirements under the regulations set forth in this Ordinance and those contained in an applicable building codes or other ordinances or regulations, the most restrictive shall apply.

D. Conformance

All proposed subdivisions must conform to the adopted Comprehensive Plan for the City of Norcross.

Sec. 403-4. Concept Plan

A. Concept Plan Purpose

1. The purpose of a Concept Plan review is to provide a developer with an economical way to work with the city staff and elected officials in reaching a general agreement as to the nature of a proposed land subdivision project, its impact on the community, and its conformance with the UDO. For the Concept Plan review, the developer will not need detailed architectural and engineering drawings.

2. The information required to be shown on a concept plan is described in Article V, Sec 105-2.
3. If a Subdivision application requires an amendment to create or extend a Zoning District, it shall be processed in the same manner as a rezoning application, and the Concept Plan will be reviewed by the Community Development Director, the Planning & Zoning Board and the Mayor and City Council before any approval may be granted.
4. If an applicant is proposing to build a development that is already in compliance with the provisions of the UDO and does not have to seek approval of a rezoning or Special Use Permit (SUP), then the Concept Plan may be approved by the Community Development Director. The concept plan may be submitted as part of the application for Preliminary Plat approval.

B. Concept Plan Review Process

Step 1: The developer of a proposed subdivision shall meet with the UDO Administrator in a preapplication review to discuss what is required for Concept Plan approval in terms of documents, fees and schedules.

Step 2: The developer shall submit to the UDO Administrator a complete Concept Plan application package including all items specified under Article V, Sec 105-2.

Step 3: The Concept Plan Application Package shall be carefully checked by the UDO Administrator to determine whether it is complete. If it is incomplete, it will be returned to the developer with an explanation of why it is incomplete and what must be done to make it complete. The developer will then begin the process again with Step 2 and no additional fee will be required.

Step 4: If the Concept Plan Application Package is complete, it will be accepted by the UDO Administrator, and the date of acceptance will be noted. For every submittal, the UDO Administrator shall have at least 14 working days for review and comments.

Step 5: If the UDO Administrator concludes the Concept Plan is not acceptable, the Concept Plan shall be returned to the developer with an explanation of why it was found to not be acceptable, and with instructions as to what needs to be done to make it acceptable. The developer will then begin the process again at Step 2, and a new plan review fee will be required.

Step 6: If the UDO Administrator concludes that the Concept Plan is acceptable, meets the requirements of the UDO, and that no rezoning or SUP is required, the Concept Plan will be approved. The developer will be authorized to proceed with the preparation of a Preliminary Plat that will be based on the approved Concept Plan and that will be in accordance with all conditions and agreements included in the action to approve the Concept Plan.

Step 7: If the UDO Administrator concludes that the Concept Plan is acceptable, meets the requirements of the UDO, but that a rezoning or SUP is required, the Concept Plan shall be forwarded to the appropriate review authority or authorities, before presentation before the Mayor and City Council for final approval. If approved by the Mayor and City Council, the developer will be authorized to proceed with the preparation of a Preliminary Plat that will be based on the approved Concept Plan and that will be in accordance with all conditions and agreements included in the action to approve the Concept Plan.

Sec. 403-5. Preliminary Plat

A. Requirement for Preliminary Plat

1. The purpose of a Preliminary Plat is to provide a review of a proposed subdivision at an intermediate point between the Concept Plan and a full set of Construction Plans. It is intended that this review will help ensure that the plans which are being prepared are in accordance with the UDO and with any conditions set forth in the approval of the Concept Plan.
2. The specifications for Preliminary Plat preparation are defined in Chapter 100, Article V, Section 105-3.
3. The Community Development Department must first approve a Preliminary Plat for a major subdivision prior to the issuance of a development permit or initiation of any land disturbing or construction activities.
4. Minor subdivisions, as defined in Chapter 100, Article II of this UDO, follow the procedures under Section 104-7. I Development Permit Plan Review and can be performed in conjunction with Preliminary Plat Review, however, this in no way constitutes approval of the preliminary plat and is only done as a convenience to the owner/developer.

B. Preliminary Plat, Supplemental Information

The following supplemental information shall be required for each submittal of a Preliminary Plat application:

1. A written summary of the proposed subdivision giving information as to the overall development plan including, as appropriate, the type and square footage of structures, number of housing units, types of land uses, anticipated traffic generation, and other pertinent information.
2. Description of the anticipated utility systems required to serve the proposed subdivision including projected average and peak demands or flows for potable water (Water Availability Report), fire protection, sanitary sewerage, and electrical power.
3. Description of proposed stormwater management practices for the subdivision including the ownership and proper maintenance provisions of all stormwater detention facilities within the subdivision.
4. Such additional information as may be reasonably required to obtain an adequate understanding of the subdivision.

C. Preliminary Plat Review Process

Step 1: The developer of a proposed Subdivision shall meet with the UDO Administrator to discuss what is required for Preliminary Plat Approval in terms of documents, fees, and schedules.

Step 2: The developer shall submit to the Community Development Department complete sets of the Preliminary Plat Application Package, in a number of copies as established by the UDO Administrator, drawn to the specifications of Section 105-3. The application shall include:

1) Existing and proposed covenants and restrictions.
2) A copy of the deed to the property.
3) Proof that taxes on the property have been paid.
4) Payment of the applicable application and review fees.

Step 3: The Preliminary Plat Application Package shall be carefully checked by the UDO Administrator to determine whether it is complete. If it is incomplete, it will be returned to the developer with an explanation of why it

is incomplete and what must be done to make it complete. The developer will then begin the process again with Step 2, and no additional fee will be required.

Step 4: If the Preliminary Plat Application Package is complete, it will be accepted by the UDO Administrator, and the date of acceptance will be noted. For every submittal, the Community Development Department shall have at least 20 working days for new applications, and 10 working days for re-submittals. for review of the Preliminary Plat, and preparation of review comments. The City Engineer will review the documents and identify any problems or corrections necessary before preliminary approval is granted. These reviews in Step 4 will address the effect of the proposed subdivision or development project on the environment surrounding the property and anticipated problems with public utilities and facilities.

Step 5: After the preliminary plat has been accepted by the Community Development Department, the subdivider shall deliver a complete copy of the submittal to the Gwinnett County Water Resources Department. No subdivision will be approved until an impact analysis from the Gwinnett County Water Resources Department is completed.

Step 6: If the subdivision includes or abuts a U.S. or State numbered highway, or if the proposed subdivision requires access to the state highway system, review by the Georgia Department of Transportation (GDOT) is required under O.C.G.A. 32-6-151. The subdivider must respond to the recommendations of the GDOT prior to project approval by the City. If the written recommendations of the GDOT are not made within 30 days of receipt of the plat by GDOT, approval of GDOT shall be assumed as provided under State law. If the plat is recommended for rejection by GDOT, the reasons for rejection and requirements for approval shall be given in writing by GDOT to the Community Development Department. Such rejection by GDOT shall be binding on the Community Development Department unless the Community Development Department, by official action, overrules such department action.

Step 7: Following review of the application, the Community Development Director may:

1) Grant project approval;
2) Grant project approval subject to further conditions; or
3) Deny the request due to noncompliance with the requirements, intent or purposes of this UDO.

Step 8: The UDO Administrator shall assemble all comments and conditions related to compliance with this UDO and forward them to the applicant.

1) If the Preliminary Plat request is denied, the Preliminary Plat shall be returned to the applicant with an explanation of why it was found to be not acceptable, and with instructions as to what needs to be done to make it acceptable. The developer will then begin the process again at Step 2 and new plat review fee will be required.
2) If the Preliminary Plat request is approved, the Community Development Director will sign the Preliminary Plat Certification, and the applicant will be authorized to proceed with the preparation of construction plans.

D. Preliminary Plat Approval Standards

1. Applicant responsibilities.

   The applicant is responsible for compliance with all codes, regulations and zoning requirements and for the satisfaction of all the noted and written comments.

2. Limits on Administrative Approval.

   The Community Development Director may not administratively approve any preliminary plat that contains a lot or other feature that would clearly require a variance in order to be reasonably usable, whether due to the presence of an unusual configuration, zoning compliance, lack of public utilities, or for any other reason.

3. Project approval binding for 12 months.

   The Preliminary Plat approval will remain in effect for a period of 12 consecutive months after which time it will become null and void, unless an extension of time request has been submitted to the Community Development Department for approval by the Mayor and City Council. Only one extension for another period not to exceed 12 months may be approved by the Mayor and City Council. The development must satisfy any changes to the UDO that may have been instituted since the first date of approval.

4. Effect on status of dedication.

   The approval of a preliminary plat by the Community Development Department shall not be deemed to constitute or affect an acceptance by the City of any street or other ground shown upon the plat.

5. Improvements authorized.

   Notwithstanding project approval or conditional project approval, no improvements are authorized before approval of construction plans by the Community Development Department as set forth in this Article. Improvements must be installed according to construction plans as approved.

6. Requests for appeals and variances.

   Appeals of denials and appeals from conditions recommended by the Community Development Director shall be made to the Zoning Board of Appeals in accordance with the provisions for Quasi-Judicial Review.

Sec. 403-6. Minor Subdivision Expedited Review Procedure

1. Provisions for minor subdivision approval.

   In the case of a minor subdivision as defined in Chapter 100, Article II, the subdivider may apply for final plat approval, without submitting a preliminary plat, provided:

   a. The lots shall meet all zoning and other requirements of this UDO;
   b. The subdivision shall provide all applicable improvements for a minor subdivision required in Chapter 400, Article I. Land Development Standards; and
   c. The property to be subdivided is not all or a portion of any property previously subdivided as part of a minor or major subdivision except in the case of a recombination or re-subdivision request under the provisions for minor subdivisions under Sections 403-9, Combination Plat, and 403-10, Exemption Plat.

2. Consultation with the Community Development Department necessary

   A subdivider intending to proceed in accordance with the minor subdivision procedure shall first consult with the Community Development Department, supplying sufficient information to show that the specified conditions in Subsection 1, above, will be met.

3. Preparation of final minor subdivision plat.

   After consulting with the Community Development Department, the subdivider shall submit a final minor subdivision plat meeting the applicable standards and containing the applicable statements and certifications of as specified for a final plat in Section 403-8, Final Plat.

4. Review and recordation of minor subdivision plat.

   Review, approval and recordation of the minor subdivision plat shall follow the same procedures for final subdivision plats.

Sec. 403-7. Construction Plans

A. Purpose of Construction Plans

The purpose of Construction Plans is to provide all of the detailed engineering information necessary to build the proposed subdivision in accordance with the approved Preliminary Plat and all other development codes and ordinances of the city. It shall be the responsibility of the City Engineer to approve the format and content of the plans and specifications, and to determine what supplemental information shall be required to assure proper construction of the project.

B. Process for review of construction plans

The steps required in Construction Plan review to obtain a Development Permit are as follows:

Step 1: The developer of a proposed subdivision shall meet with an UDO Administrator to discuss what is required for Construction Plan Approval in terms of documents, fees, and schedules.

Step 2: The developer shall submit the Construction Plan Application package in the number and format required by the UDO Administrator. See Subsection 104-7. I. 4. For Development Permit Application Requirements.

Step 3: The Construction Plan Package shall be carefully checked by the UDO Administrator to determine whether or not it is complete. If it is incomplete it will be returned to the developer with an explanation of why it is incomplete and what must be done to make it complete. The applicant will then begin the process again with Step 2, and no additional fee will be required.

Step 4: If the Construction Plan Application Package is complete, it will be accepted by the Community Development Department and the date of acceptance will be noted. For every submittal, the Community Development Department shall have 20 working days to review the Construction Plans and to prepare comments.

Step 5: Following review of the Construction Plan Application Package, the Community Development Director may:

1) Grant development permit approval;
2) Grant development permit approval subject to further conditions; or
3) Deny the request due to noncompliance with the requirements, intent or purposes of this UDO.

Step 6: The UDO Administrator will assemble all comments and conditions related to compliance with this UDO and forward them to the applicant.

1) If the application request is denied, the Construction Plan Application Package shall be returned to the applicant with an explanation of why it was found to be not acceptable, and with instructions as to what

needs to be done to make it acceptable. The developer will then begin the process again at Step 2 and new plat review fee will be required.

2) If the application request is approved, the Community Development Director will sign and approve two sets of plans, one for the developer and one for the city. The applicant will keep one copy of the approved set on the construction site at all times.

Step 7: After approval of the Construction Plans and receipt of all applicable permits and approvals, which shall become a part of the developer's Construction Plans, the Community Development Department shall issue a Land Disturbance Activity or Development Permit to install the erosion control facilities and the tree-save fence in accordance with the approved plans. A fee is required for this permit in accordance with the fee schedule set by City Council,

Step 8: The staff shall inspect the property to determine whether the erosion control facilities and tree-save fence were installed properly. This inspection shall take place within three working days of permit issuance.

Step 9: If the installation of the erosion control facilities or the tree save fence is not approved, the developer shall be informed in writing of what needs to be done to secure approval, and then begin the process again with Step 8. A re-inspection fee shall be required.

Step 10: After approval of the erosion control facilities and tree-save fence, the developer may request that the Community Development Department issue a permit to clear and grade the property in accordance with the approved plans. A fee shall be required for this permit in accordance with the fee schedule set by City Council.

Step 11: The staff shall inspect the property to determine whether the clearing and grading were done properly. This inspection shall take place within five working days of the request.

Step 12: If the clearing and grubbing are not approved, the developer shall be informed in writing of what needs to be done to secure approval, and then being the process again with Step 11. A re-inspection fee may be required in accordance with the fee schedule set by City Council.

Step 13: The Community Development Department may periodically inspect the property to determine whether the site is developed in accordance with the approved plans. Also, the developer shall submit for review and approval all test results, documentation, and certifications that are required to demonstrate satisfactory construction and adherence to all federal, state, or local regulatory agency permits and approvals, all codes, ordinances, and development standards,

Step 14: The Community Development Department shall make a final inspection of the construction. Based on the site inspection and the review of the supporting documentation, the Community Development Department shall determine whether the construction work is acceptable. This determination shall be made within ten working days of the request. If it is determined that the construction is satisfactory, the Community Development Department will authorize the preparation of the Final Plat.

Step 15: If the construction is not approved, the developer shall be informed in writing of what needs to be done to secure approval, and then begin the process again with Step 13. A re-inspection fee shall be required.

Step 16: Address requirements of Development Conformance (Gwinnett County UDO section 340-90) for final plat approval or issuance of Certificate of Occupancy.

C. Development permit application review standards related to Construction Plans

The requirements for development permit application and review are defined in Chapter 100, Article 4, Section 104-7. I. Development Permit. An application for a development permit may proceed simultaneously with an application for project approval of a preliminary plat or construction plans but may not be issued prior to approval of such plat or plan by the Community Development Department.

Sec. 403-8. Final Plat

A. Purpose of the Final Plat

The purpose of the Final Plat of a subdivision is to present an accurate depiction of the layout of the subdivision that has been constructed so that it can be properly recorded and then used as a permanent reference for the sale of the property included within the subdivision.

B. General Requirements for final plat approval

1. Application for final plat approval.

   Prior to submission of an application for final subdivision plat approval, either:

   a. All public improvements shall have been properly installed and completed in accordance with all requirements and standards of this UDO (other than traffic signs, street name signs, street striping, and signalization) and as-built surveys of the improvements shall have been approved by the Community Development Director as required in Final Plat Requirements in Section 105-5, or,
   b. A guarantee in lieu of completed improvements shall have been received by the Community Development Department and approved by the Community Development Director as provided under the Final Plat Requirements in Section 105-5.

2. An application for a final subdivision plat approval shall be made to the Community Development Department. The application shall include all documents, forms, certifications and other information required by O.C.G.A. § 15-6-67, and:

   a. A properly completed application form, as furnished by the UDO Administrator, requesting final subdivision plat review.
   b. An electronic copy of the final subdivision plat package prepared in conformance with the Final Plat Requirements in Section 105-5.
   c. The as-built surveys of the improvements as required in the Sec. 105-5. C. if the surveys have not been previously received and approved.
   d. *Dedication deeds.* Executed deeds for the dedication of all street rights-of-way, easements and other public properties natural resource easements and conservation easements (as applicable).
   e. *Affidavit from developer.* At the time the final plat is submitted to the Community Development Department, the subdivider must also submit an affidavit signed by the developer certifying that the streets, drainage structures and any other design features have been constructed according to the development construction drawings approved by the Community Development Department. This will include street grades, drainage structures, drainage pipe size and profiles, street paving specifications, utility locations, dam

construction and any other facilities that have been incorporated into the development. This affidavit is clarified under adopted Gwinnett County UDO Chapter 340-90.

f. *Letter of acceptance of water and sewer lines*. At the time the final plat is submitted to the Community Development Department, the subdivider must also submit a letter to the department from the Gwinnett County Water Resources Department. The letter shall verify the Gwinnett County Water Resources Department's acceptance of the subdivision's water and sewer lines.

g. *Protective Covenants*. Protective covenants shall be required for all subdivisions in which 5 or more lots are created. At a minimum, the protective covenants shall create a homeowners' association for the subdivision with mandatory membership of all property owners and mandatory dues and shall be recorded with the final plat.

h. *Proof of Bonds*. Upon submission of the final plat, the subdivider must provide proof in writing on forms supplied by the Community Development Department that a maintenance bond, performance bond, letter of credit which shall be irrevocable and collateralized, or escrow account made payable to the City of Norcross.

i. *Proof of Payment*. The subdivider shall provide proof of payment for materials and for installation of traffic signs and street name signs to the Community Development Department. Payment of the cost of street striping or signalization, if required and not completed by the owner, shall also be included in the application.

j. *Streetlights*. All subdivision developers shall provide streetlights in accordance with the Outdoor Lighting Standards of this UDO (Chapter 400, Article VI). Proof of payment for the construction and installation of the streetlights, an executed agreement with the appropriate utility company, and payment for the streetlights fund shall be provided to the UDO Administrator at the time the final plat is submitted.

k. *Fees.* The subdivider shall pay all applicable final subdivision plat filing and recording fees, as established by the City Council from time to time.

l. *Special certificate required to record any plat.* No plat, regardless of whether it is a plat or a random conveyance, a final plat or a revised final plat shall be recorded in the records of the Clerk of the Superior Court of Gwinnett County unless the plat conforms to these regulations and is stamped in red with a certificate which states that the plat has been approved according to the subdivision procedures of the City Norcross and that the Clerk of the Superior Court of Gwinnett County is authorized to record it and unless said certificate is signed and dated in red ink by either the Community Development Director or his or her designee.

C. Review and approval process

Step 1: The developer of a proposed subdivision shall meet with the UDO Administrator to discuss what is required for Final Plat approval in terms of documents, fees, and schedules.

Step 2: The developer shall submit two complete Final Plat Application Packages. If the subdivision includes or abuts a U.S. or State numbered highway, unless all of the lots in the subdivision contain 5 acres or more and no new street is involved, review by the Georgia Department of Transportation (GDOT) is required under O.C.G.A. 32-6-151. If the subdivision is an exempt or minor subdivision or otherwise was not submitted for review as a preliminary plat, two additional copies of the final plat must be submitted to the UDO Administrator for forwarding to GDOT. The applicant must respond to the recommendations of the GDOT prior to final plat recording. If the written recommendations of the GDOT are not made within 30 days of receipt of the plat by GDOT, their approval shall be assumed as provided under State law.

Step 3: An UDO Administrator shall review the application for completeness within 5 working days of submission. An incomplete application will be returned to the applicant with an explanation of why it is incomplete and what must be done to make it complete. The applicant will begin the process again with Step 2 and no additional fee will be required.

Step 4: If the Final Plat Application is complete, it will be accepted by the UDO Administrator, and the date of acceptance will be noted. For every submittal, the Community Development Department shall have 20 working days to review and identify any problems or corrections necessary before final approval is granted.

Step 5: If the UDO Administrator concludes the Final Plat is not acceptable, the Final Plat will be returned to the applicant with an explanation of why it was found to not be acceptable, and with instructions as to what needs to be done to make it acceptable. The applicant will then begin the process again at Step 2 and new plat review fee will be required.

Step 6: If the UDO Administrator concludes that the Final Plat is acceptable and meet the various requirements set forth in the UDO, it shall be considered by the Mayor and City Council at a regularly scheduled meeting not later than 45 days following the recommendation of the Department. The Community Development Director shall forward the dedication deeds to the Mayor and City Council for acceptance as part of this review.

Step 7: Following acceptance and approval by the Mayor and City Council, the final plat will be recorded.

1) The applicant shall deliver to the Community Development Department a print of the final plat that is stamped in red with a certificate that states that the plat has been approved according to the subdivision procedures of the City of Norcross.
2) After the plans of the subdivision have been approved and stamped and signed by the Community Development Director and signed by the City Manager or his/her designee, and the Director of Public Works for sidewalk and trail improvements, the UDO Administrator will reserve a plat book and page number, if necessary, for the subdivision for recording with the Clerk of Superior Court.
3) It shall be the applicant's responsibility to record the final plat.
4) Subsequent to the recording of the final plat, the original signed copy with all certificates endorsed thereon, and one digital copy, positioned correctly in Georgia NAD_83 State Plane Coordinates (in U.S. survey feet to the hundredth of a foot) and compatible with the City of Norcross GIS System, shall be filed with the records of the Community Development Department. The Map book, volume and page numbers where the plat is recorded shall also be indicated on the copies.

D. Acceptance of public improvements

1. If construction of any required public improvements was deferred at the time of final plat approval, said work must be completed and revised as-built surveys submitted to the Community Development Department within 24 months of the date of final plat recordation.
2. The developer shall maintain the improvements in the development throughout the maintenance period. The maintenance period shall begin upon recordation of the final subdivision plat and shall extend from said date or from the date of completion of all deferred improvements, whichever occurs later. The maintenance period shall extend without interruption for a period of no less than 24 months or until 75% of all dwelling units authorized by the final plat have been issued Certificates of Occupancy, whichever occurs later. In no case, however, shall the maintenance period extend for more than 36 months from the date of completion of all deferred improvements.

3. Prior to expiration of the maintenance period, a final acceptance inspection of the public improvements shall be conducted by the Community Development Department and the Gwinnett County Water Resources Department.
4. The subdivider must correct all defects or deficiencies in materials and workmanship and make such repairs as necessary to approximate the as-built condition of the improvements. The subdivider shall execute such documents as required by the Community Development Director to ensure that the City is held harmless and indemnified from any claims arising from non-performance by the subdivider, including attorney's fees and costs incurred by the City in enforcing the requirements of the UDO, as may be amended.
5. Upon certification by the Community Development Director that the public improvements depicted on the as-built surveys are in conformance with the specifications of this UDO and are in good repair, the Community Development Director shall release the maintenance bond and accept the public improvements into perpetual maintenance on behalf of the City of Norcross.
6. Notwithstanding anything herein to the contrary, dedication of proposed public rights-of-way, easements and improvements shall not be accepted without public approval by the Mayor and City Council of dedication deeds.
7. In the case of private roads, any improvement must meet the pavement design standards established by Gwinnett County and materials testing reports must be submitted to and approved by the City Engineer prior to acceptance of any paved public improvement.
8. If stormwater detention is involved with private streets, the city cannot accept the street as a public street.

Sec. 403-9. Combination Plat

The combination or recombination of all of two or more buildable lots of record, where the total number of lots is not increased and the resultant lots or parcels are in compliance with this Unified Development Ordinance. A Final Plat or Exemption Plat shall not be required for aggregations of properties for land assembly purposes where no building permit will be requested prior to issuance of a development permit

Sec. 403-10. Exemption Plat

The division of a buildable lot of record into 2 lots, provided:

A. Each proposed lot complies with all requirements of this Unified Development Ordinance and is limited to single-family detached residential use.
B. Each proposed lot abuts upon an existing public street.
C. All project related slope and utility easements as well as necessary street right-of-way shall be provided at no cost to the City as determined by the Community Development Department based upon the officially adopted Road Classification Map Comprehensive Plan.
D. Each lot created may not be re-subdivided unless it complies with the provisions described herein for a period of at least two calendar years.
E. Each proposed lot shall comply with any water and sewer requirements, as appropriate, whose approval shall be required prior to approval of the Exemption Plat by the Community Development Department.
F. The Community Development Director is authorized to grant a modification from the 2-lot maximum exemption; provided, however, modifications shall not be granted to exceed a total of 4 exempt lots. The Director may impose conditions of approval upon any modification thus granted as may be necessary to ensure the general public welfare.

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ARTICLE IV. Floodplain Management

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ARTICLE IV. Floodplain Management

DIVISION 1. - IN GENERAL

Sec. 404-1. Short title

This chapter may also be known as the "Floodplain Management Ordinance."

Sec. 404-2. Findings

It is hereby determined that:

A. The flood hazard areas of the city are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
B. Flood hazard areas can serve important stormwater management, water quality, stream bank protection, stream corridor protection, wetland preservation and ecological purposes when permanently protected as undisturbed or minimally disturbed areas.
C. Effective floodplain management and flood hazard protection activities can:

    1. Protect human life and health;
    2. Minimize damage to private property;
    3. Minimize damage to public facilities and infrastructure such as ware and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains; and
    4. Minimize expenditure of public money for costly flood control projects associated with flooding and generally undertaken at the expense of the general public.

D. Article IX, Section II of the Constitution of the State of Georgia (Ga. Const. art. IX, § II), O.C.G.A. § 36-1-20(a), have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. There, the city does ordain this chapter and establishes this set of floodplain management and flood hazard reduction policies for the purpose of regulating the use of flood hazard areas. It is determined that the regulation of flood hazard areas and the prevention of flood damage are in the public interest and will minimize threats to public health and safety, as well as to private and public property.

Sec. 404-3. Purpose and intent

The purpose of this chapter is to protect, maintain and enhance the public health, safety, environment and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas, as well as to protect the beneficial uses of floodplain areas for water quality protection, stream bank and stream corridor protection, wetlands preservation and ecological and environmental protection by provisions designed to:

A. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

B. Restrict or prohibit uses which are dangerous to health, safety and property due to flooding or erosion hazards, or which increase flood heights, velocities, or erosion;
C. Control filling, grading, dredging and other development which may increase flood damage or erosion;
D. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;
E. Limit the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters; and,
F. Protect the stormwater management, water quality, stream bank protection, stream corridor protection, wetland preservation and ecological functions of natural floodplain areas.

Sec. 404-4. Applicability

This chapter shall be applicable to all areas of special flood hazard with the city.

Sec. 404-5. Designation of administrator

The Community Development Director or his designee is hereby appointed to administer and implement the provisions of this chapter.

Sec. 404-6. Basis for area of special flood hazard; flood area maps and studies

For the purposes of this article, the following are adopted by reference:

A. The Flood Insurance Study (FIS), dated September 29, 2006, with accompanying maps and other supporting data and any revision thereto are hereby adopted by reference.
B. Other studies which may be relied upon for the establishment of the base flood elevation or delineation of the 100-year floodplain and flood prone areas include:

    1. Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey or any other local, state or federal agency applicable to the city; or
    2. Any base flood study authored by a registered professional engineer in the state which has been prepared by FEMA approved methodology and approved by the Community Development Director.

C. Other studies which may be relied upon for the establishment of the future-conditions flood elevation or delineation of the future-conditions floodplain and flood prone areas include:

    1. Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey, or any other local, state or federal agency applicable to the city; or
    2. Any future-conditions flood study authored by a registered professional engineer in the state, which has been prepared by FEMA approved methodology and approved by the Community Development Director.

D. The repository for public inspection of the FIS, accompanying maps and other supporting data is located at the Office of the Community Development Director.

Sec. 404-7. Compatibility with other regulations

This article is not intended to modify or repeal any other ordinance, rule, regulation, statute, easement, covenant, deed restriction or other provision of law. The requirements of this chapter are in addition to the requirements of any other

ordinance, rule, regulation or other provision of law, and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or impose higher protective standards for human health or the environment shall control.

Sec. 404-8. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the city or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

DIVISION 2. - PERMIT PROCEDURES AND REQUIREMENTS

Sec. 404-9. Permit application requirements.

A. No owner or developer shall perform any development activities on a site where an area of special flood hazard is located without first meeting the requirements of this chapter prior to commencing the proposed activity.
B. Unless specifically excluded by this chapter, any landowner or developer desiring a permit for a development activity shall submit to the Community Development Department a permit application on a form provided by the Community Development Department for that purpose. No permit will be approved for any development activities that do not meet the requirements, restrictions and criteria of this chapter.

Sec. 404-10. Floodplain management plan requirements.

A. An application for a development project with any area of special flood hazard located on the site will be required to include a floodplain management/flood damage prevention plan. This plan shall include the following items:

    1. Site plans drawn to scale, which includes but is not limited to:

        a. Existing and proposed elevations of the area in question and the nature, location and dimensions of existing and/or proposed structures, earthen fill placement, amount and location of excavation material, and storage of materials or equipment;
        b. For all proposed structures, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprint, or one-foot contour elevations throughout the building site;
        c. Proposed locations of water supply, sanitary sewer, and utilities;
        d. Proposed locations of drainage and stormwater management facilities;
        e. Proposed grading plan;
        f. Base flood elevations and future-conditions flood elevations;
        g. Boundaries of the base flood floodplain and future-conditions floodplain;
        h. If applicable, the location of the floodway; and
        i. Certification of the information required in this subsection (a)(1) by a registered professional engineer or surveyor.

2. Building and foundation design detail, including but not limited to:

    a. Elevation in relation to mean sea level (or highest adjacent grade) or the lowest floor, including basement, of all proposed structures;
    b. Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;
    c. Certification that any proposed nonresidential floodproofed structure meets the criteria in section 107-93(2);
    d. For enclosures below the base flood elevation;
    e. Design plans certified by a registered professional engineer or architect for all proposed structures.

3. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;
4. Hard copies and digital files of computer models, if any, copies of work maps, comparison of pre- and post-development conditions based flood elevations, future-conditions flood elevations, flood protection elevations, special flood hazard areas and regulatory floodway widths, flood profiles and all other computations and other information similar to that presented in the FIS;
5. Copies of all applicable state and federal permits necessary for proposed development; and
6. All appropriate certifications required under this chapter.

B. The approved floodplain management/flood damage prevention plan shall contain certification by the applicant that all development activities will be done according to the plan or previously approved revisions. Any and all development permits and/or use and occupancy certificates or permits may be revoked at any time if the construction and development activities are not in strict accordance with approved plans.

Sec. 404-11. Construction stage submittal requirements

A. For all new construction and substantial improvements on sites with a floodplain management/flood damage prevention plan, the permit holder shall provide to the Community Development Director a certified as-built elevation certificate or floodproofing certificate for nonresidential construction including the lowest floor elevation or floodproofing level immediately after the lowest floor or floodproofing is completed. A final elevation certificate shall be provided after completion of construction including final grading of the site. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for nonresidential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.
B. Any work undertaken prior to approval of these certifications shall be at the permit holder's risk. The Community Development Director shall review the certification data submitted in accordance with subsection (a) of this section. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit certification or failure to make the corrections required hereby shall be cause to issue a stop work order for the project.

Sec. 404-12. Duties and responsibilities of the administrator

Duties of the Community Development Director shall include, but shall not be limited to:

A. Review all development applications and permits to assure that the requirements of this chapter have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;
B. Require that copies of all necessary permits from governmental agencies from which approval is required by federal or state law, including but not limited to section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334, be provided and maintained on file;
C. When base flood elevation data or floodway data have not been provided, then the Community Development Director shall require the applicant to obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to meet the provisions of subsections (4) and (5) of this section;
D. Review and record the actual elevation in relation to mean seal level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures;
E. Review and record the actual elevation, in relation to mean sea level to which any substantially improved structures have been floodproofed;
F. When floodproofing is utilized for a nonresidential structure, the Community Development Director shall obtain certification of design criteria from a registered professional engineer or architect;
G. Notify affected adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
H. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions) the Community Development Director shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter. Where floodplain elevations have been defined, the floodplain shall be determined based on flood elevations rather than the area graphically delineated on the floodplain maps; and
I. All records pertaining to the provisions of this chapter shall be maintained in the Office of the Community Development Director and shall be open for public inspection.

[Sec. 404-13. RESERVED]

DIVISION 3. - STANDARDS FOR DEVELOPMENT

Sec. 404-14. Designation of Floodplain Boundaries

A. Studies "A" zones, as identified in the FIS, shall be used to establish base flood elevations whenever available.
B. For all streams with a drainage area of 100 acres or greater, the future-conditions flood elevations shall be provided by the Community Development Department. If future-conditions elevation data is not available from the Community Development Department, then it shall be determined by a registered professional engineer using a method approved by FEMA and the Community Development Department.

Sec. 404-15. Same—Floodway boundaries

The width of a floodway shall be determined from the FIS or FEMA approved flood study. For all streams with a drainage area of 100 acres or greater, the regulatory floodway shall be provided by the Community Development Department. If floodway data is not available from the Community Development Department, then it shall be determined by a registered professional engineer using a method approved by FEMA and the Community Development Department.

Sec. 404-16. General standards

A. No development shall be allowed within the future-conditions floodplain that could result in any of the following:

1. Raising the base flood elevation or future-conditions flood elevation equal to or more than 0.01 foot;
2. Reducing the base flood or future-conditions flood storage capacity;
3. Changing the flow characteristics as to the depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the development area; or
4. Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.

B. Any development within the future-conditions floodplain allowed under subsection (a) of this section shall also meet the following conditions:

1. Compensation for storage capacity shall occur between the average ground water table elevation and the base flood elevation for the base flood, and between the average ground water table elevation and the future-condition flood elevation for the future-conditions flood, and lie either within the boundaries of ownership of the property being developed and shall be within the immediate vicinity of the location of the encroachment. Acceptable means of providing required compensation include lowering of natural ground elevations within the floodplain, or lowering of adjoining land areas to create additional floodplain storage. In no case shall any required compensation be provided via bottom storage or by excavating below the elevation of the top of the natural (pre-development) stream channel unless such excavation results from the widening or relocation of the stream channel;
2. Cut areas shall be stabilized and graded to a slope of no less than 2.0 percent;
3. Effective transitions shall be provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased;
4. Verification of no-rise conditions (0.01 foot or less), flood storage volumes, and flow characteristics shall be provided via a step-backwater analysis meeting and requirements of section 107-72;
5. Public utilities and facilities, such as water, sanitary sewer, gas, and electrical systems, shall be located and constructed to minimize or eliminate infiltration or contamination from floodwaters; and
6. Any significant physical changes to the base flood floodplain shall be submitted as a conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable. The CLOMR submittal shall be subject to approval by the Community Development Department using the community consent forms before forwarding the submittal package to FEMA for final approval. The responsibility for forwarding the CLMOR to FEMA and for obtaining the CLOMR approval shall be the responsibility of the applicant. Within six months of the completion of construction, the applicant shall submit as-built surveys for a final letter of map revision (LOMR).

Sec. 404-17. Engineering study requirements for floodplain encroachments

An engineering study is required, as appropriate to the proposed developments activities on the site, whenever a development proposes to disturb any land within the future-conditions floodplain, except for a residential single-lot development on streams without established base flood elevations and/or floodways for which the provisions of section 107-95 apply. This study shall be prepared by a currently registered professional engineer in the state and made a part of the application for a permit. This information shall be submitted to and approved by the Community Development

Department prior to the approval of any permit which would authorize the disturbance of land located within the future-conditions floodplain. Such study shall include:

A. Description of the extent to which any watercourse or floodplain will be altered or relocated as a result of the proposed development;
B. Step-backwater analysis, using a FEMA-approved methodology approved by the Community Development Department. Cross sections (which may be supplemented by the applicant) and flow information will be obtained whenever available. Computations will be shown duplicating FIS results and will then be rerun with the proposed modifications to determine the new base flood profiles, and future-conditions flood profiles;
C. Floodplain storage calculations based on cross sections (at least one every 100 feet) showing existing and proposed floodplain conditions to show that base flood floodplain and future-conditions floodplain storage capacity would not be diminished by the development;
D. The study shall include a preliminary plat, grading plan, or site plan, as appropriate, which shall clearly define all future-conditions floodplain encroachments.

Sec. 404-18. Floodway encroachments

Located within areas of special flood hazard are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, floodways much remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

A. Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway, except for activities specifically allowed in subsection (2) of this section;
B. Encroachments for bridges, culverts, roadways and utilities within the regulatory floodway may be permitted provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof; and
C. If the applicant proposes to revise the floodway boundaries, no permit authorizing the encroachment into or an alteration of the floodway shall be issued by the Community Development Department until an affirmative conditional letter of map revision (CLOMR) is issued by FEMA and no-rise certification is approved by the Community Development Department.

Sec. 404-19. Maintenance requirements.

The property owner shall be responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on his property so that the flood-carrying or flood storage capacity is not diminished. The Community Development Department may direct the property owner (at no cost to the city) to restore the flood-carrying or flood storage capacity of the floodplain if the owner has not performed maintenance as required by the approved floodplain management plan on file with the Community Development Department.

DIVISION 4. - FLOOD DAMAGE REDUCTION

Sec. 404-20. General standards

In all areas of special flood hazard the following provisions apply:

A. New construction of principal buildings (residential or nonresidential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain, unless all requirements of sections 404-16, 404-17 and 404-18 have been met;
B. New construction or substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structures;
C. New construction or substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
D. New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
E. Elevated buildings. All new construction and substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished and flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.

    1. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

        a. Provide a minimum of tow openings having a total new area of not less than one square inch for every square foot of enclosed area subject to flooding;
        b. The bottom of all openings shall be no higher than one foot above grade; and
        c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.

    2. So as not to violate the "lowest floor" criteria of this chapter, the unfinished and flood resistant enclosure shall solely be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and,
    3. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

F. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher, so as to prevent water from entering or accumulating within the components during conditions of flooding;
G. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
H. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
I. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;

J. On-site waste disposal systems shall be located and constructed to avoid impairment to them, or contamination from them, during flooding;
K. Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this chapter, shall be undertaken only if the non-conformity is not furthered, extended or replaced; and
L. If the proposed development is located in multiple flood zones or multiple base flood elevation cross the proposed site, the higher or more restrictive base flood elevation or future-condition elevation and development standards shall take precedence.

Sec. 404-21. Building standards for structures and buildings within the future-conditions floodplain

The following provisions, in addition to those in Section 404-20, shall apply:

A. Residential buildings.

1. *New construction.* New construction of principal buildings, including manufactured homes shall not be allowed within the limits of the future-conditions floodplain unless all requirements of sections 404-16, 404-17 and 404-18 have been met. If all of the requirements of sections 404-16, 404-17 and 404-18 have been met, all new construction shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 404-20. E.
2. *Substantial improvements.* Substantial improvement of any principal structure or manufactured home shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 404-20. E.

B. Nonresidential buildings.

1. *New construction.* New construction of principal buildings, including manufactured homes shall not be allowed within the limits of the future-conditions floodplain unless all requirements of sections 404-16, 404-17 and 404-18 have been met. New construction that has met all of the requirements of sections 404-16, 404-17 and 404-18 may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions in this subsection (2), and shall provide such certification to the Community Development Director.
2. *Substantial improvements.* Substantial improvement of any principal nonresidential structure located in A1-30, AE, or AH zones, may be authorized by the Community Development Director to be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever

is higher, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions in this subsection B. and shall provide such certification to the Community Development Director.

C. *Accessory structures and facilities.* Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, parking lots, recreational facilities and other similar non-habitable structures and facilities) which are permitted to be located within the limits of the floodplain shall be constructed of flood-resistant materials and designed to pass all floodwater in accordance with Section 404-20. E and be anchored to prevent flotation, collapse or lateral movement of the structure.

D. *Standards for recreation vehicles.* All recreational vehicles placed on sites must either:

1. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licenses, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
2. The recreational vehicle must meet all the requirements for residential buildings, substantial improvements (subsection A. 2. of this section), including the anchoring and elevation requirements.

E. Standards for manufactured homes.

1. New manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all requirements of sections 404-16, 404-17 and 404-18 have been met.
2. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision shall be elevated so that either:

    a. The lowest floor of the manufactured home is elevated no lower than three feet above the level of the base flood elevation, or one foot above the future-conditions flood elevation, whichever is higher; or
    b. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) or no less than 36 inches in height above grade.

3. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with standards of section 404-20 G.

Sec. 404-22. Buildings standards for structures and buildings authorized adjacent to the future-conditions floodplain

A. *Residential buildings.* For new construction or substantial improvement of any principal residential building or manufactured home, the elevation of the lowest floor, including basement and access to the building, shall be at least three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher.

B. *Nonresidential buildings.* For new construction or substantial improvement of any principal nonresidential building, the elevation of the lowest floor, including basement and access to the building, shall be at least one foot above the level of the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher.

Sec. 404-23. Building standards for residential single-lot developments on streams without established base flood elevations and/or floodway (A zones).

A. For a residential single-lot development not part of a subdivision that has areas of special flood hazard, where streams exist but no base flood data have been provided (A zones) the Community Development Director shall review and reasonably utilize any available scientific or historic flood elevation data, base flood elevation and floodway data, or future-conditions flood elevation data available from a federal, state, local or other source, in order to administer the provisions and standards of this chapter.
B. If data are not available from any of these sources, the following provisions shall apply:

    1. No encroachments, including structures or fill material, shall be located within an area equal to twice the width of the stream or 50 feet from the top of the bank of the stream, whichever is greater.
    2. In special flood hazard areas without base flood or future-conditions flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with section 404-20. E.

Sec. 404-24. Building standards for areas of shallow flooding (AO zones)

Areas of special flood hazard may include designed "AO" shallow flooding areas. These areas have base flood depths of one to three feet above ground, with no clearly defined channel. In these areas the following provisions apply:

A. New and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated to no lower than one foot above the flood depth number in feet specified on the flood insurance rate map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of section 404-20. E.
B. New and substantial improvements of a nonresidential structure may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one foot above the highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice; and
C. Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

Sec. 404-25. Standards for subdivisions

Standards for subdivisions shall be as follows:

A. All subdivision proposals shall identify the special flood hazard area and provide base flood elevation data and future-conditions flood elevation data;
B. All residential lots in a subdivision proposal shall have sufficient buildable area outside of the future-conditions floodplain such that encroachments into the future-conditions floodplain for residential structures will not be required;

C. All subdivision plans will provide the elevations of proposed structures in accordance with Section 404-10;
D. All subdivision proposals shall be consistent with the need to minimize flood damage;
E. All subdivision proposals shall have public utilities and facilities such as water, sanitary sewer, gas, and electrical systems located and constructed to minimize or eliminate infiltration of floodwaters, and discharges from the systems into floodwaters; and,
F. All subdivision proposals shall include adequate drainage and stormwater management facilities per the requirements of the city to reduce potential exposure to flood hazards.

DIVISION 5. - VARIANCES

Sec. 404-26. Procedures

The following variance and appeals procedures shall apply to an applicant who has been denied a permit for a development activity or to an owner or developer who has not applied for a permit because it is clear that the proposed development activity would be inconsistent with the provisions of this chapter. A request for a variance may be submitted by an applicant who has been denied a permit by the Community Development Department or by an owner or developer who has not previously applied for a permit for the reasons stated hereinabove.

A. Requests for variances from the requirements of this chapter shall be submitted to the Community Development Department. All such requests shall be heard and decided in accordance with procedures to be published in writing by the Community Development Department. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.
B. Any person adversely affected by any decision of the Community Development Department shall have the right to appeal such a decision to the Zoning Board of Appeals as established by the city in accordance with procedures to be published in writing by the Zoning Board of Appeals. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.
C. Any person aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the superior court of the county, as provided in O.C.G.A. § 5-4-1.
D. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and the variance issued shall be the minimum necessary to preserve the historic character and design of the structure.
E. Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this section are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
F. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
G. In reviewing such requests, the Community Development Department and the Zoning Board of Appeals shall consider all technical evaluations, relevant factors, and all standards specified in this section and other sections of this chapter.
H. Conditions for variances:

    1. A variance shall be issued only when there is:

        a. A finding of good and sufficient cause;
        b. A determination that failure to grant the variance would result in exceptional hardship; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety extraordinary public expense, or the creation of a nuisance.

2. The provisions of this chapter are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of a historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
3. Any person to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.
4. The Community Development Director shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

I. Any person requesting a variance shall, from the time of the request until the time the request is acted upon, submit such information and documentation as the Community Development Authority and the Zoning Board of Appeals may attach such conditions to the granting of variances as they deem necessary to the consideration of the request.
J. Upon consideration of the factors listed in this section and the purposes of this chapter, the Community Development Department and the Zoning Board of Appeals may attach such conditions to the granting of variances as they deem necessary or appropriate, consistent with the purposes of this chapter.
K. Variances shall not be issued "after the fact."

DIVISION 6. - VIOLATIONS, ENFORCEMENT AND PENALTIES

Sec. 404-27. Enforcement

Any action or inaction which violates the provisions of this chapter or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this article. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described in this article shall not prevent such equitable relief.

Sec. 404-28. Notice of violation

A. If the Community Development Department determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this chapter, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this chapter without having first secured a permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.
B. The notice of violation shall contain:

1. The name and address of the owner or the applicant or the responsible person;
2. The address or other description of the site upon which the violation is occurring;
3. A statement specifying the nature of the violation;

4. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this chapter and the date for the completion of such remedial action;
5. A statement of the penalty that may be assessed against the person to whom the notice of violation is directed; and
6. A statement that the determination of violation may be appealed to the Community Development Department by filing a written notice of appeal within 30 days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient).

Sec. 404-29. Penalties

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Community Development Department shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Community Development Department may take any one or more of the following actions or impose any one or more of the following penalties:

A. *Stop work order.* The Community Development Director may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
B. *Withhold certificate of occupancy.* The Community Development Department may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
C. *Suspension, revocation or modification of permit.* The Community Development Department may suspend, revoke or modify the permit authorizing the development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the Community Development Department may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measure to cure such violations.
D. *Civil penalties.* In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the city shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) after the city has taken one or more of the actions described in this section, the city may impose a fine not to exceed $1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
E. *Criminal penalties.* For intentional and flagrant violations of this chapter, the city may issue a citation to the applicant or other responsible person, requiring such person to appear in municipal court to answer charges for such violation.

Upon conviction, such person shall be punished by a fine not to exceed $1,000.00 or imprisonment for 60 days, or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

ARTICLE V. Environmental Standards

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ARTICLE V. Environmental Standards

DIVISION 1. CHATTAHOOCHEE RIVER TRIBUTARY PROTECTION

Sec. 405-1. Statutory authorization.

This Division is adopted pursuant to the requirements of O.C.G.A. § 12-5-453.

Sec. 405-2. Findings.

The Mayor and Council of the city find that:

A. The Chattahoochee River provides multiple public benefits, which includes use of the river as the primary water supply for metropolitan Atlanta.
B. The water quality of the Chattahoochee River depends upon the water quality of the flowing streams tributary to the river.
C. Sediment and other polluting materials and conditions including, but not limited to, pesticides, nutrients such as nitrogen and phosphorus, toxic materials, and elevations in water temperature are harmful to the water quality of the river and its tributaries.
D. The riparian vegetation along these watercourses helps preserve water quality. Dense tree growth helps to prevent stream bank erosion, and streamside vegetation reduces the amount of sediment and other polluting materials that would otherwise wash into streams. Riparian trees, by shading, help maintain cooler water temperatures and thus enhance water quality.

Sec. 405-3. Purposes

It is the purpose of this article to promote the public health, safety and general welfare; to minimize public and private losses due to erosion, siltation, and water pollution; and to maintain stream water quality in specific areas by provisions designed to:

A. Create vegetative buffer areas adjacent to tributary streams in the drainage area of the Chattahoochee Corridor.
B. Minimize land disturbing activities within such buffer areas by requiring issuance of a permit for such activities.

Sec. 405-4. Establishment of tributary protection area

The Chattahoochee River Tributary Protection Area within the city is hereby established. The designated protection area shall be shown on the official map of the city.

Sec. 405-5. Stop work orders

Upon notice from the Community Development Department, work on any project that is being done contrary to the provisions of this article shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, his authorized agent or the person in charge of the activity on the property, and shall state the conditions under which work may be resumed or the site restored to its original condition or its equivalent. Where an emergency exists, no written notice shall be required.

Sec. 405-6. Permit Required.

No person shall engage in any land-disturbing activity in a protection area without first having obtained a written permit from the Community Development Department.

Sec. 405-7. Failure to obtain a Permit

If any person commences any land-disturbing activity requiring a land disturbing permit as prescribed in this division without first obtaining such permit, that person shall be subject to revocation of his business license, work permit, building permit, or other authorization for the conduct of business and associated work activities within the jurisdictional boundaries of the city.

Sec. 405-8. Exceptions

The provisions of this division shall not apply to:

A. Emergency work necessary to preserve life or property. When emergency work is performed under this section the person performing it shall report the pertinent facts relating to the work to the Community Development Department on the next business day after commencement of the work. Within ten days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the Community Development Department to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability, or water quality of the protection area.
B. Work consisting of the repair or maintenance of any lawful use of land which is zoned and approved for such use on May 14, 1984.

Sec. 405-9. Application

A separate application for a permit shall be made to the Department on a form approved by the Department, for each land-disturbing activity, except that only one application need be made for two or more such acts which are to be done on the same parcel. The application shall include a map of the site and such information concerning the proposed action as the Planning and Zoning Department deems necessary to describe the nature and extent of the proposed action and to determine the effect of the proposed action on the protection area.

Sec. 405-10. Issuance

No application for a permit shall be approved and no permit shall be issued for any land-disturbing activity within the protection area unless:

A. The land-disturbing activity is for the purpose of constructing one of the following: a stream crossing by a driveway, transportation route, or public utility; a dam and/or impoundment; a detention, retention, or sediment control pond or facility;
B. The land-disturbing activity is within a right-of-way of any public agency; or
C. The Planning and Zoning Department finds and determines that a minimum amount of land disturbance necessary for the beneficial use of the parcel has been proposed.

Sec. 405-11. Conditions.

In each permit issued under the provisions of this division, the Planning and Zoning Department shall include conditions designed to:

A. Limit erosion, sedimentation, and water pollution within the protection zone to amounts and rates no greater than those occurring before the land-disturbing activity; and
B. Preserve, protect, or replace the maximum feasible amount of natural vegetation.

Sec. 405-12. Responsibility

Neither the issuance of a permit under this division nor compliance with the conditions thereof, nor with the provisions of this article shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability upon the city, its officers or employees, for injury or damage to person or property. A permit issued pursuant to this division does not relieve the permittee of the responsibility of securing and complying with any other permit which may be required by any other city ordinance or state law.

Sec. 405-13. Term, extension, renewal

A. The permittee under this division shall complete the work authorized by the permit within the time limits specified in the permit, which in no event shall extend more than 12 months from the date of issuance. The permittee shall notify the Department at least 72 hours prior to the commencement of work.
B. Should work not be commenced and completed within the time limits, the permit shall become void; provided, however, that if prior to the date established for commencement of work, the permittee makes written request to the Planning and Zoning Department for an extension of time to commence the work, setting forth the reasons for the required extension, the Department may grant such extension.
C. A permit which has become void may be renewed at the discretion of the Planning and Zoning Department.

Sec. 405-14. Inspection

A. The Department may cause inspections of the work permitted under this division to be made periodically during the course thereof and shall make a final inspection following completion of the work. The permittee shall assist the Planning and Zoning Department in making such inspection. The city shall have the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this article, and for this purpose to enter at reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land disturbing activities within a protection area.
B. No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

Sec. 405-15. Performance bond

Prior to the issuance of any permit under this division for land disturbing activities within the protection area, the applicant shall submit a performance and maintenance bond which shall ensure that all terms and conditions of the permit are complied with. The bond shall pertain to and recite therein an exact description of the property in question. The length of time for which the bond shall be valid shall be determined by the Community Development Department, and shall be

specified on the face of the bond. The bond shall be in an amount equal to twice the estimated cost for carrying out the land-disturbing activity in compliance with all terms and conditions of the permit. The sum of the bond shall be made payable to the city. The bond shall be provided by a bonding company licensed and registered in the state.

Sec. 405-16. Forfeiture of bond

If, through inspection, it is determined that a person engaged in land disturbing activities has failed to comply with the terms and conditions of the permit issued under this division, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the permit and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this article and, in addition to other penalties, his performance bond shall be subject to forfeiture.

Sec. 405-17. Suspension, revocation or modification

The permit under this division may be suspended, revoked or modified by the Planning and Zoning Department upon finding that the holder is in violation of the terms of the permit or any portion of this article.

DIVISION 2. - GROUNDWATER RECHARGE AREA PROTECTION

Sec. 405-18. Title, findings, and objectives

A. Title and findings of fact.

1. This article shall be known as the "Groundwater Recharge Area Protection Ordinance of Norcross, Georgia." In order to provide for the health, safety and welfare of the public and a healthy economic climate with the city and surrounding communities, it is essential that the quality of public drinking water be ensured. For this reason, it is necessary to protect the subsurface water resources that the city and surrounding communities rely on as sources of public water. Groundwater resources are contained within aquifers, which are permeable rock strata occupying vast regions of the subsurface. These aquifers are replenished by infiltration of surface water runoff in zones of the surface known as groundwater recharge areas.
2. Groundwater is susceptible to contamination when unrestricted development occurs within significant groundwater recharge areas. It is, therefore, necessary to manage land use within groundwater recharge areas in order to ensure that pollution threats are minimized.
3. According to available data provided by the Georgia Department of Natural Resources, the city contains significant groundwater recharge areas. Additionally, according to the Groundwater Pollution Susceptibility Map of Georgia, the city is within an area having a low susceptibility rating (drastic rating less than 141).

B. *Objectives.* The objectives of this article are to:

1. Protect groundwater quality by restricting land uses that generate, use or store dangerous pollutants in recharge areas;
2. Protect groundwater quality by limiting density of development; and
3. Protect groundwater quality by ensuring that any development that occurs within the recharge area shall have no adverse effect on groundwater quality.

Sec. 405-19. Establishment of a groundwater recharge area district

A groundwater recharge area district is hereby established which shall correspond to all lands within the jurisdiction of the city that are mapped as significant recharge areas by the Georgia Department of Natural Resources in Hydrologic Atlas 18, 1989 edition, as amended.

Sec. 405-20. Determination of pollution susceptibility

Within the state each recharge area is determined to have a pollution susceptibility of high, medium or low based on the Georgia Pollution Susceptibility Map prepared by the Georgia Department of Natural Resources. All recharge areas within the city are considered to have a low pollution susceptibility.

Sec. 405-21. Permit requirements and enforcement

A. *Compliance with section 405-26.* No building permit or development permit will be approved by the city unless the permit, request or plan is in compliance with the groundwater protection standards listed in section 405-26.

B. *Enforcement.* The city, its agent, officers and employees shall have the authority to enter upon privately owned land for the purpose of performing their duties under this article and may take or cause to be made such examinations, surveys or sampling as the city deems necessary.

1. The Community Development Department is hereby designated as the primary administrator and enforcement officer for the article.
2. The Community Development Department shall have authority to enforce this article; issue permits hereunder; and address violations or threatened violations hereof by issuance of violation notices, administrative orders and civil and criminal actions. All costs, fees and expenses in connection with such actions may be recovered as damages against the violator.
3. Law enforcement officials or other officials having police power shall have authority to assist the Community Development Department in enforcement.
4. Any person who commits, takes part in or assists in any violation of any provision of this article shall be fined not more than $1,000.00 for each offense. Each violation shall be a separate offense and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense.
5. The Community Development Department shall have the authority to issue cease and desist orders in the event of any violation of this article.
6. When a building or other structure has been constructed in violation of this article, the violator may be required to either remove the structure or make suitable modifications to bring it into compliance.
7. When removal of vegetative cover, excavation or fill has taken place in violation of this article, the violator shall be required to restore the affected land to its original contours and to restore vegetation, as far as practicable.

Sec. 405-22. Permit review and site plan requirement

With the exception of certain exempted activities identified in section 405-23, applications for a development permit within the groundwater recharge area district shall include a site plan. The following information is required for all site plans:

A. A map, drawn to a scale of 1:100, or other scale suitable to the city, showing all planned improvements including the width, depth and length of all existing and proposed structures, roads, watercourses and drainageways, water lines, wastewater and stormwater facilities, and utility installations, shall be provided by the applicant.
B. Location, dimensions and area of all impervious surfaces, both existing and proposed on the site.
C. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or body of water.
D. Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than five feet.
E. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
F. Calculations of the amount of cut and fill proposed and cross-sectional drawings showing existing and proposed grades in areas of fill or excavation. Elevations, horizontal scale and vertical scale must be shown on cross sectional drawings.
G. Activities to comply with site plan. All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. Significant changes to the site plan that would alter the amount and/or velocity of stormwater runoff from the site, increase the amount of impervious surface within the development, alter the overall density of development, result in a considerable increase in the amount of excavation, fill or removal of vegetation during construction or otherwise result in an alteration of the overall appearance of the development as proposed, can be amended only with the approval of the Community Development Department. Minor changes, such as the realignment of streets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions, may be exempted from this requirement.

Sec. 405-23. Exemptions to site plan requirements

The following activities and developments are exempt from the requirement for detailed site plans:

A. Single-family detached homes constructed within a subdivision of fewer than five parcels.
B. Repairs to a facility that is part of a previously approved and permitted development.
C. Construction of minor structures, such as sheds or additions to single-family residences.

Sec. 405-24. Review procedures

The application shall be made to the Community Development Department and will be reviewed within the normal course of business for the city and follow the policies as outlined within the zoning chapter and development regulations, as amended. Appeals to decisions and determinations made by the city shall follow the processes outlined within the zoning chapter.

Sec. 405-25. Duration of permit validity

A. If construction described in the development permit has not commenced within 12 months from the date of issuance, the permit shall expire.
B. If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire within 12 months after the date that work ceased.

Sec. 405-26. Groundwater protection standards

The following standards are required by the city for all significant groundwater recharge areas within the city. There may be other rules, regulations and requirements enforced by other entities, such as the Georgia Department of Natural Resources, that must also be followed.

A. For all pollution susceptibility areas, new waste disposal facilities must have synthetic liners and leachate collection systems.
B. Within significant groundwater recharge areas, new agricultural impoundments shall meet the following requirements: A liner shall be provided that is approved by the U.S. Soil Conservation Service (SCS) if the site exceeds 50 acres. As a minimum, the liner shall be constructed of compacted clay having a thickness of one foot and a vertical hydraulic conductivity of less than 5×10^{7} cm/sec or other criteria established by the SCS.
C. No land disposal of hazardous waste shall be permitted within any significant groundwater recharge area.
D. For all significant groundwater recharge areas, new facilities which handle hazardous materials, of the types listed in section 312 of the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.), excluding underground storage tanks and in amount (10,000 pounds or more on any one day) shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements and any local fire prevention code requirements.
E. For all significant groundwater recharge areas, new aboveground chemical or petroleum storage tanks larger than 660 gallons must have secondary containment for 110 percent of tank volume or 110 percent of the largest tank in a cluster of tanks. Such tanks used for agricultural purposes are exempt, provided they comply with all federal requirements.
F. No construction may proceed on a building or mobile home to be served by a septic tank unless the Gwinnett County Environmental Health Department first approves the proposed septic tank installation as meeting the standards of the DHR Manual and minimum lot size requirements as outlined.
G. Permanent stormwater infiltration basins shall not be constructed in areas having high pollution susceptibility.

DIVISION 3. - WETLAND PROTECTION

Sec. 405-27. District

This article shall apply to all lands within wetland areas located within the jurisdiction of the city. The National Wetland Inventory Maps (NWI), prepared by the U.S. Fish and Wildlife Service, as amended, are hereby adopted as the city's generalized wetland map inventory. These maps show the general locations of wetlands and should be consulted by persons contemplating activities in or near wetland areas. Copies of said maps shall be on file in the Office of the Community Development Department.

Sec. 405-28. Definitions of wetlands

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

Sec. 405-29. Permitting and use provisions

Within the city, no land disturbance or building permits shall be issued on a parcel of land that appears to contain wetlands on the city's generalized wetland map inventory until a determination has been made by the U.S. Army Corps of Engineers on whether jurisdictional wetlands exist on the site. If there are jurisdictional wetlands on the site that will be disturbed by the proposed development, the applicant must first obtain a wetlands alteration section 404 permit and/or letter of permission from the Corps of Engineers prior to any permits being issued on the site.

DIVISION 4. - CHATTAHOOCHEE RIVER WATER SUPPLY WATERSHED PROTECTION

Sec. 405-30. Title, findings and purpose

A. *Title of article.* This article shall be known as the "Chattahoochee River Water Supply Watershed Protection Ordinance."

B. Findings of fact.

1. In order to provide for the health, safety and welfare of the public and a healthy economic climate within the city and surrounding communities, it is essential that the quality of public drinking water be ensured. The ability of natural systems to filter stormwater runoff can be threatened by unrestricted development. Land disturbing activities associated with development can increase erosion and sedimentation which threatens the storage capacity of reservoirs. In addition, stormwater runoff, particularly from impervious surfaces, can introduce toxicants, nutrients and sediment into drinking water supplies, making water treatment more complicated and expensive and rendering water resources unusable for recreation. Industrial land uses that involve the manufacture, use, transport and storage of hazardous or toxic waste materials result in the potential risk of contamination of nearby public drinking water supplies.
2. The city has determined that land inside the city lies within the Chattahoochee River Water Supply Watershed. This watershed is greater than 100 square miles in size and is categorized as a large water supply watershed under the provisions of this article. As of the date of adoption of this article, no portion of the city lies within seven miles upstream of a water supply reservoir but a portion of the city lies within seven miles upstream of an active water supply intake.

C. *Purpose.* The purpose of this article is to establish measures to protect the quality and quantity of the present and future water supply of the city; to minimize the transport of pollutants and sediment to the water supply; and to maintain the yield of the water supply watershed. This article shall apply to the portions of the Chattahoochee River Watershed, which occur within the jurisdiction of the city and are herein identified as water supply watershed.

Sec. 405-31. Establishment of a water supply watershed district

The Chattahoochee River Water Supply Watershed District is hereby designated and shall comprise the land that drains to the Chattahoochee River from the river's bank to the ridge line of the watershed within the political boundaries of the city. The boundary shall be set at places readily identifiable on the watershed district map. A seven-mile-radius protection area is hereby established for land inside the city that lies within the Chattahoochee River water supply watershed and is within a radius of seven miles upstream of an active water supply intake. The boundary of the seven mile radius protection area shall be set at places readily identifiable on the watershed district map.

Sec. 405-32. Permit required

A. *Permit requirements.* Within the water supply watershed district, no land-disturbing activity, construction or other development, other than certain exempted activities identified within, may be conducted without a approval from the city and must be in full compliance with the terms of this article and other zoning and development regulations. All activities that are not permissible as of right or as special permit uses shall be prohibited.

B. *Exemptions.* The following land use activities are exempted from the permit and site plan requirements of this article:

   1. *Forestry.* Normal agricultural activities involving planting and harvesting of crops are exempted if they conform to best management practices established by the Georgia Department of Agriculture. Silvicultural activities must conform to best management practices established by the Georgia Forestry Commission.
   2. *Mining activities.* All mining activities that are permitted by the Georgia Department of Natural Resources under the Georgia Surface Mining Act, as amended, are exempted.

C. *Authority to enter.* The city, its agents, officers and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this article and may take or cause to be made such examinations, surveys or sampling as the city deems necessary.

D. *Administrative, enforcement authority.* The Community Development Department is hereby designated as the administrator and enforcement authority for this article.

E. *Notices, order and actions.* The Community Development Department shall have authority to enforce this article; issue permits hereunder; and address violations or threatened violations hereof by issuance of violation notices, administrative orders and civil and criminal actions. All costs, fees and expenses in connection with such actions may be recovered as damages.

F. *Officials having police powers.* Law enforcement officials or other officials having police powers shall have authority to assist the Community Development Department in enforcement of this article.

G. *Violations.* Any person who commits, takes part in or assists in any violation of any provision of this article shall be fined not more than $1,000.00 for each offense. Each violation shall be a separate offense and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense.

H. *Cease and desist orders.* The Community Development Department shall have the authority to issue cease and desist orders in the event of any violation of this article. Cease and desist orders may be appealed to a court of competent jurisdiction.

I. *Noncompliance.* When a building or other structure has been constructed in violation of this article, the violator shall be required to remove the structure.

J. *Restoration of affected land.* When removal of vegetative cover, excavation or fill has taken place in violation of this article, the violator shall be required to restore the affected land to its original contours and to restore vegetation, as far as practicable.

Sec. 405-33. Permit review applications

Applications for a development permit within the seven-mile-radius protection area shall include a site plan prepared and approved by the Community Development Department in compliance with the zoning and development regulations before any building permits or other development related permits may be issued or any land-disturbing activity may take place. The site plan must include:

A. A site plan drawn to a scale showing all planned improvements including the width, depth and length of all existing and proposed structures, roads, watercourses and drainageways; water, wastewater and stormwater facilities; and utility installations.
B. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site.
C. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
D. Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than five feet.
E. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
F. Calculations of the amount of cut and fill proposed and cross sectional drawings showing existing and proposed grades in areas of fill or excavation. Elevations, horizontal scale and vertical scale must be shown on cross-sectional drawings.

Sec. 405-34. Activities to comply with site plan

All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. Significant changes to the site plan, that would alter the amount and velocity of stormwater runoff from the site, increase the amount of impervious surface within the development, alter the overall density of development, result in a considerable increase in the amount of excavation, fill or removal of vegetation during construction or otherwise result in an alteration of the overall appearance of the development as proposed can be amended only with the approval of the city.

Sec. 405-35. Exemptions from site plan requirement

The following activities and developments are exempt from the requirement for detailed site plans:

A. Single-family detached homes that are part of a subdivision containing 5 or fewer homes.
B. Repairs to a facility that is part of a previously approved and permitted development.
C. Construction of minor structures, such as sheds or additions to single-family residences.

Sec. 405-36. Preapplication conference

A preapplication conference between the applicant and the city can be scheduled at the request of the applicant. The purpose of the meeting is to review local land use restrictions, site plan requirements and the permitting process.

Sec. 405-37. Protection measures and requirements

In addition to the limitations on land use prescribed by the zoning ordinances or development regulations, the following limitations shall apply for land within the seven-mile-radius protection area. New facilities which handle hazardous materials, of the types listed in section 312 of the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.), excluding underground storage tanks and in amount (10,000 pounds or more on any one day) shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the standard fire prevention code.

Sec. 405-38. Application projects partially complete

For any development that has received, before the effective date of the ordinance from which this article is derived, either preliminary plat approval, site plan approval, building permit or other relevant permits provided by the city and for which substantial work has been completed or substantial investment made in reliance upon such a permit, any future work included in said plat or plan may be completed without being subject to the additional regulations imposed in this article. Any significant additions, expansions or phases that deviate significantly from said plat or plan or that have not yet received a permit shall be subject to the provisions of this article.

DIVISION 5. ILLICIT DISCHARGE AND ILLEGAL CONNECTION

Sec. 405-39. General provisions

A. *Title.* This article shall be known as the "Illicit Discharge and Illegal Connection Ordinance."

B. *Authority.* The authority for this article is based on home rule provisions of the Ga. Const. art. IX, § 2, ¶ 3(a)(6).

C. *Findings.* It is hereby determined that:

1. The city separate storm sewer system was designed and installed to manage stormwater so as to prevent localized flooding, damage to property and risk to public safety;
2. The city separate storm sewer system was not designed or installed as a receiving system for non-stormwater discharges;
3. Discharges to the city separate storm sewer system that are not composed entirely of stormwater contribute to increased nonpoint source pollution and degradation of receiving waters;
4. These non-stormwater discharges occur due to spills, dumping and improper connections to the city separate storm sewer system from residential, industrial, commercial or institutional establishments;
5. These non-stormwater discharges not only impact local waterways individually, but geographically dispersed, small volume non-stormwater discharges can have cumulative impacts on receiving waters;
6. The impacts of these non-stormwater discharges adversely affect public health and safety, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters;
7. These impacts can be minimized through the regulation of spills, dumping and discharges into the city separate storm sewer system;
8. Localities in the state are required to comply with a number of state and federal laws, regulations and permits which require a locality to address the impacts of nonpoint source pollution caused by non-stormwater discharges to the city separate storm sewer system;
9. The Clean Water Act requires the management and maintenance of the city separate storm sewer system and the management of discharges to that system;
10. Therefore, in order to prohibit such non-stormwater discharges to the city separate storm sewer system, it is determined that the regulation of spills, improper dumping and discharges to the city separate storm sewer system is in the public interest and will prevent threats to public health and safety, and the environment.

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

stormwater discharges into the city separate storm sewer system in order to comply with requirements of the national pollutant discharge elimination system (NPDES) permit process. The objectives of this article are to:

1. Comply with all Georgia Department of Natural Resources (DNR) and Federal Environmental Protection Agency (EPA) stormwater regulations developed pursuant to the Clean Water Act;
2. Prohibit illicit discharges and illegal connections to the city separate storm sewer system;
3. Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the city separate storm sewer system; and
4. Establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this article.

E. *Applicability.* The provisions of this article shall apply throughout the unincorporated area of the city. The city may enter into agreements with cities within the county, or other municipalities, to carry out the purpose of this article. These agreements may include, but are not limited to, enforcement of provisions, resolution of disputes, and cooperative monitoring and management of the separate storm sewer system and management programs.

F. *Compatibility with other regulations.* This article is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this article constitute a minimum standard, should not be deemed to limit or repeal any other local requirements, and are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

G. *Severability.* If the provisions of any section, subsection, paragraph, subdivision or clause of this article shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this article.

H. *Responsibility for administration.*

1. The Department shall have the power to administer, implement, and enforce the provisions of this article and any procedures, standards and guidelines established under authority of this article. Such power shall include the right to maintain an action or procedure in any court of competent jurisdiction to compel compliance with or restrain any violation of this article.
2. The Department shall be responsible for the conservation, management, maintenance (where applicable), extension and improvement of the city separate storm sewer system, including activities necessary to control stormwater and activities necessary to administer and implement the stormwater management programs incorporated by reference into the NPDES stormwater permit.
3. The Department may develop, and update periodically, a stormwater management design manual for the guidance of persons preparing stormwater management plans, designing or operating stormwater management systems, and designing or operating facilities that may contribute non-stormwater discharges to the city's separate storm sewer system.
4. The Department may:

    a. Establish or oversee the establishment of standards and guidelines for controlling stormwater;
    b. Determine the manner in which conveyances should be operated;
    c. Inspect private systems which discharge to the city separate storm sewer system;
    d. Advise other departments on issues related to stormwater;

e. Protect facilities and premises controlled by the city and prescribe how they are to be used by others;
f. Require facilities or activities that create new, increased, or significantly changed stormwater contributions to the city's separate storm sewer system to comply with the terms of this article; and
g. Develop programs or procedures to control the discharge of pollutants into the city separate storm sewer system.

Sec. 405-40. Prohibitions

A. Prohibition of illicit discharges.

1. It shall be a violation of this article for any person to throw, drain, or otherwise discharge, cause, or allow others under his control to throw, drain, or otherwise discharge into the city separate storm sewer system anything other than stormwater.
2. Discharges from the following sources are exempt from the prohibition provision in subsection (a)(1) of this section:

    a. Water line flushing performed by a government agency, other potable water sources, dechlorinated and unpolluted swimming pool discharges, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawlspace pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants;
    b. Discharges or flows from firefighting, and other discharges specified in writing by the city as being necessary to protect public health and safety.

B. Prohibition of illegal connections.

1. It shall be a violation of this article for any person to construct, connect, use, maintain, or suffer or allow the continued existence of any illegal connection to the city separate storm sewer system.
2. Illegal connections must be disconnected. The Department may require that illegal connections be disconnected and redirected if necessary, to an approved on-site sewage management system or the sanitary sewer system. Such redirected connections must be approved by the agency responsible for administering and operating those systems.
3. The Department may require any underground or aboveground pipe, drain or other conduit, that has not been documented in plans, maps or equivalent, and which may be connected to the city's separate storm sewer system, to be located by the owner or occupant of that property upon receipt of written notice from the Department. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Department. Failure to comply with the terms of the written notice mentioned within this subsection shall constitute a violation of this article.

Sec. 405-41. Industrial or construction activity discharges

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

Sec. 405-42. Access and inspection of properties and facilities

A. *Access and inspection.* The Director or his designee shall be permitted to enter and inspect premises, properties and facilities at reasonable times as often as may be necessary to determine compliance with this article.

1. If a property or facility has security measures in force, which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to the Director or his designee.
2. The owner or operator shall allow the Director or his designee ready access to all parts of the premises for the purposes of inspection, investigation, observation, monitoring, measurement, recording, enforcement, sampling and testing, photography and videotaping for the purpose of ensuring compliance with the provisions of this article. The owner or operator shall allow the Director or his designee to examine and copy any records that are required under the conditions of an NPDES permit. The Director or his designee shall duly notify the owner of said property or the representative on site, except in the case of an emergency.
3. The Director or his designee shall have the right to set up on any premises, property or facility such devices as are necessary in the opinion of the Department to conduct monitoring and/or sampling of discharges.
4. The Director or his designee may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the Department. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy. Measurements, tests and analyses performed shall be completed in accordance with 40 CFR 136, unless the Director approves another method.
5. Any temporary or permanent obstruction to safe and easy access to the premises, property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the Director or his designee and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
6. Unreasonable delays in allowing the Director or his designee access to a facility, property or premises shall constitute a violation of this article.
7. If the Director or his designee has been refused access to any part of a premises, property or facility from which stormwater is or would likely be discharged, and the Director or his designee is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the Department may seek issuance of a search warrant from any court of competent jurisdiction.

B. *Schedule.* The Director or his designee may determine inspection schedules necessary to enforce the provisions of this article.

Sec. 405-43. Notification of accidental discharges and spills

A. Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of non-stormwater from that facility or operation which is resulting or may result in a discharge of that non-stormwater into the city separate storm sewer system, state waters, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge. Said person shall notify the Department by phone, facsimile or in person within 24 hours of discovering the discharge. Such notification shall detail the nature, quantity and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Department within three business days of the phone or in person notice. If the discharge emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.

B. In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified.

C. Failure to provide notification of a release or discharge as provided in this section is a violation of this article.

Sec. 405-44. Violations, enforcement and penalties

A. *Violations.* It shall be a violation of this article for any person to violate any provision or fail to comply with any of the requirements of this article. Any person, who has violated or continues to violate the provisions of this article, may be subject to the enforcement actions outlined in this section. Each day of noncompliance is considered a separate offense. The Department may institute appropriate action or proceedings at law or equity for the enforcement of this article. Any court of competent jurisdiction may have the right to issue restraining orders, temporary or permanent injunctions, and other appropriate forms of remedy or relief. Nothing herein contained shall prevent the Department from taking such other lawful action as is necessary to prevent or remedy any violation, including application for injunctive relief. In the event the violation constitutes an immediate danger to public health or public safety, the Department has the right but not the duty, to enter upon the subject private property or premises, without giving prior notice, and take any and all measures necessary to abate the violation and/or restore the property. The Department is authorized to seek costs of the abatement as outlined in subsection (e) of this section.

B. *Notice of violation.* Whenever the Department finds that a violation of this article has occurred, the Department may order compliance by written notice of violation.

    1. The notice of violation shall contain:

        a. The name and address of the alleged violator;
        b. The address when available or a description of the building, structure, premises or land upon which the violation is occurring, or has occurred;
        c. A statement specifying the nature of the violation;
        d. A description of the remedial measures necessary to restore compliance with this article and a time schedule for the completion of such remedial action;
        e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and

f. A statement that the determination of violation may be appealed to the Department by filing a written notice of appeal within 30 days of service of notice of violation.

2. Such notice of violation may require without limitation:

a. The performance of monitoring, analysis, and reporting;
b. The elimination of illicit discharges and illegal connections;
c. That violations of this article shall cease and desist;
d. The abatement of non-stormwater discharges, the remediation of land or the effects of pollution, and the restoration of any affected property to its unaffected condition;
e. Payment of costs to cover administrative and abatement costs;
f. The implementation of pollution prevention practices;
g. The development and provision to the Department of written remediation or action plans;
h. The development and provision to the Department of documents showing the location and discharge points of conveyances, pipes, channels, or drains; and
i. Any other actions that will lead to the remedy of a condition of violation of this article.

C. *Appeal of notice of violation.* Any person receiving a notice of violation may appeal the determination of the Director or his designee. The notice of appeal must be received by the Department within 30 days from the date of the notice of violation. Hearing on the appeal before the Director shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the Director shall be final.

D. *Enforcement measures.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation or, in the event of an appeal, within three days of the decision of the Director upholding the decision of the Director or his designee, then in addition to any other remedies that may be available, representatives of the Department or its contractors may enter upon the subject private premises, property or facility, where they are then authorized to take any and all actions or measures necessary to abate the violation and/or restore the property. Such measures or actions shall include but not be limited to repairs, maintenance, containment, cleanup and remediation. It shall be a violation of this article for any person, owner, agent or person in possession of any premises, property or facility to refuse to allow the Department or designated contractor to enter upon the premises for the purposes set forth above.

E. *Costs of abatement of the violation.* Within ten working days after abatement of the violation by the Department or its contractors, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the assessment or to the amount of the assessment within ten working days of such notice. If the amount due is not paid within 30 days after receipt of the notice, or if an appeal is taken, within 30 days after a decision on said appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the city by reason of such violation.

F. *Criminal penalties.* For violations of this article, the Department may issue a citation to the alleged violator requiring such person to appear in a court of competent jurisdiction to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed $1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

G. *Violations deemed a public nuisance.* In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety,

welfare, and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law.

H. *Remedies not exclusive.* The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and the Department may seek cumulative remedies. The Department may recover attorney's fees, court costs, and other expenses associated with enforcement of this article, including sampling and monitoring expenses. If the amount due is not paid within 30 days after receipt of a notice requiring payment of such costs, or if an appeal is taken, within 30 days after a decision on said appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Sec. 405-45. Variances

A. *Circumstances.* The Director or his designee may grant a variance from the requirements of this article if exceptional circumstances applicable to a site or premises exist such that strict adherence to the provisions of this article will result in unnecessary hardship and will not fulfill the intent of this article. Specifically, such variances may be granted in such individual cases of unnecessary hardship upon a finding by the Director or his designee that:

1. There are extraordinary and exceptional conditions pertaining to the particular site in question;
2. The variance is the minimum necessary, considering the impact on upstream and downstream properties;
3. The application of this article to this particular site would create an unnecessary hardship;
4. Such conditions are peculiar to the particular site involved;
5. Such conditions are not the result of any actions of the site owner; and
6. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this article.

B. *Request.* A written request for a variance shall be required and shall state the specific variance sought and the reasons, with supporting data, that a variance should be granted. The request shall include all information necessary to evaluate the proposed variance.

C. *Review of request.* The Director or his designee will conduct a review of the request for a variance within 30 working days of receiving the request.

ARTICLE VI. Outdoor Lighting Standards

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ARTICLE VI. Outdoor Lighting Standards

Sec. 406-1. Purpose

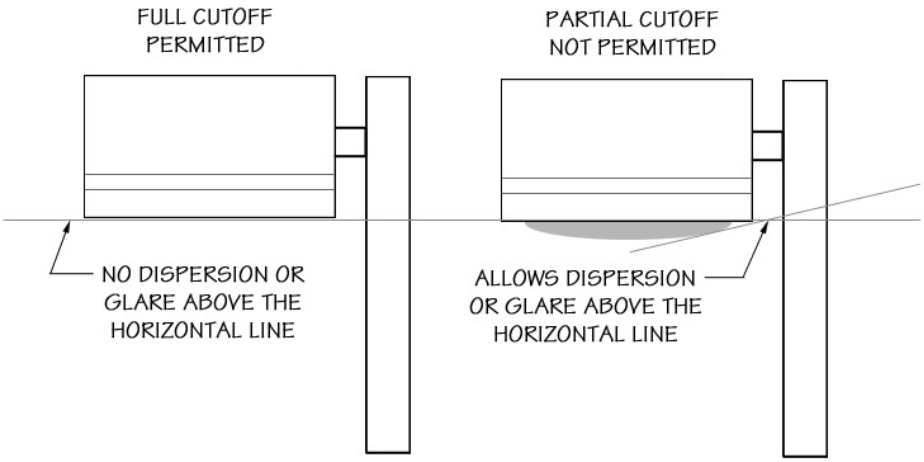
A. These provisions are intended to control the use of outdoor artificial illuminating devices emitting rays into the night sky which have a detrimental effect on astronomical observations. It is the intention of this Article to encourage good lighting practices such that lighting systems are designed to reduce or eliminate light pollution, conserve energy and money, while increasing nighttime safety, utility, security and productivity.

B. All areas containing outdoor lighting, including but not limited to floodlighting, security lighting, event lighting or the lighting of off-street parking and loading areas shall comply with the requirements of this Article.

C. Furthermore, it is the intent of the regulations of this Article to establish lighting levels for various permitted uses that promote visual surveillance, reduce the potential for criminal activity and prevent the unnecessary glare of light on adjacent properties.

Sec. 406-2. Lighting Standards, Configuration and Timing

A. All exterior lighting shall be of full cutoff design and directed downward and away from adjoining property, with luminaries shielded to prevent unnecessary glare as identified below.



B. Trees and shrubs shall not interfere with the distribution of exterior lighting necessary for security purposes as required by this Article.

C. Security lighting above building entrances, parking lots, off-street loading areas and service entrances shall be metal halide, unless permitted otherwise during plan review, and incorporated in exterior areas going to and from the building(s) or use(s) within the site.

D. All exterior fixtures, when used for security purposes, except for parking lot lighting, shall be illuminated from dusk until dawn, unless otherwise specifically designated on the site plan and as approved through the site plan process.

All other exterior lighting that is not necessary for security purposes shall be turned off one (1) hour after the close of business.

E. Any exterior lighting device designed for security lighting shall be protected by weather and vandal-resistant covering, a managed light source for controlling the times of illumination and fully shielded and directed down to minimize glare and intrusiveness on adjacent properties or rights-of-way.

F. Lighting in multi-level parking ramps shall be evaluated on a case-by-case basis to maximize safety and to minimize unnecessary glare to adjacent or nearby residential areas.

Sec. 406-3. Lighting Plan

A lighting plan is required of any site plan review application, as identified in Sec 105-6. J. No building permit shall be issued without first obtaining approval of a required lighting plan.

Sec. 406-4. Minimum Illumination Guidelines for Security Purposes

All minimum illumination guidelines for security lighting listed in this Section shall be maintained from ground level to a height of six (6) feet. The minimum to maximum uniformity ratio may range up to 6:1 in acceptable layouts. In some circumstances, customer convenience, closed-circuit surveillance, and commercial entertainment uses may require a higher level of lighting.

Sec. 406-5. Outdoor lighting intensity standards

When outdoor lighting is proposed or required, the following standards in the table on the following page shall apply and the "activities" as described in the table shall be assigned and evaluated by the Norcross Police Department and Community Development Department based on the type of use, the hours of operation and the area in which the use is located.

Outdoor Lighting Intensity and Uniformity Standards.

Light Use	Minimum Horizontal Footcandles	Maximum Horizontal Footcandles	Additional Regulations
Parking Lot	0.5	5	(1) Areas used for parking or vehicle storage shall be illuminated in accordance with the requirements for Parking Lot Lighting. (2) Parking lot lighting shall be metal halide.
Outdoor Display and Sales	-	5	-
Walkways, Sidewalks, Bike Paths	-	5	(1) Lighting fixtures shall be designed to direct light downward, and the initial output of light sources shall not exceed one thousand (1,000) lumens. (2) Lighting shall be metal halide.

Light Use	Minimum Horizontal Footcandles	Maximum Horizontal Footcandles	Additional Regulations
Parks and Playgrounds	-	0.5	Lighting fixtures shall be designed to direct light downward, and the initial output of light sources shall not exceed one thousand (1,000) lumens.
Canopies and Drive Through Facilities	5	20	(1) Light fixtures mounted on or under canopy ceilings shall be full cutoff, unless indirect lighting is be used whereby light is directed upward and then reflected down from the ceiling of the structure. In this case, light fixtures must be shielded so that direct illumination is focused exclusively on the ceiling of the structure. (2) Lights shall not be mounted on the top or sides of a canopy and the sides of a canopy shall not be illuminated. (3) Lighting for drive-through facilities must be fully shielded. (4) Canopy and bay lighting shall be metal halide.
Outdoor Activity Facility	All outdoor entertainment or recreational/ sports facility lighting will be reviewed for compliance with minimum site lighting criteria and light trespass criteria and with regard to the intent of these Exterior Lighting Standards to minimize the impact of light trespass and glare on all surrounding properties and public rights-of-way.		
High Risk Activity (e.g. bank deposit night drop or ATM)	4	5	Lighting shall be metal halide.
Medium Risk Activity (e.g. convenience store open 24 hours)	2	4	Lighting shall be metal halide.
Low Risk Activity (e.g. place of worship, office)	0.5	2	Lighting shall be metal halide.

Sec. 406-6. Light Trespass

All areas containing outdoor lighting (except public street lighting) shall limit light trespass onto adjacent property, when measured at any point along a property line, to the requirements set forth below. Compliance shall be achieved by utilizing fixture shielding, directional control designed into fixtures, fixture location, height, or aim, or a combination of these or other factors.

District Adjoining Subject Property	*Maximum Light Spillage to Adjoining Lots Measured in Footcandles*
R100, R75, R60, RD, RTH, PRD	0.20
C1, C2, CX, HX, NX, M1, M2, OI, BH, CAR, P	0.50

Sec. 406-7. Exterior Illumination of Buildings and Other Vertical Structures

When buildings or other structures are illuminated, the design for the illumination shall be in accordance with the following:

A. The illumination of buildings shall be limited to security lighting or highlighting unique architectural features.
B. Lighting fixtures shall be located and/or aimed such that light is directed only onto the building surface. All fixtures used to illuminate buildings shall be fully shielded.
C. For statues, monuments, fountains, or other objects for which it may not be possible to illuminate with downward lighting, upward lighting may be used only in the form of spotlights which confine the illumination to the object of interest.
D. If upward lighting is used to illuminate flags, only spotlights shall be used; floodlights directed above the horizontal shall not be used to illuminate a flag.

Sec. 406-8. Neon Lighting

Light sources consisting of glass tubes filled with neon, argon, krypton, or other similar gas (hereafter referred to as "neon lighting") are excluded from shielding and line-of-sight requirements; however, lighting shall be included in the light trespass requirements of Sec 406-6. Furthermore, neon lighting shall not be considered as security lighting.

Sec. 406-9. Enforcement

Failure to adhere to the requirements of this Article or an approved lighting plan shall be deemed a violation of this UDO.

Sec. 406-10. Exceptions

A. The temporary use of low wattage or low voltage lighting for festivals, celebrations, and the observance of holidays are exempt from this Article except where they create a hazard or nuisance from glare.
B. Consideration to light trespass requirements shall be demonstrated prior to commencing the use of the temporary lighting.
C. Emergency lighting and traffic control lighting shall be exempt from the requirements of this Article.

Sec. 406-11. Lights not Conforming to this Article

A. Authority to Continue.

   Any lawful lighting fixtures located within the City at the effective date of this Article or which shall come to be located in City as a result of annexation after the effective date of this Article, which does not conform to the provisions of this Article, may continue provided the lighting remains in conformance with the provisions of this Section.

B. Ordinary Maintenance and Repair.

Nothing in this Section shall relieve the owner or beneficial user of legal nonconforming lighting, or the owner of the property on which the legal nonconforming lighting is located, from the provisions of this Article regarding safety, maintenance, and repair. Normal maintenance, including replacing light bulbs, cleaning, or routine repair of legal nonconforming light fixtures, shall not be deemed to be a condition which triggers a loss of lawful status described below, unless such maintenance increases the nonconforming aspects of the lighting.

C. Loss of Lawful Status.

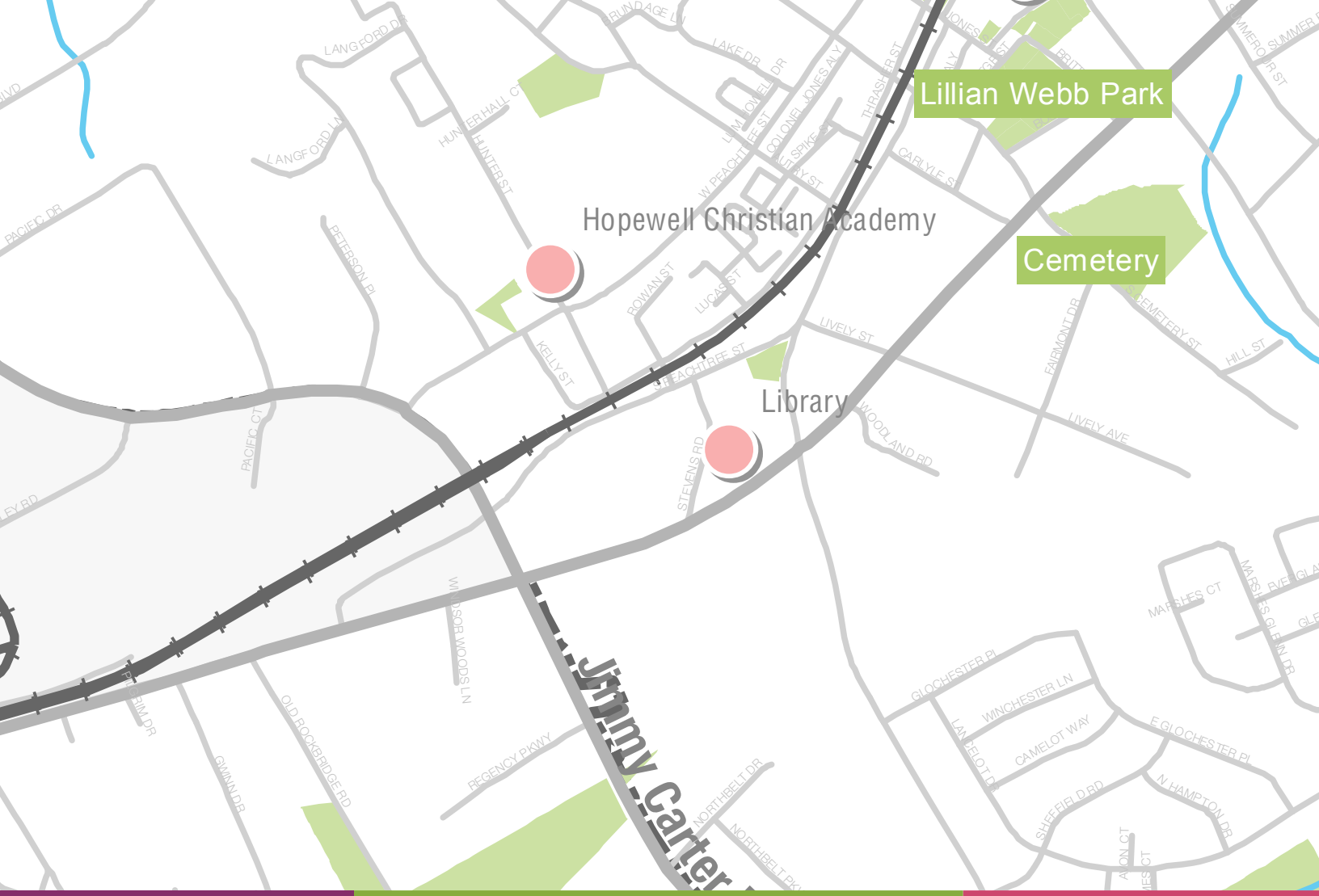
1. Legal nonconforming status shall terminate under the following conditions:

    a. If a light fixture is no longer used for a period of twelve (12) months or longer it shall be deemed abandoned and shall not thereafter be reestablished; or
    b. If a lighting fixture is structurally altered such that its nonconforming aspects increase; or
    c. If a lighting fixture is relocated, replaced, or moved in any way; or the lighting fixture is damaged and the cost of repair exceeds fifty (50) percent of its replacement value.

2. Upon the event of any of the aforementioned, the lighting fixture(s) shall be immediately brought into compliance with this Article, or the lighting fixture(s) shall be removed.

D. Removal Pursuant to Public Order.

Lighting found by a governmental agency to create public hazard can be ordered removed or altered at any time.



City of Norcross

UDO

Prepared by

Jacobs